

COUNCIL MEMBERS:

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



AMENDED AGENDA
 Meeting of the Twin Falls City Council
Monday, July 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 June 25 – July 1, 2013. 2. Consideration of a request to approve the June 10, and June 17, 2013, City Council Minutes. 3. Consideration of a request to approve the 2 nd Annual Magic Valley Beer Festival to be held in the Twin Falls City Park on Saturday, August 3, 2013.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan Leila A. Sanchez Staff Sgt. Dennis Pullin
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to appoint Sarah Taylor to a three-year term beginning July 1, 2013 and expiring June 30, 2016, to the City of Twin Falls Urban Renewal Agency Board with the option of renewing for a second 3-year term. 2. Consideration of a request to re-appoint Randall Watson to the Twin Falls City Historic Preservation Commission to serve three year term beginning July 1, 2013 and expiring June 30, 2016. 3. Consideration of a request to approve the first Community Yard Sale Event to be held in the City Park on Saturday, August 17, 2013. 4. Consideration of a request to approve the Latin Xtacy Car Show event to be held in the City Park on Saturday, July 27, 2013. 5. Consideration of a request to waive the admission fees at Shoshone Falls for the American Legion Riders on Saturday July 20, 2013. 6. General discussion on a strategy for the Downtown/Old Town parking. 7. Public input and/or items from the City Manager and City Council. 8. Adjourn to Executive Sessions 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; (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.	Action Action Action Action Discussion	Melinda Anderson Mitch Humble Staff Sgt. Dennis Pullin Staff Sgt. Dennis Pullin Dennis Bowyer Mitch Humble
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> <u>6:00 P.M.</u> 1. Request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 +/- acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of a storage unit facility business on property located at 485 Grandview Drive.	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
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Vice Mayor

Mayor



MINUTES

Meeting of the Twin Falls City Council
 Monday, June 10, 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. CONSENT CALENDAR: 1. Consideration of a request to approve the accounts payable June 4 –June 10, 2013, total: \$680,057.65. 2. Consideration of a request to approve the June 3, 2013, Minutes. 3. Consideration of a request from the “Magic Valley Citizens’ 4 th of July” to approve the annual fireworks display held at the College of Southern Idaho on Thursday, July 4, 2013. 4. Consideration of a request by Robert Forbes, representing a non-profit Christian Radio Station, to approve the Third Annual Parktacular Event to be held at the Twin Falls City Park on Sunday, June 30, 2013. 5. Consideration of a request to approve a Trust Agreement between Hometowne Holdings, LLC, and the City of Twin Falls. 6. Consideration of a request to approve a Trust Agreement between The Group, LLC, and the City of Twin Falls. 7. Consideration of a request to approve the Final Plat of Westpark Commercial Subdivision #7 – A `PUD, 2.53 (+/-) acres consisting of one lot on property located at 1810 Washington Street North	Action	<u>Staff Report</u> Sharon Bryan Leila A. Sanchez Ryan Howe Dennis Pullin Troy Vitek Troy Vitek Mitchel Humble
II. ITEMS FOR CONSIDERATION: 1. Consideration of a request by Melinda Anderson, Economic Development Director, to approve the Grand Opening Event for the Glanbia Corporate Office and Cheese Innovation Center to be held on Wednesday, August 7, 2013. 2. Consideration of a request to approve the FAA AIP-34, 2013 Pavement Slurry Seal Project to Straight Stripe Painting, Inc., in the amount of \$378,690, contingent upon the available funding and concurrence of the Federal Aviation Administration. 3. A presentation by the City Manager followed by citizen input and possible general discussion about the FY 2014 budget priorities and philosophies. 4. Public input and/or items from the City Manager and City Council.	Action Action Presentation/ Discussion	Dennis Pullin Bill Carberry Travis Rothweiler
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 P.M. 1. Request for the Vacation of 15' x 125' alley (1875 sq. ft.), located west of 303 Shoshone Street North. c/o EHM Engineers on behalf of First Federal Savings Bank. (2567) 2. Request for a Zoning District Change and Zoning Map Amendment from C-1 PUD (Northbridge PUD and Northbridge #2 PUD) to C-1 PUD - Westpark Commercial #7 PUD, for 2.53 (+/-) acres to allow a commercial development consisting of a hotel and accessory uses on property located at 1810 Washington Street North., c/o Gerald Martens on behalf of Westpark Partners, LLC. (2565) 3. Consideration of the preliminary design for Key 11495 CSI Safety Initiative III – Cheney Dr.	PH PH PH	Mitchel Humble Mitchel Humble Jacqueline Fields
V. ADJOURNMENT:		

****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, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington
ABSENT: None
STAFF PRESENT: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Chief Finance Officer Lorie Race, Community Development Director Mitchel Humble, City Engineer Jacqueline Fields, Airport Manager Bill Carberry, Assistant City Engineer Troy Vitek, Sergeant Ryan Howe, Staff Sergeant Dennis Pullin, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

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

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested the following amendments be made to the agenda:

Consideration of a request to adjourn to 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.

MOTION:

Councilperson Barigar made the motion to amend the agenda as presented. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved to 7 to 0.

PROCLAMATIONS: None

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable June 4 –June 10, 2013, total: \$680,057.65. June 7, 2013, Payroll total: \$115,921.67
2. Consideration of a request to approve the June 3, 2013, Minutes.
3. Consideration of a request from the “Magic Valley Citizens’ 4th of July” to approve the annual fireworks display held at the College of Southern Idaho on Thursday, July 4, 2013.
4. Consideration of a request by Robert Forbes, representing a non-profit Christian Radio Station, to approve the Third Annual Parktacular Event to be held at the Twin Falls City Park on Sunday, June 30, 2013.
5. Consideration of a request to approve a Trust Agreement between Hometowne Holdings, LLC, and the City of Twin Falls.
6. Consideration of a request to approve a Trust Agreement between The Group, LLC, and the City of Twin Falls.
7. Consideration of a request to approve the Final Plat of Westpark Commercial Subdivision #7 – A `PUD, 2.53 (+/-) acres consisting of one lot on property located at 1810 Washington Street North.

MOTION:

Councilperson Talkington made a motion to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion.

Council discussion followed on the Third Annual Parktacular Event.

Staff Sergeant Pullin stated for clarification that for events held at the City Park, the applicant is responsible for any billing resulting from call outs for electrical service.

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 by Melinda Anderson, Economic Development Director, to approve the Grand Opening Event for the Glanbia Corporate Office and Cheese Innovation Center to be held on Wednesday, August 7, 2013.

Staff Sergeant Pullin explained the request.

MOTION:

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Councilperson Munn made a motion to approve the Grand Opening Event for Glanbia Corporate Office and Cheese Innovation Center to be held on Wednesday, August 7, 2013. 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.

2. Consideration of a request to approve the FAA AIP-34, 2013 Pavement Slurry Seal Project to Straight Stripe Painting, Inc., in the amount of \$378,690, contingent upon the available funding and concurrence of the Federal Aviation Administration.

Airport Manager Carberry explained the request.

The work to be performed includes paint removal, application of a pavement sealer (fog seal), application of new runway and taxi surface markings including renumbering the runway designation to 8/26, and replacement of sign panels affected by the change to the new runway designation.

Council discussion followed.

-Performance bond

-High and low bid

Airport Manager Carberry stated that the contract requires a performance bond.

Kent Atkin, Riedesel Engineering, stated that the cost difference between bidders and Straight Stripe Painting was primarily due to the methods and techniques Straight Stripe Painting will be using.

MOTION:

Vice Mayor Hall made a motion to approve the FAA AIP-34, 2013 Pavement Slurry Seal Project to Straight Stripe Painting, Inc., in the amount of \$378,690, contingent upon the available funding and concurrence of the Federal Aviation Administration, and authorize the Mayor to sign the pending contract with Straight Stripe Painting, Inc. 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.

3. A presentation by the City Manager followed by citizen input and possible general discussion about the FY 2014 budget priorities and philosophies.

City Manager Rothweiler stated that the purpose of the presentation is to have a general discussion about the City Council's 2014 fiscal year budget and to receive input and suggestions from our citizens and other shareholders.

City Manager Rothweiler gave a PowerPoint presentation and the following was reviewed:

City of Twin Falls Mission Statement

The Purpose of Budgeting

REDESIGNING OUR APPROACH

FY 2014 Budget – Preliminary Key Drivers

Economic Trends

National Economic Trends and Indicators

Local Economic Trends & Indicators

FY 2013 City of Twin Falls Year-to-Date Building Activities

2013-2014 Fiscal Year Budget

Fiscal Year 2014 "Way too Early" Highlights

Homeowner's Exemption

Developed key budget drivers used to create the sideboards for the 2014 Fiscal Year Budget are:

- Create Funding Strategy to implement objectives contained in the City's 2030 Strategic Plan.
- Limit Tax Increases to the statutory three-percent and growth formula, and recognize sensitivity of rate adjustment for water, waste water and sanitation. Leave foregone balance intact.
- Fund Phase II of the City of Twin Falls' compensation strategy, continue to make sure that we are right-sized, staffed, and organized appropriately.
- Continue to develop funding solutions to maintain and make improvements to the City's infrastructure systems, including water, sewer, transportation, parks and facilities.
- Explore options and opportunities to ensure water system reliability and redundancy.
- Continue to pursue innovative strategies and find more efficient outcomes.

Mayor Lanting opened up the public input portion of the meeting.

Jeff Martin, 3185 Highlawn Drive, turned his time over to Mark Alexander.

Mark Alexander, Filer, Idaho, member of the Trail Enhancement Committee, stated the need for the expansion/connection of the Twin Falls Trail system and on overhead projection showed a proposed area that has been discussed with Parks & Recreation Director Bowyer. He stated that the Committee has raised funds to perpetuate towards projects. He read the Committee's Mission

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Statement: The MV Trail Enhancement Committee is made up of community members whose passion is to update and adjoin the trail system in the Magic Valley as a safe, relaxing and enjoyable place to run, walk, and bike. Our mission is to provide a healthier community.

Mayor Lanting explained that the proposed trail system runs through the Storrer's property which was the old Mary Alice Lake property.

Mark Alexander stated that a primitive (unpaved) type of connection would be an improvement over no trail at all.

Pete Johnston, 312 Washington Street South, stated that he came before the Council a year ago and stated his concern of the cost increase of city water and the lack of customer service from PSI.

Council discussion followed.

City Manager Rothweiler stated that he will contact PSI and will share the importance of customer service.

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

Vice Mayor Hall stated that the Historic Preservation Commission is seeking applicants and to contact Kelly Weeks at 208 735-7294 or kweeks@tfid.org. The deadline is June 26, 2013.

Councilperson Talkington asked for Council to concur and request that the City Manager have the Code Enforcement Officer to be more assertive in enforcing water conservation.

5. Consideration of a request to adjourn to 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.

MOTION:

Vice Mayor Hall made the motion to adjourn to 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 Munn.

Councilperson Mills Sojka stated her concern that people present may be planning to voice their thoughts at the public hearing. She asked if the Executive Session was a time sensitive issue.

Mayor Lanting stated that discussion had been made to break at this time and to adjourn to Executive Session.

Roll call vote showed Councilpersons Barigar, Hall, Hawkins, Lanting, Munn, and Talkington voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 6 to 1.

Adjourned at 6:25 p.m.

Reconvened at 6:35 p.m.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. Request for the Vacation of 15' x 125' alley (1875 sq. ft.), located west of 303 Shoshone Street North. c/o EHM Engineers on behalf of First Federal Savings Bank. (2567)

Tim Vawser, representing the applicant, explained the request to vacate the alleys.

Community Development Director Humble reviewed the request. On overhead projection he showed the revised plan.

On May 14, 2013, the Commission unanimously recommended approval of this request, as presented, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to an easement being recorded for the relocated utilities.

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Staff concurs with the Commission's recommendation.

Council discussion followed.

- Revision of conceptual rendering of property
- Underground utilities
- Destruction of trees
- Parking lot

Tim Vawser explained the following:

- The overhead walkthrough on the 4th Avenue site was not feasible.
- Some utilities will be underground
- One tree was salvageable
- Parking will be acquired from the URA

Councilperson Munn stated his daughter is a First Federal employee and recused himself at this time.

Mayor Lanting opened and closed the public hearing without concerns.

MOTION:

Councilperson Talkington made a motion to approve the Vacation of 15' x 125' alley (1875 sq. ft.), located west of 303 Shoshone Street North, subject to the conditions presented. The motion was seconded by Vice Mayor Hall and roll call vote showed Councilpersons Barigar, Hall, Hawkins, Lanting, Mills Sojka and Talkington voted in favor of the motion. Councilperson Munn abstained. Approved 6 to 0.

2. Request for a Zoning District Change and Zoning Map Amendment from C-1 PUD (Northbridge PUD and Northbridge #2 PUD) to C-1 PUD - Westpark Commercial #7 PUD, for 2.53 (+/-) acres to allow a commercial development consisting of a hotel and accessory uses on property located at 1810 Washington Street North., c/o Gerald Martens on behalf of Westpark Partners, LLC. (2565)

Gerald Martens, EHM Engineers, representing the applicant explained the request. The applicant concurs with the Planning and Zoning Commission's and staff's recommendations.

He discussed the building elevations, truck traffic, headlights.

City Manager Rothweiler explained the heights of the proposed parapets and roof line shown is 33'6".

Community Development Director Humble stated that architectural projections are allowed above 35'.

On May 14, 2013, the Commission unanimously recommended approval of the Westpark Commercial #7 C-1PUD, as presented, subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current city standards upon development or change of use of the property.
3. Subject to landscaping being consistent and meeting or exceeding the presented Master Development Plan, as well as City Codes 10-4-8.3 (f) and 10-7-12, whichever is greater.
4. Should the monument sign need to be placed in a utility easement, the property owner shall demonstrate that there is no other viable location for a sign, provide written approval from the utility company or companies and provide a recorded document releasing the city of any liability for repair or replacement of a sign damaged by work occurring within the utility easement, as per 10-9-5 (d) 2.

Staff concurs with the Commission's recommendation.

Council discussion followed.

- Arterial and collector streets on Washington Street and Avenida del Rio
- Architectural renderings
- Elevation height
- Berm

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Gerald Martens stated that Washington Street is an arterial and has been built to its current ultimate design width. There will be a minor modification to the development to the driveway and the installation of the meandering to the sidewalk. The requirements of the building height have been met.

Community Development Director Humble explained that berms are covered in the PUD agreement.

Mayor Lanting opened and closed the public hearing without concerns.

MOTION:

Councilperson Barigar made a motion to approve the request for a Zoning District Change and Zoning Map Amendment from C-1 PUD (Northbridge PUD and Northbridge #2 PUD) to C-1 PUD - Westpark Commercial #7 PUD, as presented and including the recommendations of the Planning & Zoning Commission.

Council discussion followed.

Councilperson Mills Sojka asked for clarification of condition 4. regarding signage in an easement.

Community Development Director Humble stated that a 15' utility easement will run in front of the property. The provision of the code is acknowledging an easement is being placed and the owner is at risk if there is a need to maintain utilities.

Councilperson Mills Sojka stated that the height limit in a C1 zone is 35' and does not see a reason to exceed the 35'.

MOTION:

Councilperson Mills Sojka made a motion to restrict the building height limit and parapet projections to 35'. The motion was seconded by Councilperson Talkington.

Council discussion followed.

Councilperson Munn asked for clarification if the top of the building should not exceed 35' or the architectural projections.

Community Development Director Humble stated the roof height of the building needs to be less than 35'. He confirmed that the overhead projections are well within code. In regards to other hotels in the corridor, they have gone through the process to request additional height.

City Attorney Wonderlich stated that the best example of architectural projections is on the Temple on Eastland.

Gerald Marten explained the features around the perimeter of the building.

Roll call on the amended motion showed Councilperson Mills Sojka voted in favor of the motion. Councilpersons Barigar, Hall, Hawkins, Lanting, Munn and Talkington voted against the motion. Failed 6 to 1.

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

3. Consideration of the preliminary design for Key 11495 CSI Safety Initiative III – Cheney Dr.

City Engineer Fields stated that this is a federal-aid project that will extend Cheney Drive from Washington St. North to the Perrine Coulee at N. College. Dr. The alignment is a result of discussions between the City and the College of Southern Idaho (CSI). CSI successfully sought federal-aid for safety improvements and the City is the transportation entity that will deliver the work in conjunction with Local Highway Technical Assistance Council (LHTAC) who administers the funds.

A few years ago, the City Council requested that the Engineer make a presentation on the design. The environmental process is done and the alignment has been determined. In addition, the federal aid design process requires a preliminary design hearing prior to initiating final design activities. This presentation will discuss the project and provide the required opportunity for public input on the design.

Aaron Wert, Riedesel Engineering, gave a PowerPoint presentation and reviewed the following:

Public Hearing

- **Why we are having this hearing.**
- **How to comment on this project:**
 1. Oral testimony to City Council
 2. Private oral testimony to the Hearing Officer

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3. Written comment on comment sheet
 - a. Leave in comment box
 - b. Mail to address shown on form.

Since our last meeting

- Could not get a curve to fit without disturbing the existing Perrine Coulee crossing or CSI Parking.
- Hydraulics report for pipe extension added.
- Major modifications had to be made to meet the ITD Hydraulics requirements. Cost savings were identified by replacing the pipes with a new stiff structure.
- Provide a new route (Cheney Drive) around the newly expanded CSI campus which is quicker and more convenient to motorists.
- Increase traffic safety through CSI by reducing the through traffic on North College Road which now runs across the campus.
- Reduce traffic and potential conflicts between pedestrians and vehicles traveling through the CSI campus by routing them around the campus on the new Cheney Drive.

New Cheney Route

Project Description

- Construction of approximately 0.7 mile of new roadway
- The North College roadway and the entrances approaching the newly constructed roadway will be stop-controlled.
- The typical roadway section is curb, gutter and sidewalk on the south side with a shoulder on the north side of the road. The sidewalk will be installed accommodate pedestrians.
- The project also includes the installation of a storm drain system, signs, and pavement markings.

Typical Section

Environmental Highlights

NOISE CRITERIA IMPACTS

A noise screening analysis was conducted to determine if a noise impact would result from the proposed new alignment. The proposed project would raise the noise levels in the area but not enough to require noise mitigation.

CHANGE IN TRAVEL PATTERNS

It is estimated that 25% of the traffic will take the new Cheney Drive and 75% will remain on North College Road when the project is completed.

Schedule Moving Forward

- Summarized hearing testimony - June 21, 2013
- Design Approval – June 28, 2013
- Final Design Submittal – August 30, 2013
- Final Design Review – September 27, 2013
- PS&E Submittal - October 31, 2013

Conclusion

- The new Cheney Drive will provide a quicker and more convenient route around the newly expanded CSI campus.
- This construction will reduce the through traffic on North College and therefore increase traffic safety and potential conflicts between pedestrians and vehicles through CSI.

Mike Mason, Vice President of Administration for the College of Southern Idaho, spoke in favor of the project.

Council discussion followed.

- Traffic signal light
- Maintenance of street
- Width of the typical section of Cheney
- Capacity
- Traffic counts

Community Development Director Humble discussed the Master Street Plan.

City Engineer Fields stated that the City will maintain Cheney. The width of the typical section of Cheney doesn't currently conform to City Code but she is confident that it will match as the land to the north of CSI develops. She explained on overhead projection the proposed plan for Cheney Drive and surrounding roads internal accesses, exits, alignments, capacity, traffic counts, and federal aid requirements.

The public hearing was opened and closed with no input.

V. ADJOURNMENT: The meeting adjourned at 7:38 p.m.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

5:00 P.M.

PRESENT: Shawn Barigar, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington
ABSENT: Don Hall
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Police Chief Brian Pike, Cpt. Anthony Barnhart, Lt. Craig Stotts, Sgt. Ryan Howe, Airport Manager Bill Carberry, Fire Chief Ron Clark, Batt. Chief Ron Aguirre

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

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested the following amendments be made to the agenda:

1. To provide the City Council with an update on the Police Department's efforts to curb the use of unsafe, illegal fireworks in the City.
2. 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.

Councilperson Talkington made the motion to amend the agenda 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 to 6 to 0.

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for June 11-17, 2013, total: \$722,737.52; June 11, 2013, Prepay: \$500.
2. Consideration of a request to approve Alcohol License Applications for 2013/2014, on the condition the applicants receive their State alcohol license.
3. Consideration of a request to approve the Westpark Commercial No. 7, C-1 PUD Agreement 266.
4. Consideration of a request to allow access to City of Twin Falls Master Street Address Guide (MSAG) data for the purpose of utilizing the services of Everbridge.

MOTION:

Councilperson Hawkins made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Swearing in ceremony for Twin Falls Police Department Officer Stuart Burnham; and Mayor Lanting to administer the Oath of Office.

Presentation to Officers Shawn Applewhite, Christopher Ehardt, and Tyler Rudkin with their Basic Certifications, and Officer Dallas Garner with his Intermediate Certification.

Captain Barnhart gave the presentation. Mayor Lanting and Chief Pike presented certificates to Officers Shawn Applewhite, Christopher Ehardt, and Tyler Rudkin with their Basic Certifications, and Officer Dallas Garner with his Intermediate Certification.

Mayor Lanting administered the oath of office to Officer Stuart Burnham.

Presentation to Dispatcher Tina Kelley with her Level III Communications Specialist Certification.

2. Consideration of a request by Ramir Duratovic, a representative of the Mladi Behar Group, to provide a Bosnian Dancing Event at the Senior Center, located at 530 Shoshone Street West, on June 29, 2013.

Sgt. Howe explained the request.

Council discussion followed:
-Alcohol at the Senior Center

MOTION:

Councilperson Talkington made the motion to approve the Bosnian Dancing Event at the Senior Center, located at 530 Shoshone Street West, on June 29, 2013, subject to the Police Department's requirements and 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.

3. Consideration of a request by Sam Saltaga, owner of the Europe Bar & Deli, to approve a July 4th Celebration to be held in the parking lot of 677 and 678 Filer Avenue on July 4, 2013.

Sergeant Howe explained the request. On overhead projection he showed the permission letters from surrounding businesses.

Council discussion followed.

-Contact of surrounding neighbors

-Amplified music from 6:00 p.m. until 9:00 p.m.

Sam Saltaga explained the request. He stated that contact was made with surrounding neighbors. He stated that alcohol will not be served in the event area and will post signs in the event area stat that no alcohol will be allowed in the parking lot.

Councilperson Munn stated his concern of alcohol in the parking lot.

City Attorney Wonderlich stated that the City cannot regulate drinking on private property.

MOTION:

Councilperson Munn made a motion to approve the July 4th Celebration to be held in the parking lot of 677 and 678 Filer Avenue on July 4, 2013, as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

The Council requested an update after the event.

4. To provide the City Council with an update on the Police Department's efforts to curb the use of unsafe, illegal fireworks in the City.

Captain Barnhart gave an update.

-Council discussion followed.

-Complaints

-Tickets and fines

Captain Barnhart stated that the Police Department has not issued citations.

5. Consideration of a request to award a bid to Western Construction, Inc., for FAA AIP-35; Airport Ramp & Taxi-lane Reconstruction Project, for the bid amount of \$2,541,111, contingent upon concurrence and funding from the Federal Aviation Administration.

Airport Manager Carberry explained the request.

The project concept is to rehabilitate the last of the poor pavement sections in the airport ramp areas to include four hangar taxi-lanes; the east ramp tie-down area; and the airline terminal ramp parking area.

Council discussion followed:

Kent Atkin explained that the bid is responsive and the contractor is qualified to complete the work and there is no obvious imbalance within the bid.

Airport Manager Carberry explained the funding portion of the bid.

MOTION:

Councilperson Munn made a motion to award the bid to Western Construction, Inc., for FAA AIP-35; Airport Ramp & Taxi-lane Reconstruction Project, for the bid amount of \$2,541,111, contingent upon concurrence and funding from the Federal Aviation Administration, as presented. 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.

6. Discussion and possible action on the disposal of a 1994 E-1 Pumper.

Fire Chief Clark stated that the City shop assessed and recommends the disposal of the pumper due to extensive engine repair costs to keep apparatus in service. He explained that the City may opt to gift to another community, sell, or scrap the pumper. He stated he is seeking feedback from the Council.

City Manager Rothweiler explained the life span of a fire truck. He discussed the possibility of gifting the pumper, as is, to another community. The City of Twin Falls can dispose an asset free of charge to another government facility.

Batt. Chief Aguirre explained that he contacted other government facilities and heard back from one partner.

Council discussion followed:

-Disposing pumper at no cost

City Manager Rothweiler stated that the Fire Department has requested \$500,000 for the acquisition of a pumper.

Council discussion followed:

-Possible to place pumper on a public facility for tours

-Gift to other fire districts.

MOTION:

Councilperson Mills Sojka made the motion to dispose of the pumper as staff sees fit. The motion was seconded by Councilperson Barigar.

Council discussion followed:

Councilperson Munn asked the maker of the motion to include that the disposal of the pumper will be at no cost to the city. Councilpersons Mills Sojka and Barigar agreed.

Councilperson Mills Sojka clarified that the motion is based on the presentation.

Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

7. Consideration of a request to adopt Ordinance 3052 for the Vacation of 15' x 125' alley located west of 303 Shoshone Street North on behalf of First Federal Savings Bank.

Community Development Director Humble explained the request. The Council's adoption of the ordinance will allow for the vacation of public right-of-way which will allow for the property owner to redevelop the site.

Council discussion followed:

-Dedication of new easement.

Gerald Martens stated that the easement was not being used and no longer necessary.

Councilperson Talkington made the motion to suspend the rules and place Ordinance 3052, entitled:
AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, VACATING THE REAL PROPERTY DESCRIBED BELOW AND PROVIDING FOR VESTING OF TITLE TO THE PROPERTY SO VACATED

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

Deputy City Clerk Sanchez read the ordinance.

MOTION:

Councilperson Barigar made the motion to adopt Ordinance 3052. 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.

8. Consideration of a request to adopt Ordinance 3053 for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 PUD (Westpark Commercial #7 PUD).

Community Development Director Humble explained the request. The Council's adoption of the ordinance will allow WESTPARK COMMERCIAL property to be rezoned and developed as approved.

Jared Smith, representing the Marriott Hotel from Eagle, Idaho, spoke on impact fees. He explained that the cost of impact fees is \$90,000, and requested the Council make the delineation that hospitality be put within the retail use within the impact fee. He stated that he will pay the \$90,000, but if changes are made, he will request a refund.

Councilperson Talkington stated he serves on the Development Impact Fee Advisory Committee and impact fees will be reviewed. He requested from staff impact fees from other jurisdictions to compare analysis.

City Manager Rothweiler stated that staff has engaged in conversation with developers and Community Development Director Humble has begun preliminary research on impact fees. Staff agrees it is the appropriate time to review

City Attorney Wonderlich stated that discussion has been made with Community Development Director Humble and trips are a lot less than retail.

MOTION:

Councilperson Munn made a motion to place Ordinance 3053, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AMENDMENTS TO THE AREA OF IMPACT AND ZONING DISTRICTS MAP.

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

Deputy City Clerk Sanchez read the ordinance.

MOTION:

Councilperson Barigar made the motion to adopt Ordinance 3053. 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.

Councilperson Mills Sojka stated the following concerns: Building height, definition of parapet, and regulation of City Code.

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

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Munn stated that Council Hours will be held on June 18, 2013, from 5:30 p.m. to 7:00 p.m. in the Council Overflow room.

Mayor Lanting reported that the Historic Preservation Commission is seeking applicants and to contact Kelly Weeks at 208- 735-7294 or kweeks@tfid.org. The deadline is June 26, 2013.

Councilperson Mills Sojka reported on the Fire Ops 101 Training she attended.

Councilperson Talkington reported on the Public Library activities and the bookmobile.

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

V. ADJOURNMENT:

Executive Session 67-2345 (1)(a) to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office.

Executive Session 67-2345(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

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.

MOTION:

Councilperson Talkington made the motion to adjourn to Executive Session 67-2345 (1)(a), 67-2345(1)(b), and 67-2345 (1)(e). 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.

The meeting adjourned at 6:22 P.M.

Leila A. Sanchez, Deputy City Clerk/Recording Secretary



Date: Monday, July 1, 2013, Council Meeting

To: Honorable Mayor and City Council

From: Staff Sergeant Dennis Pullin, Twin Falls Police Department

Request:

Consideration of a request to approve the 2nd Annual Magic Valley Beer Festival to be held in the Twin Falls City Park on Saturday, August 3, 2013, from 1:00 p.m. to 6:00 p.m.

Time Estimate:

Since this will be the 2nd Annual Magic Valley Beer Festival and no Police calls for service were generated last year, this item may be placed on the Consent Calendar.

Background:

Shayne Carpenter has submitted a Special Events Application requesting to hold the Magic Valley Beer Festival on Saturday, August 3, 2013. The festival is a charitable event to raise money for the Blue Lakes Rotary Club, the Twin Falls Senior Center and the Animal Shelter. Watkins Distributing, Magic Valley Distributing, Hayden Distributing and Nouveaux Distributing will be providing the beer. Several other brewers will also be supplying beer, which will be provided through the above-listed brewers. Tickets for the event will be \$25.00 in advance, \$30.00 the day of the event, and \$10.00 for a designated driver. Those purchasing tickets will receive 20 tokens and a 12-ounce plastic beer mug. A two (2)-ounce sample will be one (1) token and a full mug of beer will be five (5) tokens. Additional tokens may be purchased for \$1.00 each.

The area requested for the Beer Festival will be located in the northeast corner of the City Park. The area will be fenced in with only one entrance. Identification will be checked and wristbands will be provided to those purchasing and consuming beer. The event organizers have requested two (2) Twin Falls Police Officers to provide security for the event. The Officers will begin security one (1) hour after the event begins and will stay for one (1) hour after the serving of beer ends at 6:00 p.m. The event organizers will pay the security bill.

There will also be food vendors and the Senior Center will be providing pretzel necklaces. The animal shelter may be selling T-shirts.

Jazz and Blue Grass music will be provided from 1:00 p.m. to 6:00 p.m.

The Rotary Club will purchase a Non-Profit Catering Permit which will cover all vendors. The Certificate for Liability Insurance for the event has been provided.

Approval Process:

Consent of the Council

Agenda Item for July 1, 2013
From Staff Sergeant Dennis Pullin
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Budget Impact:

There will be two (2) Twin Falls Police Officers working the event from 2:00 p.m. to 7:00 p.m. The total cost for security will be \$440.00. The Rotary Club will be required to pay the security costs within 60 days from the conclusion of the event.

Regulatory Impact:

N/A

Conclusion:

The Twin Falls Police Department Staff and several relevant City Staff Members have met and approved this Special Events Application. Based on this request and the information provided, Staff recommends this event be approved.

The Twin Falls Police Department Staff recommends that the on-duty Patrol Supervisor be given the authority to order the event organizers to mitigate the sound of the 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.

Attachments:

None

DP:aed



Date: Monday, July 1, 2013
To: Honorable Mayor and City Council
From: Melinda Anderson, Economic Development Director

Request:

Consideration of a request to appoint Sarah Taylor to a three-year term beginning July 1, 2013 and expiring June 30, 2016 to the City of Twin Falls Urban Renewal Agency Board with the option of renewing for a second 3-year term.

Time Estimate:

The staff presentation will take approximately 2 minutes.

Background:

As Gary Garnand's 2nd full term expired as June 30, 2013, staff is requesting that City Council approve the Mayor's nomination of a new board member to Twin Falls URA board.

The URA ran public service announcements to announce the vacancy with a deadline of May 24 for those interested to submit letters of interest. We received two letters of interest.

The interview panel consisting of Mayor Greg Lanting, Vice-Mayor & TFURA Liaison Don Hall, URA Vice-Chair Cindy Bond, and staff Melinda Anderson interviewed both candidates.

Approval Process:

City Code 2-1-1 states that the board members be appointed by the Mayor and approved by the Council and can serve two 3-year terms.

Budget Impact:

There is no budget impact

Regulatory Impact:

There is no regulatory impact

Conclusion:

The interview panel recommends that the Council approve Sarah Taylor be appointed to the City of Twin Falls Urban Renewal Agency Board.

Attachments:

1. Sarah Taylor letter of interest

Melinda Anderson
TFURA Executive Director
321 2nd Ave. East
Twin Falls, ID

April 24, 2013

Ms. Anderson,

I'm writing this letter to express my interest in joining the Urban Renewal Board. Since returning to Twin three years ago, I have been participating in as many city and commission meetings as time would allow, and would love the opportunity to take this to the next level and become a more active participant!

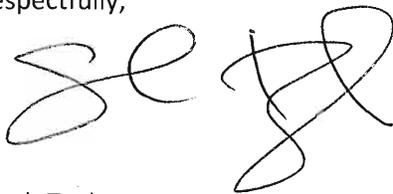
I have seen great things happen in our Downtown over these past three years with the renovations and economic development brought about by St Luke's and Glanbia, and look forward to the future projects that will continue to capitalize on this momentum, and bring Downtown back as the core of Twin Falls.

To share my background and relevance to this position, I grew up in Twin Falls, attending local schools. I graduated from CSI before heading up to Boise State University to graduate cum laude in Business Management. I returned to Twin Falls from Austin, TX with the opportunity to run my own business. Since 2010, I have been the Owner/Operator of one of the largest historic buildings in downtown Twin Falls, The Historic Ballroom. From the very beginning, our mission with The Historic Ballroom (and my personal mission) has been to help foster the revival of Downtown Twin Falls, leading the way through active community participation.

As a young professional, I bring the perspective of both a downtown business owner, as well as a voice for my generation. I believe a vibrant downtown is key to attracting and retaining young professionals to the area, and I am exciting to be part of the action to bring about that vibrancy.

In summary, I would love to work with, and learn from, the wonderful individuals presently on the Board, and hope to bring new energy for the future. Thank you for the opportunity.

Respectfully,



Sarah Taylor

220 Taylor St.
Twin Falls, ID
83301



MONDAY July 1, 2013

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Department

Request:

Consideration of a request to re-appoint Randall Watson to the Twin Falls City Historic Preservation Commission to serve a three year term beginning July 2013 and expiring at the end of June 2016.

Time Estimate:

The staff presentation will take approximately 2 minutes.

Background:

Randall Watson is at the end of his first full term on the Historic Preservation Commission. He was appointed in August 2010 and is eligible, and has requested to be re-appointed to a second full term. Randall has also served as the Committee's chairman for the past year.

Mayor Lanting, Council Liaison Hall, and staff have reviewed the requests for reappointment. Randall had great attendance and has provided valuable input into the actions of the Committee. Based on his excellent attendance record and valuable contributions, the review committee recommends reappointing Randall Watson to the Historic Preservation Commission.

Budget Impact:

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

Regulatory Impact:

There are currently three other vacancies on the Committee due to term expirations and a resignation. Therefore, approval of this request will ensure that we retain a quorum on the Commission until the vacancies can be filled. This reappointment will be for Randall's final three year term beginning July 2013 and expiring at the end of June 2016.

Conclusion:

The Mayor and review committee recommend that the Council reappoint Randall Watson to the Twin Falls City Historic Preservation Commission.

Attachments:

None



Date: Monday, July 1, 2013, Council Meeting

To: Honorable Mayor and City Council

From: Staff Sergeant Dennis Pullin, Twin Falls Police Department

Request:

Consideration of a request by Susan Nickell, on behalf of Town Square Media, to approve the first Community Yard Sale Event to be held in the Twin Falls City Park on Saturday, August 17, 2013.

Time Estimate:

In that this is the first time for this event and the estimated attendance is 500, we believe this event should be brought to the City Council. The presentation should take approximately five (5) minutes, with additional time to answer any questions the Council may have.

Background:

On May 5, 2013, Susan Nickell submitted a Special Events Application for a yard sale to be held in the Twin Falls City Park on Saturday, August 17, 2013. The time frame for the event will be from 6:00 a.m. to 5:00 p.m. The event will be open to the general public.

The yard sale will consist of private citizens setting up individual sites within the City Park to sell their wares. There will also be food vendors selling hamburgers, elephant ears, and so on. Tom's Small Mini-Train ride will be on hand for children in the park.

There will be no alcohol sales or amplified music; therefore, law enforcement security will not be required. Town Square Media has provided a certificate of liability insurance covering the event. The event organizers will be responsible for a cleanup plan within the park and other areas affected by the event.

The Twin Falls Police Staff and other relevant City Staff Members have reviewed the application and recommend its approval.

Approval Process:

Consent of the Council

Budget Impact:

Whereas no alcohol will be served at this event and there will be no amplified music, Twin Falls Police Staff does not feel there is a need for Twin Falls Police Officers to provide security. Therefore, there will be no cost to the City of Twin Falls.

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From Staff Sergeant Dennis Pullin
Page Two

Regulatory Impact:

N/A

Conclusion:

Twin Falls Police Staff recommends the City Council approve the Special Events Application submitted for the Town Square Media Community Yard Sale based on the information provided.

Attachments:

None

DP:aed



Date: Monday, July 1, 2013, Council Meeting

To: Honorable Mayor and City Council

From: Staff Sergeant Dennis Pullin, Twin Falls Police Department

Request:

Consideration of a request to approve the Latin Xtacy Car Show event to be held on Saturday, July 27, 2013, from 8:00 a.m. to 9:00 p.m. This event will be held in the Twin Falls City Park.

Time Estimate:

The Latin Xtacy Car Show is requesting to hold their first car show; therefore, Staff requests that this item be placed on the Items for Consideration Calendar. The presentation should take approximately five minutes, plus any additional time needed for discussion and to answer any questions the Council may have.

Background:

On May 22, 2013, I received a revised Special Events Application from Chris Vargas, from the Latin Xtacy Car Club, requesting to hold their first car show on Saturday, July 27, 2013, from 8:00 a.m. until 9:00 p.m. at the Twin Falls City Park. Throughout the day, cars will be displayed in the park for the community to view. There will be two food vendors available for the public, arts and craft opportunities for children and families to participate in, a bouncy house for children, along with other entertainment. A food drive will be underway for the Salvation Army; St. Jude's has been asked to participate so that they may receive donations.

There will be amplified music beginning at 10:00 a.m. and live bands will begin at 2:00 p.m. The music will conclude at 4:00 p.m. The car show will conclude at 6:00 p.m.; however, the event organizers wish to remain until approximately 9:00 p.m. to ensure the park is cleaned.

The event organizers will be required to provide a Certificate of Liability Insurance.

Alcohol will not be served at this event.

Approval Process:

Consent of the Council

Budget Impact:

With no alcohol being served at this event, law enforcement will not be required to provide security; therefore, there is no budget impact to the City of Twin Falls.

Regulatory Impact:

N/A

Agenda Item for July 1, 2013
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 Latin Xtacy Car Show application. Twin Falls Police Department Staff requests approval for the on-duty Patrol Supervisor to have the ability to close down the event based on continued noise complaints resulting from the music played at this event, disturbances by those participating in the event, and non-compliance.

Attachments:

None

DP:aed



Monday July 1, 2013 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Consideration of the request to waive the admission fees at Shoshone Falls for the American Legion Riders on Saturday July 20, 2013.

Time Estimate:

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

Background:

Richard Silcott representing the American Legion Riders contacted staff about waiving the admission fees at Shoshone Falls/Dierkes Lake complex. Staff spoke with Mr. Silcott in person on Friday June 28th to discuss his request. He said he could not give a good estimate on the number of motorcycles that would be part of this ride, but it could range from 200-500 riders.

Staff told Mr. Silcott that they could not waive that many admission fees, but did offer a ½ off on the fee. Staff also mentioned that normally the City Council would want a recommendation from the Parks & Recreation Commission on requests similar to this. The next Parks & Recreation Commission meeting is Tuesday July 9th, then that recommendation would be forward to the City Council at their next meeting which would be the Monday July 15th, the Monday before their Saturday ride. Mr. Silcott said he would like to have an answer about the waiving of fees before that date. He said he would go to the Council meeting this Monday July 1st.

Approval Process:

To approve this request to waive admission fees requires a majority vote of the City Council.

Budget Impact:

Dependent on the number of motorcycles, the admission fee is \$3 per vehicle, so 200 motorcycles could mean a loss of \$600 for the Shoshone Falls/Dierkes Lake complex.

Regulatory Impact:

None

Conclusion:

Staff is seeking direction on the American Legion Riders request.

Attachment:

1. American Legion Riders Flyer
2. Email from Mr. Silcott

**American Legion Riders
Western R.O.M.P. 2013
Southeastern Idaho
July 18th-21st**

**idaholegionriders.com/romp
Find Us On Facebook @**

www.facebook.com/IdahoAmericanLegionRidersROMP



**Registration begins
Thursday, July 18th
12p.m. - 7p.m.**

**Christian Riders
Meet and Greet Ice Cream Social
Thursday, July 18th 3 p.m. - 7 p.m.**

Featured Rides

Times are Kickstands up!

**Dayton/Viking Leather
July 19th @ 11a.m.
170 Miles**

Saturday
**Shoshone Falls
July 20th @ 8a.m.
310 Miles**

**Quake Lake
July 19th @ 8a.m.
400 miles**

**Jackson Hole
July 20th @ 8a.m.
Miles TBA**

**Robins Creek Gap
July 19th & 20th @ 1p.m.
105 Miles**

**Breakfast, Lunch & Dinner
Will be available Friday & Saturday
Breakfast will be available Sunday @
The Memorial Building!!!**

**Buffalo Stew
@ Jensen's Grove
in Blackfoot
July 19th
5p.m.-8p.m.
\$10**



**Farewell
Party on the
Patio @
Buffalo Wild
Wings in
Pocatello
July 20th
7p.m.-2a.m.**

Dennis Bowyer

From: Richard Silcott <rrs@juno.com>
Sent: Friday, June 28, 2013 12:39 PM
To: Leila Sanchez
Cc: Dennis Bowyer
Subject: Legion Riders

The American Legion has set up a scholarship fund (Legacy Fund) for the children of active duty military who have been killed since 9/11. The American Legion Riders have an annual fundraiser for this fund. it is called the Legacy Run where they ride motorcycles from Indianapolis, Ind. to the location of the annual American Legion Convention.

Since many riders cannot make it to the Legacy Run, We have started a fundraiser in the Northwest called ROMP (Ride On Military Pride) to add to the Legacy Fund. There will be Legion Riders from all over West of the Mississippi attending ROMP which will be centered around Pocatello. One of the events is a ride to Shoshone Falls on July 20, 2013.

We are requesting that fees be waived for motorcycles on July 20th between the hours of 10:00 am and 1:00 pm. The number of motorcycles at this time is unknown but will be arriving in a large group with possibly a few stragglers due to traffic and other unforeseen circumstances.



Public Hearing: **MONDAY JULY 01, 2013**

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Department

ITEM IV-1

Request: Request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 +/- acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of a storage unit facility business on property located at 485 Grandview Drive. c/o Gregg Olsen on behalf of MOJO, LLC. (app. 2564)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation may take up to five (5) minutes.

Background:

Applicant:	Status: Owner/Developer	Size: 6.4 (+/-) acres
MOJO, LLC 485 Grandview Drive Twin Falls, Idaho 83301 208-280-3000	Current Zoning: C-1 PUD	Requested Zoning: Amendment to the Mini Storage Facility C-1 PUD Agreement
	Comprehensive Plan: Urban Village/ Urban Infill	Lot Count: 1 Lot
	Existing Land Use: Mini-Storage Facility and operation of an automobile, RV and boat vehicle storage yard business	Proposed Land Use: adding U-Haul rental business and asking for a Paving Deferral to continue the operation of an outside vehicle storage business and continued use of some internal travel ways on undeveloped property
Representative:	Zoning Designations & Surrounding Land Use(s)	
Gregg Olsen 485 Grandview Drive Twin Falls, Idaho 83301 208-280-3000 Gregg@westerra.cc	North: R-4; Grand-Vu Drive In Theater	East: R-4; Aol; commercial uses
	South: OS; Twin Falls Golf Course	West: R-4; Grand View Dr, Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-2-1 Parking Space, 10-4-8.2(B)10b, 10-4-8.2(B)10c, 10-4-8.2(B)10l, 10-6-1 thru 10-6-2.4, 10-11-1, 10-11-4(B) and the Muni Storage Facility C-1 PUD Agreement	

Approval Process:

The Planning and Zoning Commission previously heard a Preliminary Presentation regarding this PUD Amendment on April 9, 2013 followed by a public hearing on April 23, 2013. The Planning Commissioners made a recommendation on the request and is now asking for a decision by the City Council.

Budget Impact:

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

Regulatory Impact:

If the PUD Amendment is approved as requested it will allow multi businesses to operate from this site; 1- mini storage facility; 2- an outside automobile and recreational vehicle storage yard and 3- a U-Haul Truck/Trailer Rental business – all of which shall be operating on portions of undeveloped property.

History:

On February 26, 2008, the Planning Commission recommended denial for a request to amend the Comprehensive Plan-Land Use Map to change the designation of this property from Urban Residential to Commercial/Retail. The City Council approved the request on March 24, 2008 subject to the applicant submitting this project as a C-1 PUD limiting the use to a retail storage facility. In January 2009 this 6 acre site was granted a Comprehensive Plan and Future Land Use Map amendment from Commercial/Retail to Urban Village/Urban Infill.

On April 8, 2008 a Preliminary PUD Presentation was held with the Planning and Zoning Commission requesting annexation and a zoning district change from R-4 in the Area of Impact to annexing as a C-1 PUD to allow the single use of a mini-storage facility, on this 6 acre site. A public hearing was held on April 22, 2008 where the Commission unanimously recommended approval of the PUD and annexation as presented.

On May 19, 2008 the City Council unanimously approved the request as presented, subject to (4) 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 arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property;
3. Subject to the planting of a 6 foot tree for every 30 lineal feet of the building wall along Grandview Drive; and
4. Subject to the buildings along the west and south property lines being constructed of decorative tilt-wall concrete.

On May 27, 2008 Ordinance #2938 was adopted and on October 19, 2009 the City Council approved the Muni Storage C-1 PUD Agreement. The PUD Agreement has not been signed by the developer as of today's date, therefore, not recorded.

Analysis:

This is a request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 +/- acres. The Amendment, if granted, would allow the operation of a U-Haul truck rental business in conjunction with the mini storage unit facility business on property located at 485 Grandview Drive.

The request is also asking for approval of a Paving Deferral to allow parking and/or storage of the U-Haul trucks/trailers on undeveloped property within the boundary of the PUD, to continue the use on undeveloped internal vehicle travel ways and to continue the operation of an outside automobile and recreational vehicle storage yard business on undeveloped property, as shown on the Amended Master Development Plan, Phase II.

Page 2 Section 2 (B)Uses: of the PUD Agreement currently reads as follows:

2-Nature of the Development; (B) Uses: *The property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such described within this document. The Project's purpose and intended uses shall only be for the construction and commercial operation of mini-storage buildings and /or boar and RV storage and parking.*

The applicant has stated, and shown on the Amended Master Development Plan, Phase II, that two (2) additional storage buildings are planned to be constructed in the future. It is on these locations, and including the undeveloped area behind them to the east that the applicant states the outside automobile and recreational vehicle storage yard is currently operating. U-Haul trucks/trailers are currently being stored along the undeveloped southern boundary of the PUD and along the front of the facility on Grandview Drive.

City Code Title 10; Chapter 11(Required Improvements); Section 4(PARKING)(B) Surfacing: states that "All parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material."

City Code 10-2-1 defines **Parking Space** as,an enclosed or unenclosed surfaced area with access and maneuvering space sufficient to permit a standard automobile/vehicle to be parked within the surfaced area, permanently reserved for the **temporary parking or storage** of one automobile/vehicle. The total space shall be not less than (270) sf.

The PUD is located in the C-1 base Zoning District, and would normally require any area used for driving, parking, storage and/or maneuvering of vehicles to be hard-surfaced. By amending the PUD to allow outside parking and storage on undeveloped property, this requirement will no longer apply.

The Engineering Department has reviewed this application and subsequent PUD Amendment requests. They would not recommend allowing any undeveloped area to be used for outside storage unless it is paved. The Engineering Department would accept an "Alternative Surface" other than concrete or asphalt until the time when Phase II of the development is finished.

The acceptable "Alternative Surface" would need to be two inch (2") thick re-grind with chip seal over the top. Furthermore, any unpaved portion of the property will need to have a "Substantial Barrier" delineating the developed and undeveloped areas in order to discourage the use of the undeveloped property. A "Substantial Barrier" which may be acceptable would be fencing, bumper blocks, jersey barriers, or another materials or objects found to be acceptable to the Engineering Department.

A Preliminary PUD Presentation was held before the Planning and Zoning Commission on April 9, 2013 requesting an amendment to the unrecorded PUD Agreement. There was no public comment. This was followed by a public hearing. On April 23, 2013 the Commission held a public hearing on this request and unanimously recommended approval of the request subject to four (4) 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; and the recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

On May 20, 2013 the City Council, by a vote of 4 FOR AND 3 AGAINST, held a public hearing and granted the Amendment, 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; and the recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.
5. Subject to slats placed in the fencing on the backside.

On May 24, 2013 the applicant submitted a letter requesting reconsideration of the decision and on June 3, 2013 the Council, by a vote of 5 FOR and 2 AGAINST, voted to hold another public hearing on the request.

Attachments

- | | |
|--|---|
| 1. Letter of Request, dated Jan 25, 2013 (1) | 7. 4 Site Photos (2 pages) |
| 2. Zoning Vicinity Map (1) | 8. Portion of minutes from the April 23, 2013 P&Z meeting. (3) |
| 3. Aerial of the Project Site, as of Aug 2012 (1) | 9. Portion of minutes from the May 20, 2013 CC meeting (3) |
| 4. Comprehensive Plan Future Land Use Map (1) | 10. Letter from the applicant, dated May 24, 2013, requesting reconsideration (1) |
| 5. Muni Storage C-1 PUD Agreement, not recorded. (11) | 11. Portion of minutes from the June 03, 2013 CC meeting. (1) |
| 6. Amended Master Development Plan Map, Phase I & II (1) | |

January 25, 2013

City of Twin Falls

Re: MOJO PUD Amendment

MOJO, LLC is requesting that the PUD approved in October 2009 on the 6.44 acres located at 485 Grandview Drive be amended under Section 2B to say the following: the property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such as described within this document. The project's purpose and intended uses shall only be for the construction and commercial operation of mini-storage buildings, outside boat and RV storage, parking and U-Haul truck/trailer rentals.

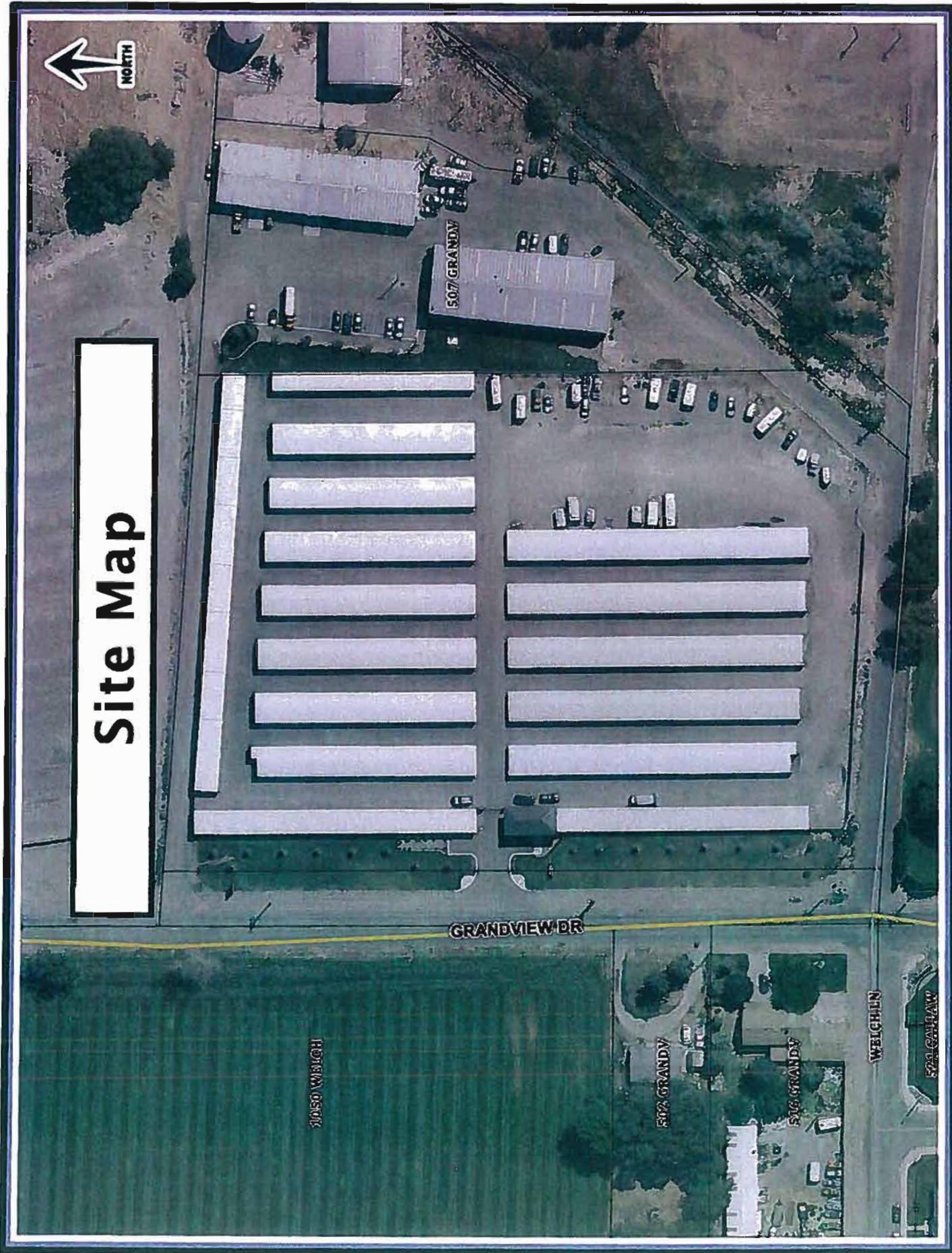
I would also like a deferral for the parking area as I understand that given the current zoning any parking or maneuvering areas are to have a hard surface, however, the current parking area is planning for future development of storage buildings and it would not be economical to pave that area until such time as the buildings are built.

These changes will not affect the surrounding areas in any way as we have had no complaints, only compliments, on our operation and facility since we opened our doors.

Zoning Vicinity Map



Site Map



GRANDVIEW DR

2050 WELCH

572 GRANDY

576 GRANDY

WEIGHIN

574 GRANDY

507 GRANDY

COVENANTS

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

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

2. **NATURE OF THE DEVELOPMENT.** It is agreed that certain language and requirements pertaining to the "Project" shall be interpreted as follows:

A. Common Area And Homeowners' Association And Maintenance.

There is no requirement for common area within the Project. Therefore, there is no requirement for Developer to organize an Owners' Association in connection with his development of the Property, which associations are established for the maintenance of common areas.

Section Proposed for Amendment

B. Uses. The property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such as described within this document. The Project's purpose and intended uses shall only be for the construction and commercial operation of mini-storage buildings and/or boat and RV storage and parking.

3. **STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS.** Developer shall be responsible for the design and construction of sewer, water and drainage systems on the Property (hereinafter "Improvements") as described herein, in accordance with City Standards.

A. Improvement Plans. Developer shall, as to each phase of development, file or cause to be filed with the City a complete set of plans for the Project, showing all Improvements contemplated (hereinafter "Improvement Plans"). The Improvement Plans and all Improvements thereon shall meet the approval of the City, which approval shall be given if such plans conform to published City requirements, the Master Plan and this PUD Agreement.

Oct 19 2009⁵²
CC
Approved
PUD
Agreement

Muni Storage of Twin Falls, Idaho

C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____ 2009, by and between THE CITY OF TWIN FALLS, State of Idaho, a municipal corporation, (hereinafter called "City"); and GREGG OLSEN, (hereinafter called "Developer"), whose address is 139 River Vista Place, Suite 202, Twin Falls, Idaho 83301.

RECITALS

WHEREAS, Developer is the owner of that certain tract of land in the County of Twin Falls, State of Idaho, more particularly described on Exhibit "A" attached hereto, (the "Property") which property is bounded by R-4 zone on the North and East sides, Grandview Drive on the West, and Twin Falls Municipal Golf Course on the South; and

WHEREAS, Developer intends to develop the Property; and

WHEREAS, Developer has made a request of the City to develop a commercial development for a mini storage facility on the Property, (hereinafter called "the "Project") and has submitted to the City a development plan for the Project, more particularly described in Exhibit "B", attached hereto, (hereinafter called the "Master Development Plan"), which has been recommended for approval, as presented, for development as a Planned Unit Development, by the Planning and Zoning Commission on April 22, 2008 and approved as presented, subject to conditions, by the City Council on May 19, 2008, and subject to Ordinance #2938, which was published on June 5, 2008, attached hereto as Exhibit "C".

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

COVENANTS

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

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

2. **NATURE OF THE DEVELOPMENT.** It is agreed that certain language and requirements pertaining to the "Project" shall be interpreted as follows:

A. Common Area And Homeowners' Association And Maintenance.

There is no requirement for common area within the Project. Therefore, there is no requirement for Developer to organize an Owners' Association in connection with his development of the Property, which associations are established for the maintenance of common areas.

B. Uses. The property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such as described within this document. The Project's purpose and intended uses shall be for the construction and commercial operation of mini-storage buildings and/or boat and RV storage and parking.

3. **STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS.** Developer shall be responsible for the design and construction of sewer, water and drainage systems on the Property (hereinafter "Improvements") as described herein, in accordance with City Standards.

A. Improvement Plans. Developer shall, as to each phase of development, file or cause to be filed with the City a complete set of plans for the Project, showing all Improvements contemplated (hereinafter "Improvement Plans"). The Improvement Plans and all Improvements thereon shall meet the approval of the City, which approval shall be given if such plans conform to published City requirements, the Master Plan and this PUD Agreement.

B. Improvement Design And Construction. Developer, at its expense, shall cause all Improvements shown on the Improvement Plans to be designed, constructed and installed consistent with the approved Improvement Plans. Notwithstanding the foregoing, nothing in this agreement shall prohibit City participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.

C. Phased Construction. If, in his discretion, Developer finds it necessary or expedient to do so, Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the portion, or portions, of said Improvements it intends to complete at that time. Developer agrees to make such modifications and/or to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City, which approval shall not be unreasonably withheld.

D. Construction Supervision. Developer shall use a qualified licensed contractor or supervisor to supervise construction, inspection and testing of the work as necessary, to ensure that all such Improvements are constructed in accordance with the approved Improvement Plans.

E. Deferral Agreement. City agrees that Developer shall not be required to install curb, gutter and sidewalk along Grandview Drive, until the earlier of: (1) expansion of the paved area of Grandview Drive; or (2) installation of curb, gutter and sidewalk on the property adjoining the North boundary of the Property.

F. Non-Compliance. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice; or in the case of non-compliance that will take in excess of thirty days to cure; Developer shall commence to cure within thirty days of receipt of notice and shall diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have

that phase of such PUD until such time as all requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.

G. Fees. Developer shall pay or cause to be paid to the City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans.

H. Maintenance Of Public Improvements. City hereby agrees to accept maintenance responsibility for the public improvements, if any, upon their completion to City standards.

L. Maintenance Of Storm Water Retention Improvements. Developer agrees that he or his successors in interest shall maintain the required storm water retention volumes as shown on the approved Improvement Plans. No storm water retention facilities or appurtenances shall be altered unless first approved by City.

4. DEVELOPMENT CRITERIA. The Property or any portion thereof shall be developed in accordance with criteria set forth in this Section 4.

A. Approval And Construction. All Improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, which drawings and specifications shall first be approved by the City, which approval shall not be unreasonably withheld.

B. Location Of Buildings. The location of buildings along the North and South boundary of the Property may be adjusted, contingent upon the existence or waiver/release of an access easement encumbering the North and South twenty-five feet (25') of the Property.

C. **Building Setbacks.** All buildings shall be constructed with a minimum setback of eighty feet (80') from the centerline of Grandview Drive.

D. **Landscaping.** Landscaping shall be required to be installed along the West boundary of the Property at the time site and building improvements during Phase 1 and shall be completed thereon or by the next planting season for the proposed vegetation. Landscape buffer on Grandview Drive shall be a minimum thirty-six feet (36') between the back of the sidewalk or future sidewalk and the building in a manner consistent with minimum code requirements or this PUD whichever is greater and shall include a minimum of one (1) six foot (6') tree every thirty lineal feet (30 LF) of building wall along Grandview Drive. The landscaped area shall contain berming, as per city code.

Developer shall maintain the landscaping within the development, to include the perimeter, to meet or exceed minimum code requirements within the development. Landscaped areas may be constructed to serve as water retention areas on the Property upon approval by the city.

E. **Building Standards.** Buildings and improvements shall comply with the following standards.

1. **Building Materials.** Building wall surfaces facing the West and South boundaries of the Property shall be constructed with decorative tilt-wall concrete. The remaining building wall surfaces may be block; tilt-up or double-T panels; colored metal sheathing; brick veneer; and/or painted or stained wood construction.

2. **Utilities.** All on-site utility service lines, including electrical lines and telephone lines, shall be placed underground.

3. **Signage.** No billboards or outdoor advertising will be permitted, except that on-site signage advertising Developer's use of the Property may be installed in accordance with City Code requirements. No signs shall encroach over public rights-of-way.

4. **Lighting.** Exterior lighting shall at a minimum comply with City Code requirements. Developer shall be considerate of neighboring properties with respect to installation of

exterior lighting. All lighting shall be shielded and facing away from residential properties and away from the outdoor movie theater to the north.

5. Fencing. Perimeter of development shall be fenced to meet or exceed minimum standards.

E. Codes. All construction on the Property shall be to the standards established by applicable codes.

5. TIME LIMITATION. The "C-1 PUD" zone designation on the Property described in Exhibit "A" attached hereto is expressly conditioned upon submission to the City Council of a final Master Development Plan within one (1) year from the date hereof. Developer may apply for one or more one-year extensions, provided application is made in advance of the one year expiration. Approval shall not unreasonably be withheld.

6. STANDARD DEVELOPER'S AGREEMENT. It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.

7. GENERAL PROVISIONS.

A. Cooperation. The parties hereto agree to cooperate with one another. Developer shall submit to the City all plans, specifications, and working drawings required by the City.

B. Entire Agreement. This Agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduced to writing and signed by the parties.

C. Applicable Law. This agreement shall be construed in accordance with the laws of the State of Idaho.

D. Notices. If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". On the date of this agreement, the addresses of

the parties are as follows:

DEVELOPER: Gregg Olsen
139 River Vista Place, Suite 202
Twin Falls, ID 83301

CITY: City of Twin Falls
321 Second Avenue East
P.O. Box 1907
Twin Falls, ID 83303-1907

E. **Successors And Assigns:** This Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto.

F. **Severability.** In the event any portion of this Agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining portions shall not be affected thereby.

G. **Signatures.** Each of the persons executing this agreement hereby represents and warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this agreement is binding on, and enforceable against, such entity.

H. **Effective Date.** This "PUD" Agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.

I. **Attorney Fees.** In the event that either party is required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any other remedy provided by law, the party which prevails in such litigation shall be entitled to an award of a reasonable attorney's fee, to be paid by the opposing party.

J. **Construction.** Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself or through his agents

prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

K. Attachments. All attachments to this Agreement and recitals are incorporated herein and made a part hereof as if set forth in full.

L. Captions. The captions, section and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

CITY OF TWIN FALLS

By: _____
Mayor

ATTEST:

Deputy City Clerk

DEVELOPER:

Gregg Olsen

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

On this ____ day of _____, 2009, before me, the undersigned, a notary public in and for said State and County, personally appeared _____, known to me to be the _____ of the City of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

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

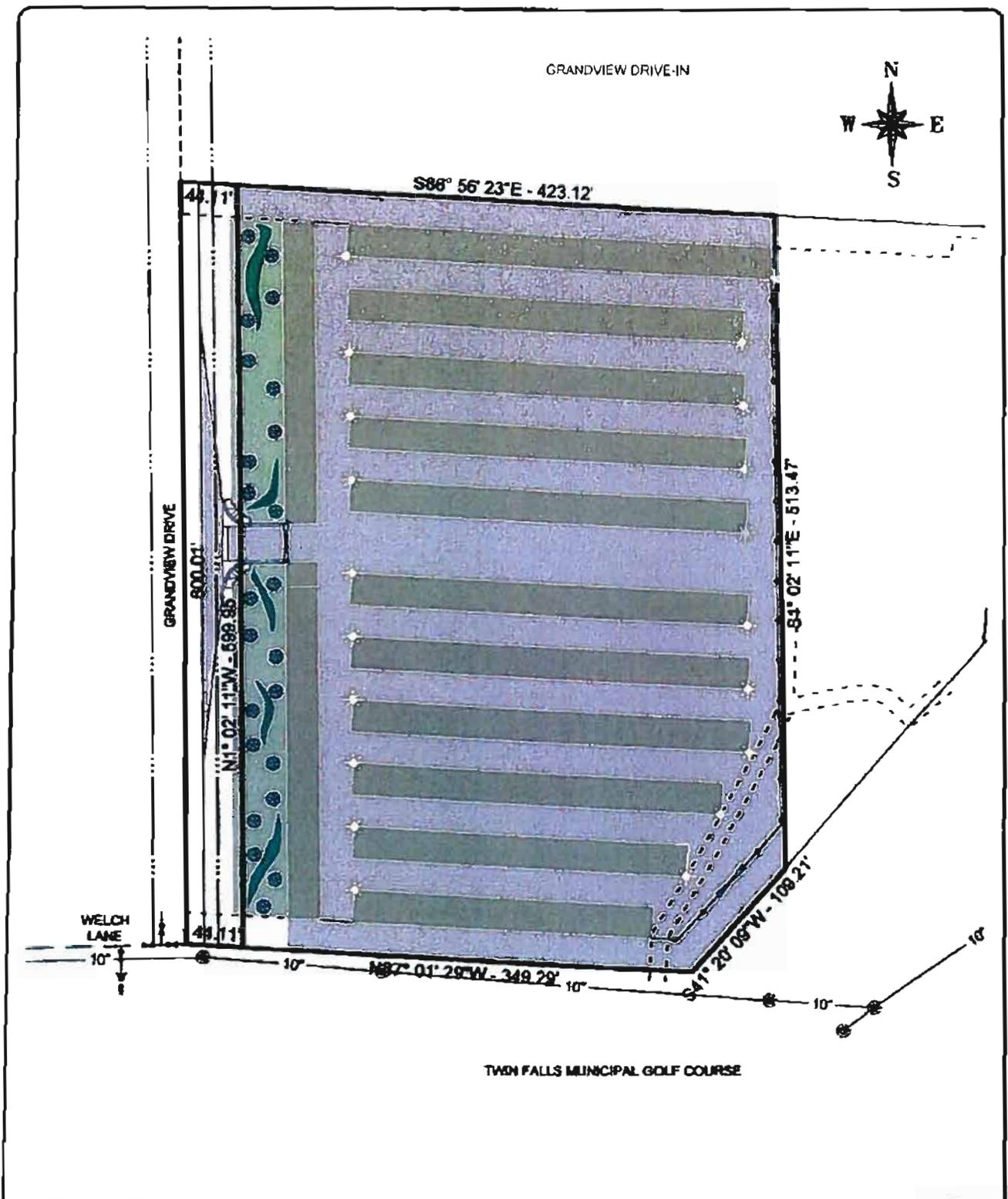
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, Idaho
My Commission Expires: _____

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

On this ____ day of _____, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregg Olsen, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

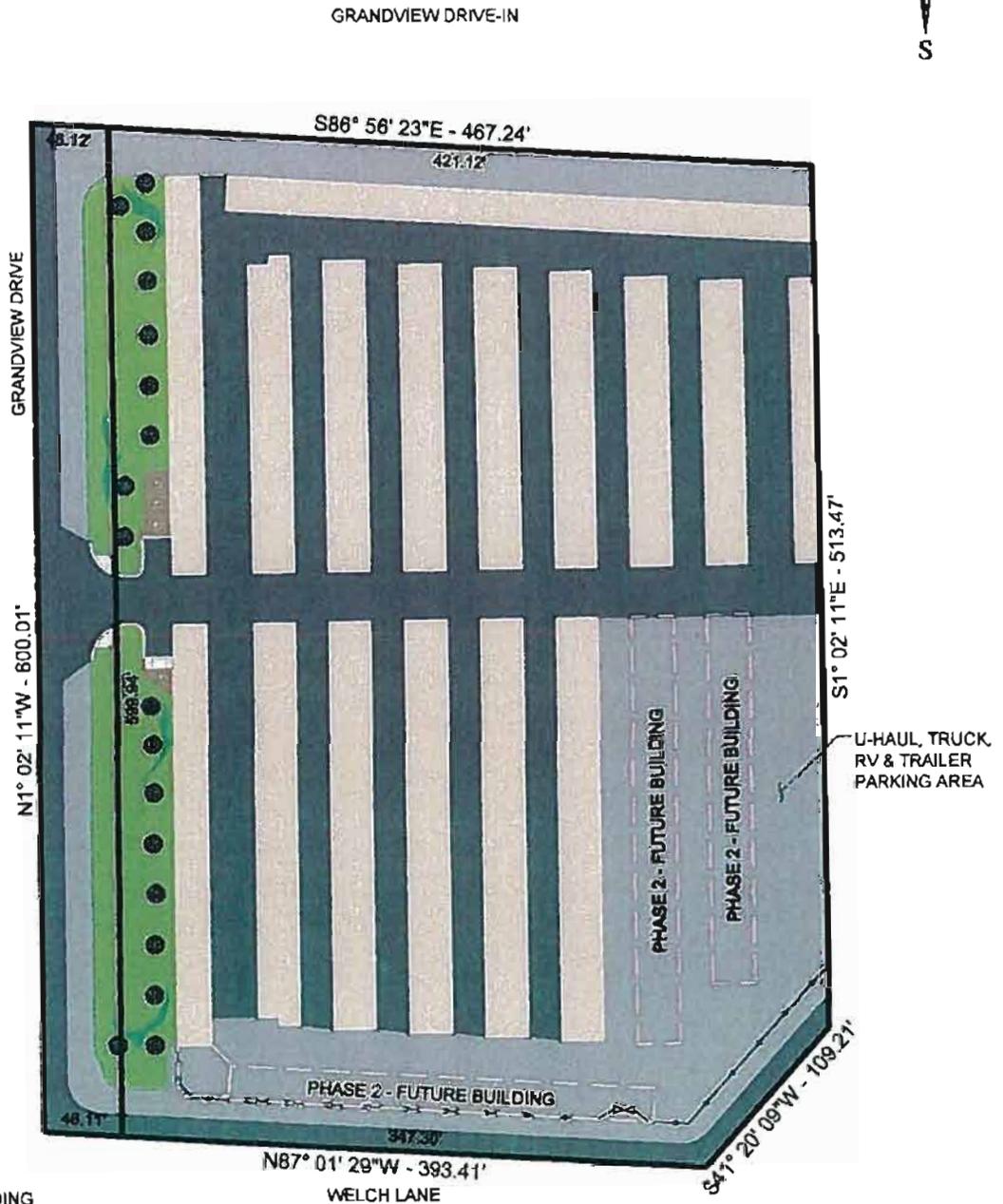
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, Idaho
My Commission Expires: _____



MUNI STORAGE PUD SECTION 12, T. 10S. & 17E	PUD COLOR EXHIBIT Date: 03/08 Proj. Number: 0091 City: Falls	RIEDSEL ENGINEERING, INC. 201 1/2th Avenue Twin Falls, ID 83401 Phone: (208) 733-2200 Fax: (208) 734-7700	
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2008 - Master Development Plan

Proposed
2013 - Amended Master Development Plan
Phase 1 + II



- BUILDING
- PAVEMENT
- GRAVEL
- LANDSCAPING
- LANDSCAPING

TWIN FALLS MUNICIPAL GOLF COURSE

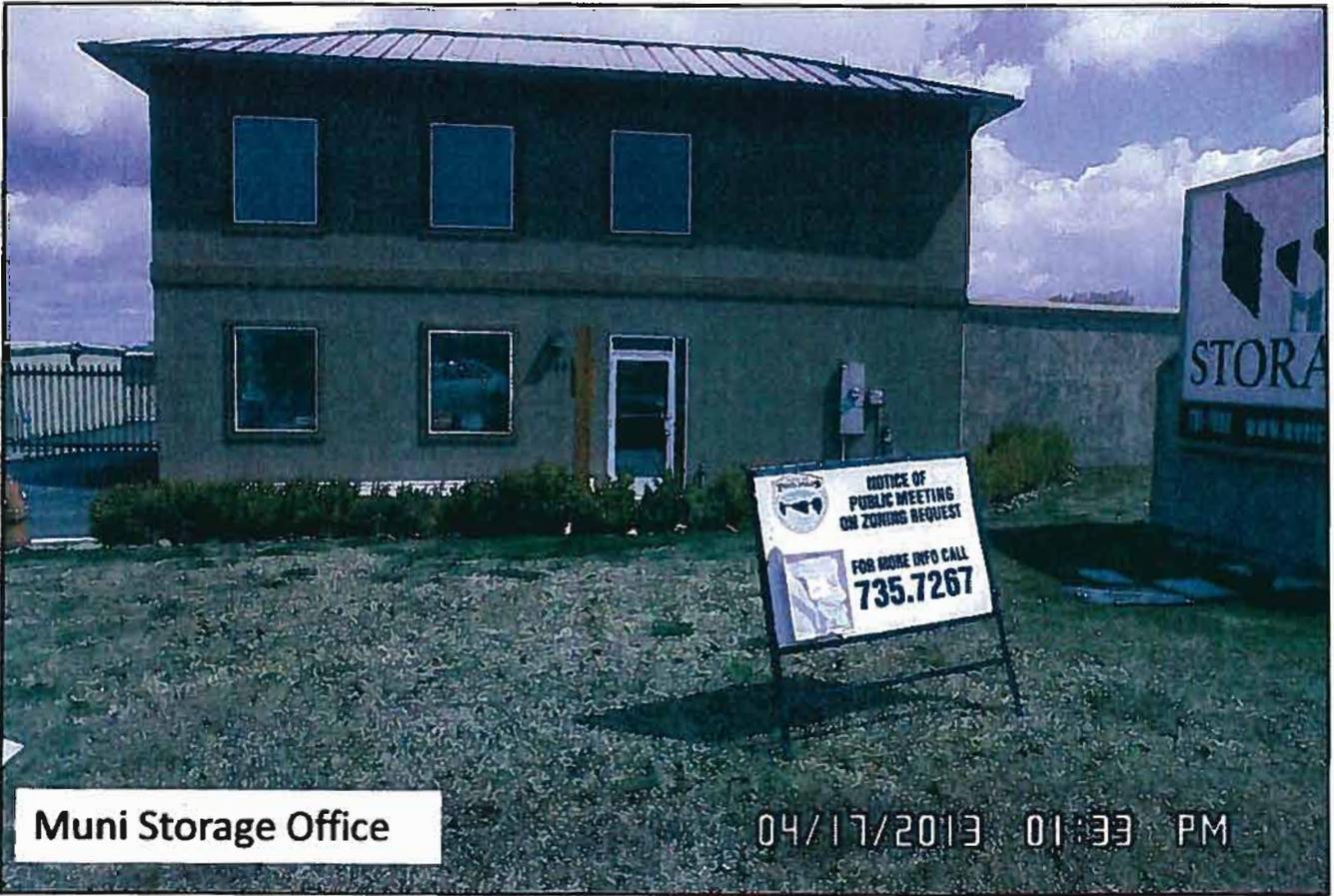
MUNI STORAGE PUD
SECTION 12, T 19S, R 17E
TWIN FALLS, ID

AMENDED MASTER DEVELOPMENT PLAN

SCALE: N.T.S. DATE: 3/26/13 PROJ NUMBER: 1101
DWG PATH: Z:\1151-Grass Design\1151CAD\04\1151-PUD EXHIBIT 2.dwg



202 Falls Avenue
Twin Falls, Id. 83301
Phone: (208) 733-2446
Fax: (208) 734-2748



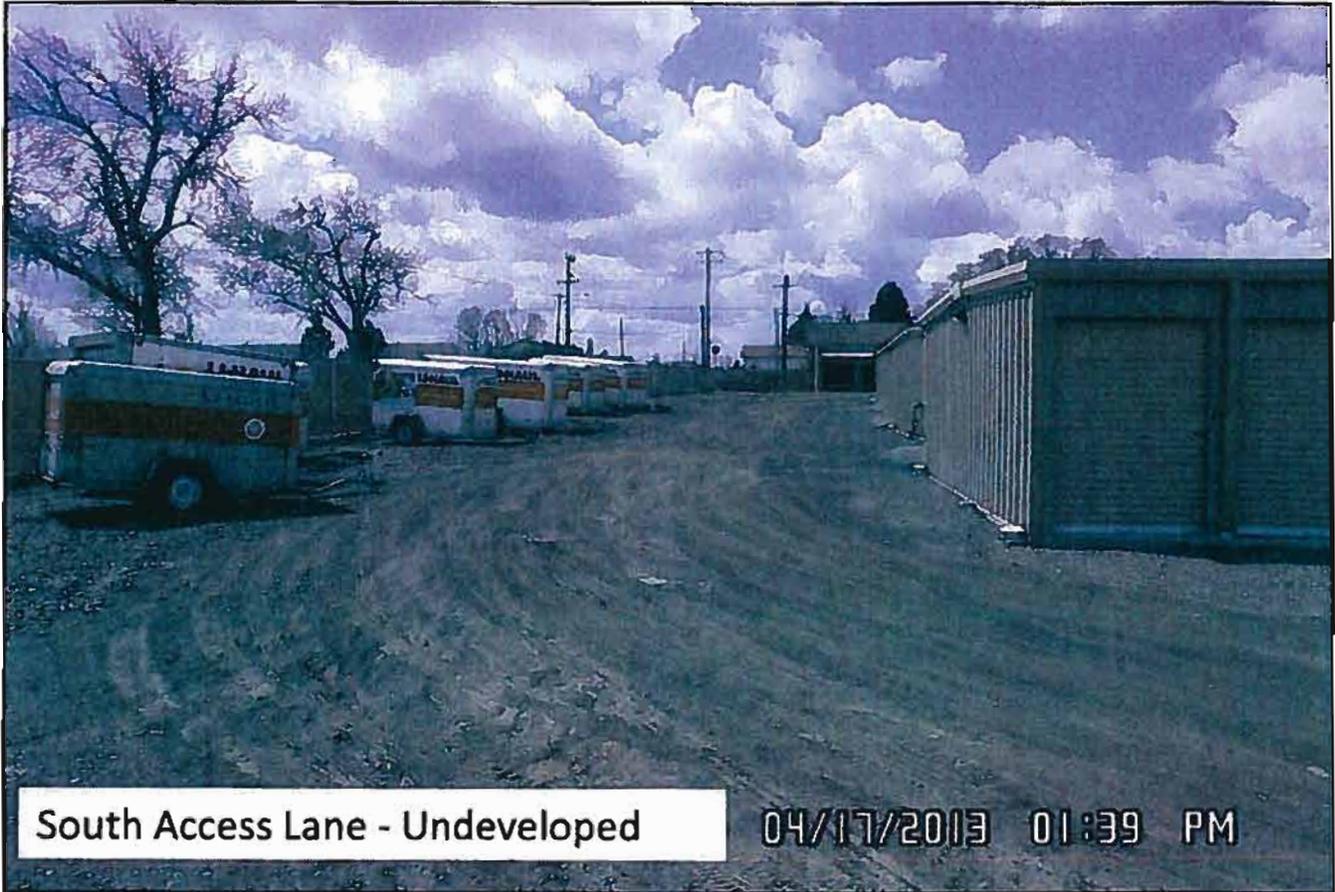
Muni Storage Office

04/17/2013 01:33 PM



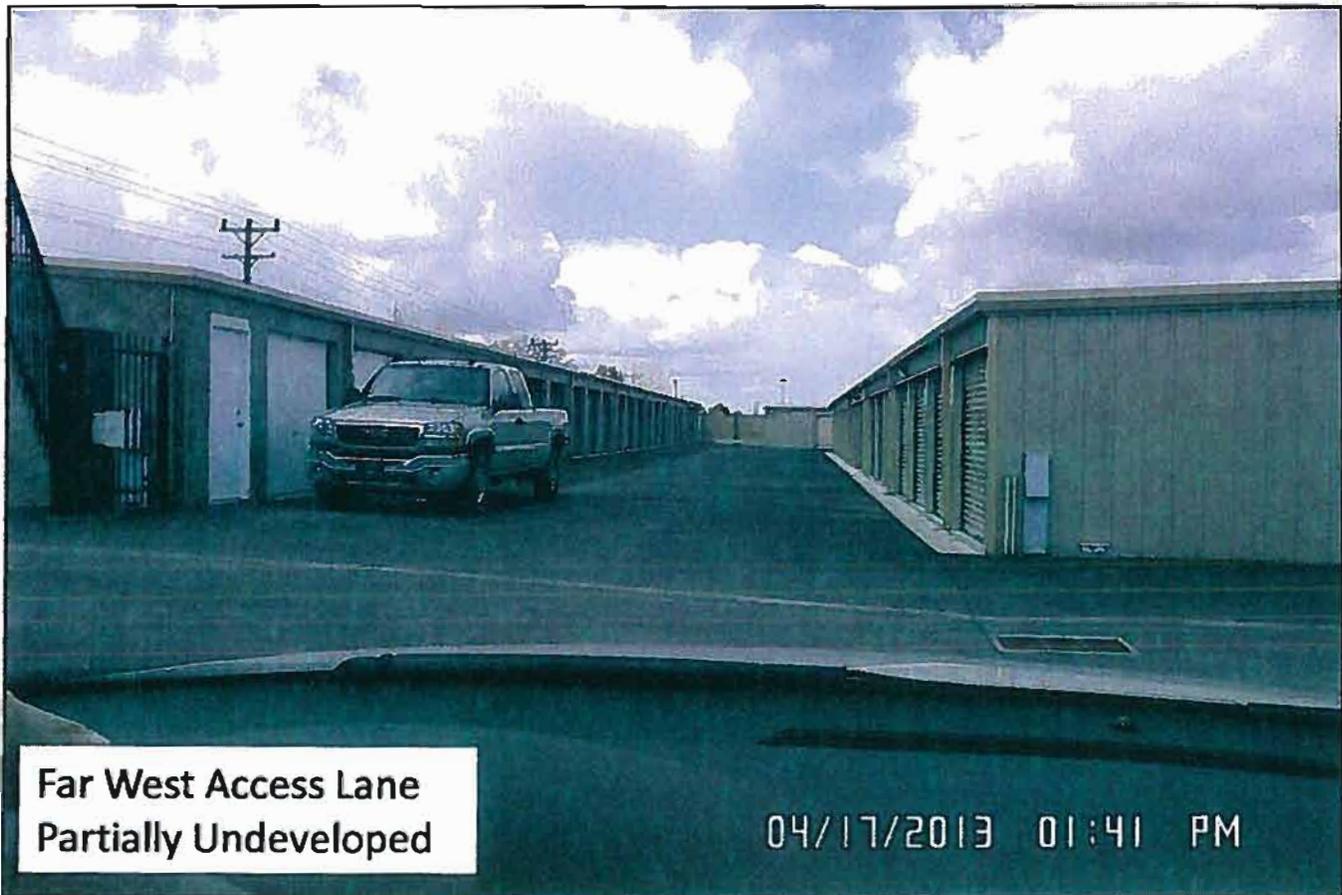
Back Portion - Undeveloped Area

04/17/2013 01:37 PM



South Access Lane - Undeveloped

04/17/2013 01:39 PM



Far West Access Lane
Partially Undeveloped

04/17/2013 01:41 PM

IV. PUBLIC HEARING ITEMS

- 1. Request for an Amendment to the Muni-Storage Facility PUD Agreement, 6.4 acres +/-, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD on property located at 485 Grandview Drive. c/o Gregg Olsen on behalf of MOJO, LLC. (app. 2564)

APPLICANT PRESENTATION:

Gregg Olsen, the applicant, stated he would like to be able to rent u-hauls because it would be convenient for the customers. The project has been planned in phases and he is asking that the paving requirement be deferred so that when the next phase is completed he doesn't have to re-install the paving.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and stated this is a request for an amendment to a PUD Agreement for the Muni-Storage Facility, 6.4 (+/-) acres, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD property located at 485 Grandview Drive.

In April of 2008 this property was approved for a Comprehensive Plan – Future Land Use change and had a Zoning District Change and Zoning Map Amendment approved in May of 2008 changing the property from R-4 to C-1 PUD. The PUD Agreement was approved by the City Council, however, it has not been recorded. This is a request to amend that PUD Agreement, to allow for the additional uses.

If amended-Section 2-B of the PUD Agreement would allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property located within the PUD property described within. This verbiage if approved as written would allow him to store RV's, Boats and Automobiles on undeveloped property on the Revised Master Development Plan- Phase 2, reviewed on the overhead. City Code 10-11-4B states. "Surfacing: All parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material." The PUD is located in the C-1 zoning district which requires all developed/utilized areas be hard surfaced.

The applicant is asking that the hard surfacing not apply to his PUD. The Engineering Department has reviewed the request and would not recommend approval of any undeveloped area to be used for outside storage unless it is paved. An alternative surface would be acceptable until the time Phase 2 is finished. The acceptable alternative would need to be 2" thick regrind with chip seal over the top in addition any unpaved portion of the property will need to have a substantial barrier delineating the developed area and undeveloped area to discourage the use of undeveloped property. Examples of substantial barriers would be fencing, bumper blocks, jersey barriers or another material or object approved by the Engineering Department.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of this request, as presented, staff recommends 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; and the recorded Muni-Storage Facility PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside storage being hard-surfaced per Engineering Department requirements.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Boyd asked about the phased construction quote 3-C in the agreement and asked if that was referring to the hard surfacing requirement. If the PUD is not recorded how does this process move forward.
- Zoning & Development Manager Carraway explained that typically when a PUD comes through the process it is in conjunction with a plat. This project did not require platting that is how the agreement was missed for signature. The rezone ordinance and this agreement were both approved by the City Council. The PUD Agreement just has not been recorded. Leaving the area undeveloped with dirt and gravel does not satisfy City Code requirements.
- Commissioner Woods asked if the U-Haul business is a new issue, because the pictures provided shows they are already on-site.
- Zoning & Development Manager Carraway stated they are on-site and have been on-site which is why the applicant is requesting this change so that the property can be brought into compliance.
- Commissioner Woods confirmed that the property is currently out of compliance.
- Commissioner Grey asked why the new development is not paved in front of some of the developed storage units / buildings.
- Mr. Olsen stated that he has an agreement with a tenant to have the paving completed this summer in exchange for the use of a storage unit.
- Commissioner Grey asked about the gravel area and if that space could be paved where the u-haul trailers are parked.
- Mr. Olsen explained the process for completing the drainage system would require that the paving occur after the storm water retention has been installed. Blocking off the area would present and issue for the fire access. The cost of installing asphalt and then tearing out to replace it once the project is complete would be extreme.
- Planner I Spendlove explained where the barrier should be located.
- Commissioner Derricott asked about the paving and why it wasn't done and if the drains were in already.
- Mr. Olsen stated that the storm drains are in where the asphalt is not completed in front of the existing storage units.

- Assistant City Engineer Vitek stated he would require all the undeveloped maneuvering area meet code with some type of hard surfacing.
- Commissioner Frank clarified that the requirement for hard surfacing is required by City Code and asked if the Commission has the ability to overrule a City Code requirement.
- Zoning & Development Manager Carraway explained this is a City Code requirement and that the Commission does not have the ability to overrule City Code.

PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED WITHOUT COMMENTS

CLOSING STATEMENT:

- Mr. Olsen stated this would not be to allow the use without ever hard surfacing, the paving would be a deferral for the paving requirements to be met at a later date.
- Commissioner Frank asked if the City has a mechanism in place for putting a time frame on the completion process.
- Zoning & Development Manager Carraway stated there is a process in place for this type of request but it is not something this body has the authority to approve.

DELIBERATIONS FOLLOWED:

- Commissioner Woods stated the property is already out of compliance for hard surfacing and the u-haul business in operation without approval. He also stated that he recalls another request where hard surfacing was required for the County Marine Storage Facility. He would be hard pressed to recommend that this be approved, the property is already not in compliance. He agrees with staff recommendations.
- Commissioner Boyd asked what the cost difference is between the hard surface material versus the crushed and chip seal that is being recommended in the interim.
- Assistant City Engineer stated that he is not aware of the cost difference, but that the County was allowed to use this product.
- Mr. Olsen stated it at best if the asphalt cost \$10.00 per foot the chip seal would cost \$4.00 per foot, but that would be a guess.
- Commissioner Boyd asked if the chip seal material would be hard to tear out.
- Mr. Olsen stated it would be as difficult as asphalt. He also stated he was not aware of a special use permit being required for a u-haul business.

MOTION:

Commissioner Wood made a motion to recommend approval of this request, to the City Council, as presented, with staff recommendations as presented. Commissioner DeVore seconded the motion. **All members present voted in favor of the motion.**

**PUBLIC HEARING SCHEDULED BEFORE THE
CITY COUNCIL MAY 20, 2013**

MINUTES

Monday, May 20, 2013

Page 6 of 9

- 6. Due to several complaints on the Highland Ave resurfacing project Councilperson Talkington asked for a progress report. City Manager Rothweiler explained that it is a 2 week project and will be completed.
- 7. Councilperson Hall concerned about dog park off leash not being considered because of the surveys.
- 8. Councilperson Mills Sojka stated her concern of the speeding in the construction zone. Police are monitoring and construction company is signing.
- 9. Councilperson Hawkins announced that after Memorial Day weekend Auger Falls will be closed.

10 Minute Break.

IV. PUBLIC HEARINGS; 6:15P.M.

- 1. Request for an amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive.

Gregg Olsen, applicant, explained the request. He explained that they chose to phase the property into two different phases. We are asking for a deferral on the hard surface until we can build the buildings.

Bill Kyle, applicant, explained that to be cost effective they are asking to have the hard surface deferred until they build the buildings.

Community Development Director Mitch Humble explained the request using visual aids. This is a request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4+/- acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel, storage and parking areas and continue the operation of an outside Boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of a storage unit facility business on property located at 485 Grandview Drive.

There is one proposed change that is on Page 2 of the PUD Agreement which is as follows:

2-Nature of the Development; (B) Uses: The property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such described within this document. The Project's purpose and intended uses shall only be for the construction and commercial operation of mini-storage buildings and/or boat and RV storage and parking.

If the amendment is approved as requested the suggested verbiage to be added to the above section is as follows: 2-(B) Uses: "Outside automobile, boat and RV storage and parking and including U-Haul truck/trailer rentals may be stored and parked on undeveloped property located within the PUD property until such time as the area identified as "future storage units" on the Master Development Plan, Phase II, are built."

The Engineering Department has reviewed this application and subsequent PUD Amendment requests. They would not recommend allowing any undeveloped area to be used for outside storage unless it is paved. They would accept an alternative surface which would need to be two inch thick re-grind with chip seal over the top. Furthermore, any unpaved portion of the property will need to have a substantial barrier delineating the developed and undeveloped areas in order to discourage the use of the undeveloped property. Substantial barriers which are acceptable would be fencing, bumper blocks, jersey barriers, or another material or object acceptable to the Engineering Department.

The Planning and Zoning Commission held a public hearing on this request and unanimously recommended approval of the request subject to four 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; and the recorded Muni Storage Facility C-1 PUD Agreement.
- 2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
- 3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.

- 4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

Staff concurs with the Commission's recommendation.

Discussion ensued on the following:

- Why do we require hard surfaces?
- To prevent drainage run off issues.,
- For general appearance.
- Open ended deferral agreement – no time limit for the paving requirement. Once buildings go up and they meet code then the deferral goes away
- Comparison with other storage facilities
- P & Z or Council review should be put in place to review every 2 to 3 years.
- Changes being proposed are opposite of the conditions that are in place.
- Code allows 3 year deferral.
- Original deferral did not comply?
- This is undeveloped area that was not on original plans

Open Hearing: 6:39 PM

Mike Jones, 807 Greenwood Circle, Twin Falls with the help of visual aids explained that he owns property adjacent to the Muni Storage Facility. He stated that it is an eye sore. It has junk cars, boats; it is nothing but gravel, dirt and weeds. He said it looks more like a salvage yard and the fence is not adequate.

Floyd Miller, Jr. sent a letter to the Council expressing his concerns.

Applicant Gregg Olsen explained that he was advised by City Staff to not put a time limit on the development. He went on to explain that the paving is to keep mud off the public roads. He said that once the buildings are completed the RV parking/storage will go away. The required slats in the fence along Welch Lane were met; however, he would not have a problem installing slats on the back. He explained that he has met all the requirements for water retention.

Council discussion ensued on the following:

- The required slats in the fence are in place.
- Explanation on how the drainage works.
- The U-Haul operation has been in place since December 2012.
- PUD was not signed.
- Screening issue - fencing requirements were met.
- Time frame for the building to go up could be as short as 2 to 3 years or could be as long as 7 years.
- Is boat and RV parking separate use than vehicle parking? Could be called a same use.
- Paving will be done when buildings are built.
- Weeds need to be taken care of.
- Time limitations – Section 4-E- 5 one year application.
- Is there an issue with Staff not following up? - Both sides are at fault.
- Concerns of history of non-compliance.
- Would like to put a 3 year time frame on it.

Public Hearing Closed 7:15 PM

MOTION:

Councilperson Talkington made the motion for an amendment to the Muni Storage Facility C-1 PUD Agreement 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive Subject to the following conditions:

MINUTES

Monday, May 20, 2013

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1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards; and the recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.
5. The Applicant slat the fence along the back of the property within 6 months.
6. To continue use of non-pavement for 3 years subject to Council review at that time.

The motion was seconded by Councilperson Mills-Sojka.

A discussion ensued on clarification of the motion. Some of the Council members felt that the last condition directly conflicted with 2nd, 3rd, and 4th conditions and so the motion was unclear.

Amendment:

Councilperson Mills-Sojka made the motion for an amendment to add a time limit not to exceed 3 years to recommendations 2 & 3. The motion was seconded by Councilperson Talkington and roll call vote was as follows: Those voting against were Barigar, Hall, Hawkins and Munn. Those voting in favor were Lanting, Mills-Sojka and Talkington. The motion failed. Failed 4-3

Roll call vote on the main motion showed Barigar, Hall, Hawkins, Lanting and Munn voting against and Mills Sojka and Talkington voting for. The motion failed. Failed 5 to 2

Councilperson Barigar made the motion for an amendment to the Muni Storage Facility C-1 PUD Agreement 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive 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; and the recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

The motion was seconded by Councilperson Hawkins.

Amendment:

Vice Mayor Hall made the motion to amend the motion to place slats in the fencing on the back side. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Roll call vote on the main motion as amended was as follows: Those voting in favor were Barigar, Hawkins, Mills Sojka, and Talkington. Those voting against were Hall, Munn and Lanting. Approved 4-3

V. ADJOURNMENT:

Meeting adjourned at 7:40 PM



May 24, 2013

Twin Falls City Council
Re: Letter of Reconsideration

Dear Council Members,

I would like you to reconsider your decision made on May 20th, 2013. Throughout the discussion and failed motions I felt the majority of the council wanted to grant the deferral with a review after three years but couldn't find the correct verbiage to accomplish this. Therefore your reconsideration is important. There were many motions made, voted on but not all were understood. I think that there was a communication disconnect so I would propose for your consideration of the following:

1. Deferral of hard surfacing in the long term storage area with the ability of use.
2. Install slats in fence next to Argo's building.
3. Manage long term storage area's weed issues when they arise.
4. Revisit deferral upon expiration of 3-year term.

The cost for these improvements could be in the area of \$25,000. To remove the existing tenants would cost us revenue which would impact our business in a very detrimental way. I'm sure as business owners you will understand the position I am in.

This certainly is an equitable solution that I believe the majority of the sitting members would and have already agreed on but just wasn't proposed in an agreeable, non ambiguous motion. If you were in my shoes I think you would agree that spending the amount of money that is being asked and then to tear it out just doesn't make sense. Your diligence in this matter is greatly appreciated and I look forward to your reconsideration.

Gregg 

485 Grandview Drive ~ Twin Falls ~ Idaho ~ 83301
Office: (208) 731-1000 ~ Fax: (208) 734-9493
www.munistorage.com

PRESENT: Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington
ABSENT: None
STAFF PRESENT: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Chief Finance Officer Lorie Race, City Engineer Jacqueline Fields, Community Development Director Mitch Humble, Budget Coordinator Pat Lehmann, Assistant to the City Manager Mike Williams, Recording Secretary/Deputy City Clerk Leila A. Sanchez

I. ITEMS FOR CONSIDERATION:

1. Consideration of a request to reconsider conditions placed on an amendment to the Muni Storage C-1 PUD Agreement, approved May 20, 2013.

Community Development Director Humble reviewed the request.

On May 20, 2013, the City Council held a public hearing to consider a request for an amendment to the Muni Storage C-1 PUD Agreement to allow U-Haul truck rentals on the property and to defer Code required paving on the currently undeveloped portion of the property.

The applicant submitted a letter to the City Council to reconsider their May 20, 2013, decision.

Gregg Olsen explained the request. At the May 20, 2013, Council Meeting, there may have been some confusion or ambiguity on the motions. He stated that he would like to explain the request for a three year deferral.

Council discussion followed.

Councilperson Mills Sojka asked the City Attorney for the legal criteria on the request for reconsideration.

City Attorney Wonderlich stated that the procedure is not in City Code.

On July 1, 2013, there will be an amendment in the Local Land Use Planning Act, requiring an applicant to have a reconsideration hearing before they can appeal to the district court.

Council discussion followed.

MOTION:

Vice Mayor Hall made a motion to reconsider the conditions placed on the amendment to the Muni Storage C-1 PUD Agreement, approved May 20, 2013, and to set a public hearing. The motion was seconded by Councilperson Munn.

Council discussion followed.

Roll call vote showed that Councilpersons Barigar, Hall, Lanting, Munn and Talkington voted in favor of the motion. Councilpersons Hawkins and Mills Sojka voted against the motion. Approved 5 to 2.

Councilperson Barigar requested that an Engineering Department representative be present at the public hearing regarding the purposes and consequences of not having hard surfacing.