

**COUNCIL MEMBERS:**

SHAWN	DON	SUZANNE	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	HALL	HAWKINS	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON

*Vice Mayor*

*Mayor*

**MINUTES**

Meeting of the Twin Falls City Council  
**Monday, July 1, 2013**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East  
Twin Falls, Idaho



**5:00 P.M.**

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

<b>AGENDA ITEMS</b>		<b>Purpose</b>	<b>By:</b>
<b>I. CONSENT CALENDAR:</b>		<u>Action</u>	<u>Staff Report</u>
1. Consideration of a request to approve the accounts payable for June 25 – July 1, 2013.			Sharon Bryan
2. Consideration of a request to approve the June 10, and June 17, 2013, City Council Minutes.			Leila A. Sanchez
3. Consideration of a request to approve the 2 <sup>nd</sup> Annual Magic Valley Beer Festival to be held in the Twin Falls City Park on Saturday, August 3, 2013.			Staff Sgt. Dennis Pullin
<b>I. ITEMS FOR CONSIDERATION:</b>			
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.		Action	Melinda Anderson
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.		Action	Mitch Humble
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.		Action	Staff Sgt. Dennis Pullin
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.		Action	Staff Sgt. Dennis Pullin
5. Consideration of a request to waive the admission fees at Shoshone Falls for the American Legion Riders on Saturday July 20, 2013.		Action	Dennis Bowyer
6. General discussion on a strategy for the Downtown/Old Town parking.		Discussion	Mitch Humble
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.			
<b>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>			
<b>IV. PUBLIC HEARINGS: 6:00 P.M.</b>			
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
<b>V. ADJOURNMENT:</b>			

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

**PRESENT:** Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington  
**ABSENT:** None  
**STAFF PRESENT:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Economic Development Director Melinda Anderson, Parks & Recreation Director Dennis Bowyer, Staff Sgt. 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 stated that the Mayor has requested the following to be added to the Items for Consideration:

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.

**MOTION:**

Councilperson Talkington made a motion to approve adding 67-2345(1) (b) to the agenda. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**PROCLAMATIONS: None**

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

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<sup>nd</sup> Annual Magic Valley Beer Festival to be held in the Twin Falls City Park on Saturday, August 3, 2013.

**MOTION:**

Councilperson Munn made a motion to approve the Consent Calendar as published. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**II. ITEMS FOR CONSIDERATION:**

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.

Economic Development Director Anderson explained the request.

The interview panel consisting of Mayor Lanting, Council Liaison Hall, URA Vice-Chair Cindy Bond, and staff interviewed candidates.

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

Council discussion followed:

-Gabe Ostyn was an applicant.

Councilperson Talkington asked Ms. Taylor if she is in support of the renovation of downtown, specifically the renovation of waterlines, streets, sidewalks, and parking, and if so, to make it her highest priority.

Sarah Taylor stated that she will support the renovation of downtown.

**MOTION:**

Vice Mayor Hall made a motion 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. 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.

2. 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 1, 2013 and expiring June 30, 2016.

Community Development Director Humble explained the request.

The interview panel consisting of Mayor Lanting, Council Liaison Hall, and staff reviewed the requests for reappointment.

The interview panel recommends that the Council reappoint Randall Watson to the Twin Falls City Historic Preservation Commission.

Council discussion followed:

-Maintaining the historic value of the community

**MOTION:**

Vice Mayor Hall made a motion to re-appoint Randall Watson to the Twin Falls City Historic Preservation Commission to serve a three-year term beginning July 1, 2013 and expiring June 30, 2016. 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.

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.

Staff Sgt. Pullin explained the request.

Staff recommends approval of the request.

Council discussion followed.

-Event costs

-Clean up

Susan Nickell, Townsquare Media, does not anticipate utilizing the entire park. The event is for profit. The vendors are required to remove all items after the event.

**MOTION:**

Councilperson Talkington made a motion to approve the request for Susan Nickell for the first Community Yard Sale Event to be held in the City Park on Saturday, August 17, 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 7 to 0.

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.

Staff Sgt. Pullin explained the request.

Staff recommends approval of the request.

Council discussion followed:

-Monitoring of amplified music.

-Use of band shell

-Alcohol in park

-Cars parked on grass

Councilperson Munn stated that the applicant will not have a regulated beer garden and asked if the public is permitted to take alcoholic beverages to the park.

City Manager Rothweiler stated that the City's rules and regulations allow alcoholic beverages in the park. Glass beverage containers are not allowed in city parks.

Marco Cortez, applicant, stated that he is not promoting the consumption of alcohol. In addition, music will be played in the band shell.

Parks and Recreation Director Bowyer will coordinate with the applicant to discuss parking cars on grass.

**MOTION:**

Councilperson Munn made a motion to approve the Latin Xtacy Car Show pursuant to conditions outlined by Staff Sgt. Pullin and his memorandum dated July 20, 2013. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

Parks & Recreation Director Bowyer explained the request.

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 on Friday June 28, 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 admission fees, but did offer 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 9, then that recommendation would be forwarded to the City Council at their next meeting which would be the Monday July 15, 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.

Staff is seeking direction on the American Legion Riders request.

**MOTION:**

Councilperson Talkington made a motion to waive the admission fees at Shoshone Falls for the American Legion Riders on Saturday July 20, 2013, between the hours of 10:00 a.m. to 1:00 p.m., as presented. The motion was seconded by Councilperson Mills Sojka.

Council discussion followed.

Councilperson Hawkins asked if the City has waived the full entry fee for past applicants and if it is costing the City by having the event at the park. She stated that busing may be an option.

Parks & Recreation Director Bowyer stated that the City has waived fees for other events and believes there will be no cost to the City.

Roll call vote showed all members present voted in favor of the motion.

6. General discussion on a strategy for the Downtown/Old Town parking.

Community Development Director Humble explained that in the City's new strategic plan, there is an objective regarding Downtown/Old Town parking in the "Revitalize Downtown" goal of the "Prosperous Community" focus area. This objective reads, "Develop a strategy for downtown and Old Town parking that supports growth and amend the zoning Code parking standards accordingly." This objective was rated as a number 1 priority as well.

Downtown parking has been a hot topic of conversation for some time and will continue to be so into the foreseeable future. The City has allowed reduced or even eliminated parking for private development in the downtown area. The Zoning Title contains three different parking overlay districts that offer reductions to the parking requirements that would be applied to building permits in every other part of the City. Buildings are allowed in the downtown and Old Town areas to fill the lots they're built on with no required setbacks. That means that many downtown properties have little to no space available to develop off-street parking even if the building owners wanted to.

Currently there is a funding source in professional services of \$55,000 to prepare a parking analysis and strategy.

Staff is seeking Council direction.

City Manager Rothweiler stated that the study will also study traffic flow and traffic patterns.

Approval of this request will allow the City to move forward to negotiate a contract to begin work on the downtown/Old Town parking analysis and strategy.

Council discussion followed.

Councilperson Talkington stated that he is in support of the concept, but ITD should be a key player involved in the process. He stated he will support a contract with a planner and not a realtor, and someone with no ties locally and who can be subjective.

Councilperson Mills Sojka stated that she would support having a firm outside of Twin Falls to avoid a conflict of interest. She recommended receiving cost estimates from several firms. She referred to the staff report that was included in her paper agenda packet and had questions on staff's recommendation to use EHM Engineers for services.

Community Development Director Humble explained the Request for Qualifications process. The City Engineering Department previously went through a request for qualifications (RFQ) process to identify qualified professional service firms for City projects. EHM is one of the firms that went through that process and were selected as an engineering firm that the City could use for this type of project. EHM has also been the engineering firm on many recent downtown parking projects and given their recent work focus on downtown streets and parking, and designated as a qualified firm in that field.

City Manager Rothweiler stated that Idaho Code requires the City to go through a RFQ process. The City cannot negotiate costs until a firm is selected.

Councilperson Mills Sojka stated that she believes a good portion of the parking strategy can be done in-house. As the Planning & Zoning Commission Liaison discussion was made on the parking requirement. She made a recommendation that staff be consistent with the City's philosophy on parking.

Councilperson Hawkins stated that she is in favor of preparing a parking analysis and strategy but would like to have the study implemented, rather than shelved.

Councilperson Barigar stated that if the result of the study recommends public parking downtown, he will not support spending money towards the recommendation. He would like staff to review previous studies and review what has not been done on downtown parking and review what is applicable. He is in favor of the study because it not only addresses parking, but traffic flow and how it may be tied to the truck route improvement project, pedestrian access throughout the community, and street issues. He would encourage discussion with property investors.

Councilperson Munn stated that he would not support funding a downtown study until an analysis has been completed on previous studies to determine if any information would be useful to determine traffic flow and parking in downtown areas.

Vice Mayor Hall stated that he is in favor of a study. The parking strategy is in the Strategic Plan. The Master Landscaping Plan is utilized when there is new development.

Councilperson Talkington explained ITD is motivated by public concern and support.

**MOTION:**

Councilperson Munn made a motion to approve the reallocation of money in line items that will not be used for an economic study and growth study and use \$55,000 for a parking and traffic flow analysis for the downtown area. 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 request. Councilperson Munn voted against the request.

Approved 6 to 1.

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

Mayor Lanting reported on a trip to Washington D.C. to discuss the Land and Conservation Fund.

Councilperson Talkington asked if there has been any holdback of funds designated for the Airport due to the BLM sequester.

City Manager Rothweiler stated he will confirm that this was not one of the areas that would be affected by the holdback of funds and will report back to the Council.

Councilperson Barigar reported of the upcoming 4<sup>th</sup> of July activities.

8. Executive Sessions 67-2345(1)

- (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property this 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.

(Scheduled to be heard after the Public Hearing.)

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

**IV. PUBLIC HEARINGS: 6:00 P.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 a storage unit facility business on property located at 485 Grandview Drive.

Gregg Olsen, applicant, explained the request for a parking deferral. The placement of asphalt is an approximate cost of \$25,000 - \$30,000, which is not financially feasible.

Mr. Olsen stated that he spoke with Brent Trappen, adjacent property owner, who stated that he did not have issues in reference to fencing and dust on the property.

Deferrals were placed on a tractor business and the Oregon Trail Baseball Complex. Other graveled areas are grandfathered in.

Community Development Director Humble explained the request.

Mr. Olsen is requesting the reconsideration of the following condition placed by City Council on May 20, 2013, "Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements."

City Code allows for hardship development deferrals but does not believe the request falls into this category.

Council discussion followed.

Councilperson Barigar stated that the Engineering Department did not recommend allowing undeveloped areas to be used for outside storage unless it was paved and accepting an alternate surface of 2" regrind with chip seal over the top. He requested an explanation of having hard surfaced parking areas and not having hard surfaced areas, and the cost differential between a traditional full-on paving and an alternative option.

Troy Vitek, Assistant City Engineer, stated that the City will need to comply with additional EPA storm water requirements when the population increases to 50,000. The City Code and Engineering Standards require that any new developments require hard surface areas to be paved. City Engineer Fields has allowed on private development parking areas regrind with oil topping. He stated that he did not know the cost differential between pavings and regrind.

Councilperson Talkington asked for clarification of the applicant's request.

Community Development Director Humble and City Manager Rothweiler stated that the applicant's request is for approval of a PUD amendment to allow a U-Haul truck rental business and to defer the paving requirement to a five year period.

City Engineer Vitek explained the paving requirements for a C-1 PUD and M-2 zones.

Councilperson Hawkins, Council Liaison to Planning and Zoning Commission, explained what transpired at the May 20, 2013, meeting.

Councilperson Barigar asked Gregg Olsen the cost difference between full-on paving and the use of regrind oil.

Gregg Olsen stated that the cost for full-on paving is between \$25,000 to \$30,000 and cost for asphalt is between \$45,000 to \$50,000.

Councilperson Munn stated his concern that the City's parking areas are not paved but are gravel.

Councilperson Mills Sojka asked what action is taken if the applicant is granted a paving deferral and does not comply within the time specified.

City Attorney Wonderlich stated that the Planning and Zoning Commission can act to revoke any conditional approval granted for non-compliance and/or take legal action for failure to comply.

Mayor Lanting opened the public hearing for public comment.

Bill Kyle spoke in favor of the request. He stated that storm water has been addressed on the property and the concern of debris transferring to public roadways is a non-issue because there are no public roadways in the area. He stated that the U-Haul business has not profited from the business and stated that the condition from the City came out of the blue.

Darren Kyle spoke in favor of the request.

Floyd Miller Jr., 1050 Welch Lane, stated that when the request went before the Planning & Zoning Commission, his contention was that no one would want a business across a road from an R-4 residential property. He understood that the PUD agreement specified that paving was required and the only the mini-storage business is permitted.

The public hearing was closed.

Council discussion followed.

Councilperson Talkington asked Bill Kyle to explain his comment of the City making demands came out of the blue from the property owner.

Bill Kyle stated that he was unaware a U-Haul operation would require a special PUD permit, and it was a surprise to him when the Code Enforcement Officer informed Gregg Olsen that he could not have a U-Haul operation at the premises two to three months after renting units.

Councilperson Mills Sojka asked staff if the PUD was granted specifically for one commercial enterprise.

Community Development Director Humble stated that the PUD that was granted in 2008 allowed for only one use of a mini-warehouse business.

Gregg Olsen stated that he did not remember receiving the PUD agreement.

Bill Kyle stated that the property is away from any public street. The property is hard surfaced with packed gravel and does not track onto Grandview. The cost of the slatted fence is \$2,000. It is not a requirement of City Code or requested by the adjacent property owner and he asked the requirement to be removed.

Gregg Olsen explained what work was done on the storm drain.

Community Development Director Humble verified that City Code does not require screening between two adjacent owners and in cases where screening is allowed, the Code allows the adjacent property owners to opt out of the agreement.

Councilperson Mills Sojka commented that she recalls that the slatted fence was placed on the agreement due to public comment and the applicant agreeing to do so to be a good neighbor. She asked if there is written or verbal testimony from the adjacent property owner opting out of the agreement.

City Manager Rothweiler stated that correspondence has not been received from the adjacent property owner.

Community Development Director Humble stated that Mike Jones, tenant of the adjacent property, spoke at the prior Council hearing, and stated his concern of the property becoming an eyesore.

Mayor Lanting closed the public hearing.

Deliberations.

Councilperson Hawkins stated that she is opposed to a three to five year deferral agreement but would be inclined to be in favor of a one to two year deferral.

**MOTION:**

Councilperson Talkington made a motion to approve an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 +/- acres, located at 484 Grandview Drive, in c/o Gregg Olsen MOJO LLC, to include adding a U-Haul truck rental business and allowing a three year paving deferral and utilizing, in the interim, as described a regrind oil surfacing and to strike conditions # 4 and #5 of the May 20, 2013, Planning & Zoning Commission's recommendations. The motion was seconded by Councilperson Mills Sojka.

Council discussion followed.

**AMENDMENT TO THE MOTION:**

Councilperson Munn made an amendment to the main motion to condition #3 to amend to defer the hard surface for three years, and strike condition #4 and #5 of the May 20, 2013, Planning & Zoning Commission's recommendations. The motion was seconded by Councilperson Barigar and roll vote showed all members present voted in favor of the motion. Approved 7 to 0.

Roll call vote on the motion as amended showed all those present voted in favor of the motion. Approved 7 to 0.

Council directed staff to review the City Code paving requirements.

**V. ADJOURNMENT:**

1. Adjourn to Executive Sessions 67-2345(1)

- (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property this 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.

**MOTION:**

Councilperson Talkington made a motion to approve to adjourn to Executive Session 67-2345(1)(c) and 67-2345(1)(e). The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The meeting adjourned at 7:33 P.M.

**Leila A. Sanchez**  
**Deputy City Clerk/Recording Secretary**