

**COUNCIL MEMBERS:**

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
Vice Mayor					Mayor	



**AGENDA**  
 Meeting of the Twin Falls City Council  
**Monday, April 7, 2014**  
 City Council Chambers  
 305 3rd Avenue East -Twin Falls. Idaho

**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA  
 PROCLAMATION: "Week of the Young Child" - Request made by Gena Anderson with Right On Track Child Care.

<b>GENERAL PUBLIC INPUT</b>			
<b>AGENDA ITEMS</b>		<b>Purpose</b>	<b>By:</b>
<b>I. CONSENT CALENDAR:</b>			
1. Consideration of a request to approve the Accounts Payable for April 1– April 7, 2014, total: \$705,115.30.		Action	Staff Report Sharon Bryan
2. Consideration of a request to approve March 10, 2014 and March 17, 2014, City Council Minutes.		Action	Leila A. Sanchez
3. Consideration of a request to approve the Annual Mother's Day and Cinco De Mayo event to be held at the Twin Falls City Park on Sunday, May 11, 2014.		Action	Dennis Pullin
4. Consideration of a request to approve the WS& V R-6 PRO Planned Unit Development Amended Agreement between the City of Twin Falls and WS&V, LLC.		Action	Jonathan Spendlove
<b>II. ITEMS FOR CONSIDERATION:</b>			
1. Consideration of a request to appoint Dennis Sonius as a commissioner for the Twin Falls Housing Authority for a five year term.		Action	Penny Earl/TF Housing Authority
2. Presentation by TF URA's Old Town/Downtown Infrastructure Subcommittee for an update on progress on Old Town/Downtown infrastructure improvements.		Presentation	Melinda Anderson & Leon Smith - URA
3. Consideration of a request to destroy semi-permanent and temporary records.		Action	Sharon Bryan
4. Consideration of a request to exempt the Historic Preservation Commission's school and civic education programs from being considered open meetings per Resolution 1912.		Action	Nancy Taylor/Historic Preservation Commission
5. Consideration of a request to approve a revised Water Rate Resolution.		Action	Jon Caton
6. Consideration of a request to approve the 2014 Heritage Trust Grant to restore the historic street lights along Lincoln Street between Addison Avenue and Heyburn Street.		Action	Mitchel Humble
7. Consideration of a request to award a Contract to Kruger Inc., in the amount of \$1,245,500 for Procurement Package A of the WWTP upgrades.		Action	Troy Vitek
8. Consideration of a request to award a contract to International Mountain Bicycling Association (IMBA) to provide construction assistance on the Twin Falls Youth Advisory Council's BMX Track.		Action	Travis Rothweiler
9. Consideration of possible amendments to Twin Falls City Resolution 1912.		Action	Travis Rothweiler & Fritz Wonderlich
10. Public input and/or items from the City Manager and City Council.			
<b>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>			
<b>IV. PUBLIC HEARINGS:</b> 6:00 P.M.: None			
<b>V. ADJOURNMENT:</b>			

*Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.*

### 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.

*Office of the Mayor  
City of Twin Falls, Idaho*

# Proclamation

**Week of the Young Child  
April 6th through the 12th**

**Whereas**, the City of Twin Falls and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child; and

**Whereas**, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children; and

**Whereas**, teachers and others who make a difference in the lives of young children deserve thanks and recognition; and

**Whereas**, public policies that support early learning for all young children are crucial to young children's futures;

**NOW, THEREFORE**, I, Don Hall, Mayor of the City of Twin Falls, do hereby proclaim April 6<sup>th</sup> through the 12th as the Week of the Young Child in Twin Falls, Idaho, and encourage all citizens to work to make a good investment in early childhood and urge all City of Twin Falls citizens to join in this observance.

In witness whereof I have hereunto set my  
hand and caused this seal to be affixed.

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Mayor Don Hall

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Deputy City Clerk Leila A. Sanchez

April 7, 2014

**COUNCIL MEMBERS:**

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
Vice Mayor					Mayor	



**MINUTES**  
**Meeting of the Twin Falls City Council**  
**Monday, March 10, 2014**  
**City Council Chambers**  
**305 3rd Avenue East -Twin Falls, Idaho**

**5:00 P.M.**

**PLEDGE OF ALLEGIANCE TO THE FLAG**  
**CONFIRMATION OF QUORUM**  
**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA**  
**PROCLAMATIONS: Girl Scout Week AND Fair Housing Month**

**GENERAL PUBLIC INPUT**

AGENDA ITEMS	Purpose	By:
<b>I. CONSENT CALENDAR:</b>		
1. Consideration of a request to approve the Accounts Payable for March 3 –10, 2014.	Action	Staff Report Sharon Bryan
2. Consideration of a request to approve the following Council Minutes: February 18, 2014 and February 24, 2014.	Action	Leila A. Sanchez
3. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for the Final Plat of the Westpark No. 8 – A PUD.	Action	Mitchel Humble
<b>II. ITEMS FOR CONSIDERATION:</b>		
1. Update on the Downtown Commons and to formally request to name the project, "The Downtown Commons".	Update/Action	Terry McCurdy
2. Presentation of the City of Twin Falls' 2013 audited financial statements by Scott Hunsaker of Mahlke Hunsaker & Company, PLLC.	Presentation	Lorie Race/ Scott Hunsaker Bill Carberry
3. Consideration of a request to approve a contract with CSHQA Architects for Phase I, Schematic Design and Feasibility Study, for the Airport Terminal Modification Project.	Action	
4. Consideration of a request to adopt an ordinance for a zoning district change and zoning map amendment from R-4 to RB; Residential Business, for property located at the northwest corner of Filer Avenue and Adams Street.	Action	Mitchel Humble
5. Consideration of a request to adopt an ordinance to amend Twin Falls City Code 10-9-9(K); Real Estate Signs, to allow temporary real estate open house signs in the public right-of-way under specific conditions.	Action	Mitchel Humble
6. Consideration of a request to adopt a resolution authorizing certain city officials to receive informal bids, objections and specifications and procedures and to approve the lowest responsible bid in the informal bidding process.	Action	Travis Rothweiler
7. Public input and/or items from the City Manager and City Council.		
<b>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>		
<b>IV. PUBLIC HEARINGS: 6:00 P.M.</b>		
1. Request to adopt a resolution authorizing the Mayor to sign and submit the application materials for an Idaho Community Development Block Grant (ICDBG) to partially finance infrastructure development for Clif Bar's new baking facility.	Action	Carleen Herring/ Region IV
2. Request for a PUD Agreement Amendment to amend the Magic Valley Mall, LLC PUD Agreement #215 to allow a modification to the sign criteria on property located at 1485 Pole Line Road East.	Action	Jonathan Spendlove
3. Request for a PUD Agreement Amendment to amend the WS&V PUD Agreement #263 to allow a mixed use development; consisting of professional and residential uses, on the remaining four (4) undeveloped lots within the WS&V First Amended Subdivision-A PUD, consisting of lots 2-5 Block 1 and totaling 16 (+/-) acres, located west of the 1000 block of Field Stream Way and southwest of Cheney Drive West, extended.	Action	Jonathan Spendlove
<b>V. ADJOURNMENT TO: Executive Sessions:</b>		
1. 67-2345 (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.		

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Present: Suzanne Hawkins, Jim Munn, Shawn Barigar, Chris Talkington, Gregory Lanting, Don Hall  
Absent: Rebecca Mills Sojka

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitchel Humble, Chief Finance Officer Lorie Race, Planner I Jonathan Spendlove, Economic Development Director Melinda Anderson, Zoning & Development Manager Renee Carraway, Assistant City Engineer Troy Vitek, PIO Officer Josh Palmer, Deputy City Clerk Leila A. Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag. A quorum is present.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

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

- Consideration of a request to approve the AMENDED Council Minutes: February 18, 2014.
- Consideration of a request to approve a Beer and Wine License Transfer of ownership to El Praiso at 164 Main Avenue North with the condition El Praiso receive their State License.

**MOTION:**

Councilperson Lanting made the motion to approve the Amendments to the Agenda. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

**PROCLAMATIONS: Girl Scout Week**

Mayor Hall read the proclamation and presented it to the Girl Scouts present.

**Fair Housing Month**

Councilperson Barigar read the proclamation and presented it to Carleen Herring with Region IV.

**GENERAL PUBLIC INPUT**

Katy Breckenridge (Rob Struthers), Picabo, Idaho, read in the paper that the City Council discussed Canyon Falls road and indicated that it is important to discuss the scenario with the Council. For the record she stated they want to be part of the solution and not part of the problem and do not want to be blamed if someone is hurt, maimed, or killed on the road.

Mayor Hall stated that he has had complete cooperation and collaboration with Ms. Breckenridge and Mr. Struthers when discussing solutions for the canyon wall. Ms. Breckenridge brought ideas to the Council, and not too many years ago when the Council discussed the rock wall, reminded them that the land belonged to them.

Councilperson Talkington asked City Manager Rothweiler to take a few minutes to discuss the WWTP scope of the project, timetables and when collaboration may begin.

City Manager Rothweiler stated that after Troy Vitek gave his presentation on Canyon Springs Road, staff was charged with the responsibility of looking at a series of different possible options associated with the canyon rim. Staff will bring back to the Council the financial aspect and feasibility of Council's preferred alternatives, staff alternatives and a true cost estimate to the different proposed alternatives and solutions on March 31, 2014.

## AGENDA ITEMS

### I. CONSENT CALENDAR:

1. Consideration of a request to approve the Accounts Payable for March 3-4 –10, 2014, total: \$837,851.48
2. Consideration of a request to approve the following Council Minutes: February 18, 2014 and February 24, 2014.
3. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for the Final Plat of the Westpark No. 8 – A PUD.

#### **MOTION:**

Vice Mayor Hawkins made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Talkington. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

### II. ITEMS FOR CONSIDERATION:

1. Update on the Downtown Commons and to formally request to name the project, "The Downtown Commons".

Terry McCurdy gave an update on the Community Foundation and Downtown Commons. A request has been submitted to the Parks & Recreation Department to officially name the project the Downtown Commons and after their review a recommendation will be brought to Council at a future meeting.

A change of leadership will take place because he will be leaving for three years on an LDS Mission to the Philippines. The Council and the public are invited to attend the Community Foundation's Annual Meeting to be held at the Twin Falls Senior Center, March 28, 2014, at 12:00 P.M. The election of officers will be held at the meeting.

The original projected cost for the Downtown Commons Project is \$375,205.75; fundraising efforts have raised \$341,814.04 and the balance to raise is \$34,391.71. The Urban Renewal Commitment of \$50,000 is subject to final approval. The timetable to begin construction is approximately August 20, 2014, and to complete is December 31, 2014.

Councilperson Talkington thanked Mr. McCurdy for the progress report. The Urban Renewal Agency is planning to put money towards the Main Street corridor for water, sewer, streets and sidewalk, and wanted to make sure that the Community Foundation project does not coincide with the improvements.

Terry McCurdy stated the Community Foundation is available to help with projects in the area. Bricks are for sale at a cost of \$100 apiece or 3 bricks for \$250. Anyone interested in purchasing may contact anyone on the Community Foundation Board or a member of the Twin Falls Rotary Club.

2. Presentation of the City of Twin Falls' 2013 audited financial statements by Scott Hunsaker of Mahlke Hunsaker & Company, PLLC.

Chief Finance Officer Race explained the presentation will be made by Scott Hunsaker of Mahlke Hunsaker & Company, PLLC.

Idaho Code 67-450B states, "The governing body of a local governmental entity whose annual expenditures (from all sources) exceed two hundred fifty thousand dollars (\$250,000) shall cause a full and complete audit of its financial statements to be made each fiscal year."

Staff believes it is important to have a formal presentation of the audit findings to the governing body of the City of Twin Falls. This is to add a layer of transparency to City finances and government. The audit presentation adds validity and credibility to what the City is doing and provides an independent review and appraisal of the handling of taxpayer dollars. Before the Council will be an unbiased expert review by Scott Hunsaker.

Scott Hunsaker explained the audit findings and audit opinion for the 2013 financial statements. Overall the audit went well. The audit was completed in January. The requirement of a governmental audit is to assess the viability and validity of internal controls. This is done by selecting samples of transactions and following the transactions through the process. The City is fortunate to have qualified staff available to review and to account for the transactions. The Schedule of Findings and Questioned Costs for the ending September 30, 2013, is a report on Financial Statements and Federal Awards. The Managements Discussion and Analysis is written by City staff. He reviewed The Independent Auditor's Report and the City's State of Net Position, Statement of Activities, Fund Financial Statements, Proprietary Funds, Notes to Financial Statements, Required Supplementary Information, Supplementary Information, and the Single Audit Section.

Council discussion followed.

Councilperson Talkington stated that he would like to have a comparison of the municipality of Twin Falls to the State Treasurer's Office level, where there are improprieties that have cost taxpayers \$10,000,000, plus, relating to surplus funds, unexpected revenues and investments and how this relates to the City security of investments, type of investments, etc.

Scott Hunsaker explained that it is important to understand how accounting works, when reviewing statements and investments of the City. Marked to Market is a term explaining that as of September 30, what balance did the City have in that account, what was the fair market value, and if sold that day what would that value be. This creates significant fluctuation in the income statement, depending on the market of that day, and how the market is working. There are different types of investments with market fluctuation. On the income statement there may be some negative income, which will be like an expense; this is caused by the market fluctuation. There would be a risk if sold at that date and the loss will be realized. If the intent is to hold bonds, etc., to maturity, that market fluctuation does not come into play. It is not an issue because the bondholder is secure and is able to repay that debt. He reviews the type of investments the City has and makes sure they are in compliance with the investment policy the City has established.

Chief Finance Officer Race stated that she will forward the City's investment policy to the Council. The City is very constricted and consideration is made to safety, liquidity, and type of yield. The longest the City's maturity can be on notes is seven years and are Marked to Market. The intent is to hold investments until maturity.

Mayor Hall asked Mr. Hunsaker to explain the term unqualified rendering (opinion).

Scott Hunsaker explained that an auditor's unqualified opinion is an independent auditor's judgment that a company's financial records and statements are in accordance with Generally Accepted Accounting Principles.

City Manager Rothweiler stated that the budgeting season for the City of Twin Falls will begin March 31, 2014, when the Long Term Planning Group presents their five year link of financial budgets to the Strategic Plan. This document discusses how the City did in meeting the overall spending plan, were good conservative accounting practices followed, and did the City honor fiduciary responsibility.

Mayor Hall thanked Scott Hunsaker, Travis Rothweiler, Lorie Race, Brent Hyatt, and Bill Baxter for information provided to the City.

3. Consideration of a request to approve a contract with CSHQA Architects for Phase I, Schematic Design and Feasibility Study, for the Airport Terminal Modification Project.

Airport Manager Carberry explained the request.

Staff recommends that the Council approve the contract with CSHQA for Phase I of the Airport Terminal Modification project.

**MOTION:**

Councilperson Talkington made a motion to approve a contract with CSHQA Architects for Phase I, in the amount of \$113,395.70. The motion was seconded by Councilperson Munn. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

4. Consideration of a request to adopt an ordinance for a zoning district change and zoning map amendment from R-4 to RB; Residential Business, for property located at the northwest corner of Filer Avenue and Adams Street.

Community Development Director Humble explained the request.

On February 10, 2014, the City Council approved the request for a Zoning District Change and Zoning Map Amendment.

**MOTION:**

Councilperson Lanting made a motion to suspend the rules and place Ordinance 3065 on third and final reading by title only. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Deputy City Clerk Sanchez read Ordinance Title 3065, 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 AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

Councilperson Lanting made a motion to approve Ordinance 3065. The motion was seconded by Councilperson Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

5. Consideration of a request to adopt an ordinance to amend Twin Falls City Code 10-9-9 (K); Real Estate Signs, to allow temporary real estate open house signs in the public right of way under specific conditions.

Community Development Director Humble explained the request.

On March 03, 2014, the City Council granted the request as presented and directed staff to present an ordinance.

**MOTION:**

Councilperson Talkington moved to suspend the rules and place Ordinance 3066 on third and final reading by title only. The motion was seconded by Councilperson Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Deputy City Clerk Sanchez read Ordinance title 3066, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §10-9-9(K) BY PERMITTING OPEN HOUSE SIGNS OFF PREMISES AND WITHIN THE RIGHT OF WAY SUBJECT TO CERTAIN CONDITIONS.

**MOTION:**

Councilperson Barigar made a motion to approve Ordinance 3066. The motion was seconded by Vice Mayor Hawkins.

Councilperson Talkington asked Community Development Director Humble if the ordinance contains the Planning & Zoning Commission's three conditions as well as the amendment to restrict illuminated signage.

Community Development Director Humble stated the following is in the ordinance:

- (4) Real estate open house sign place in the right of way will not exceed 36" in height.
- (5) Real estate open house signs may not be illuminated, either internally or externally.

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

6. Consideration of a request to adopt a resolution authorizing certain city officials to receive informal bids, objections and specifications and procedures and to approve the lowest responsible bid in the informal bidding process.

City Manager Rothweiler explained the request.

The proposed resolution is to provide clarification of the *informal bidding process*. Idaho Code Sections 67-2805 and 67-2806 provide the process and the guidance on how local government units procure services and capital assets. The estimated dollar value of the service or asset is used to determine the type of bidding process used by the local government. Public works construction projects \$25,000 - \$100,000 and procurement of services or personal property \$25,000 - \$50,000 follow a process referred to as the informal bidding process.

In the past, the City Council authorized the City Manager and/or his designee(s) to receive the informal bids. In an effort to clarify who is authorized to approve the lowest responsive bid by the governing board or board-authorized official, the City Manager is requesting approval of the resolution.

Discussion followed.

- Clarification of a responsive bid
- Disqualification of the lowest and responsive bid

City Manager Rothweiler stated that a responsive bid means that the bidder has met the request outlined in the bid within the time frame requested. Individuals that may be the lowest bid may not be the most responsive bid.

Councilperson Munn stated that a process or policy includes approval from the department head and the City Manager.

City Manager Rothweiler stated the resolution is not to remove the City Manager from the process.

City Attorney Wonderlich explained that the lowest responsive bid for this informal process is exactly the same as it is for a formal bid process. Staff has brought bids to the Council and recommended to award the contract not to the lowest bid but to the lowest responsive bid, because other bids were in non-compliance with the bid specifications.

**MOTION:**

Councilperson Lanting made a motion to approve Resolution 1920. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

7. Public input and/or items from the City Manager and City Council. None

City Manager Rothweiler stated that PIO Josh Palmer emailed to Council information on an illumination study. Engineer Jacqueline Fields and PIO Officer Palmer are working on the illumination standards in target key areas and are encouraging citizen participation.

City Manager Rothweiler stated that on March 3, 2014, he was contacted by individuals who would like to speak to the City Council to share their concerns regarding the list of certified backflow device testers being developed by the City's Water Department staff and asked for Council direction. The Council directed staff to place the list of certified backflow device testers on the March 17, 2014, Council agenda.

Councilperson Talkington stated his concern of how the proposed "jump" activities of Mr. Beckley, Scott Truax, and perhaps Miles Daisher will monetarily affect the City. The majority of the public will be coming through the City of Twin Falls demanding police and emergency protection. He suggested the City develop an alternative plan or a fallback plan for City resources.

Councilperson Munn stated that he does not see the logic of approving a jump in order to obtain control after Police Chief Pike indicated that a jump could not be done in a safe way and requested a year to examine public safety. The Sheriff and County Commissioners have a duty to examine and determine if a jump is something they want in their community and encouraged City and County residents to voice their opinion on this issue. If the City Police encumber overtime to assist the Sheriff's Department relating to the event, reimbursement should be required to be made to the City.

City Manager Rothweiler stated that the Chief of Police has been engaged in conversations with Twin Falls County Sheriff Carter, along with entities on the Northside of the canyon where jumps may occur. Chief Pike can be scheduled to be speak or email the Council with an update on the process. Staff continues to have conversations on multijurisdictional agreements.

Councilperson Lanting stated that he was one of the two Councilmembers who voted to give Beckley Media additional time to come up with a safety plan but upon Chief Brian Pike's public safety concerns voted to delay the jump. He concurs with Councilperson Munn that the City of Twin Falls, during the review of a proposed jump by Beckley Media, kept the Commissioners and Sheriff's Department informed and judges that the County Commissioners and Sheriff's Department would do the same.

Mayor Hall stated that he attended with Chief Pike and Captain Barnhart a public meeting that took place in Jerome County regarding the Hansen Bridge jump. Their attendance is an illustration that the City of Twin Falls is continuing to stay engaged in discussions regarding jump activities. The County of Jerome and the County of Twin Falls were engaged in the City's jump process allowing them the opportunity to discuss their needs and to work collaboratively, and in turn would like to be engaged in any jump outside of the City and to have the opportunity to discuss costs, etc., and to be part of the solution.

Councilperson Talkington stated the importance of the concept of multijurisdictional cooperation.

Councilperson Munn stated that he is not sure that the County has a comprehensive special events ordinance like the City of Twin Falls. City Manager Rothweiler stated that the City forwarded a copy of the City's special events ordinance and process to the County of Twin Falls as they requested.

Mayor Hall stated that a meeting will be held on March 11, 2014, for the Economic Development Ready Team at 3:00 P.M. to conduct an executive session. There may be a possibility that a quorum of the City Council will be in attendance, and therefore he will open up the meeting at the Chamber. This process will be used when a quorum of the City Council is attending a committee or commission meeting.

Mayor Hall asked the Council if they would like to continue the Rise and Shine Show. Councilpersons Barigar, Lanting, Hall, Hawkins, and Talkington will be attending.

Reconvened at 6:33 p.m.

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

#### **Recess 6:**

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

1. Request to adopt a resolution authorizing the Mayor to sign and submit the application materials for an Idaho Community Development Block Grant (ICDBG) to partially finance infrastructure development for Clif Bar's new baking facility.

Carleen Herring explained the request. The City of Twin Falls is eligible to apply for Idaho Community Development Block Grant funds to partially finance the range of infrastructure improvements that Clif Bar requires to begin construction of their new baking facility on the east side of the community. This initial application will provide assistance to build a sub-station providing power to the new plant. The funds would be used to finance electrical improvements.

The application for funding from the ICDBG program does require matching funds. It is anticipated the Twin Falls Urban Renewal Agency will provide the entire necessary match for this project.

City Manager Rothweiler explained that the local match will be generated from the tax increment financing developed from the project. The tax increment is a product of the property taxes that are paid for by Clif Bar. Then that revenue stream is transformed into a long term debt instrument that allows the City to pay as you go over time as the revenue comes in. This is one of two block grants that are being submitted on behalf of Clif Bar. The second block grant will be before Council in the subsequent quarter. This block grant will assist in lift station improvements, to assist them with their wastewater flows and will be used to enhance an existing wastewater station.

Council discussion followed.

City Manager Rothweiler explained that if ICDBG does not partially finance the development TIFF dollars will be applied to the project

Deliberations: None

Rebuttal: None

Mayor Hall opened and closed the public testimony portion of the hearing.

#### **MOTION:**

Councilperson Talkington made a motion to approve Resolution 1921. The motion was seconded by Councilperson Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Request for a PUD Agreement Amendment to amend the Magic Valley Mall, LLC PUD Agreement #215 to allow a modification to the sign criteria on property located at 1485 Pole Line Road East.

David Thibault, EHM Engineers, representing the applicant, explained the request. The PUD originated in the early 1980's and has been modified seven times. The proposed amendment is specific to the signs and to the regulation of signs that will be constructed on the site. Two prior amendments to the City Code also amended the sign regulations that are described within the PUD. The Magic Valley Mall and their representatives have determined that because the City of Twin Falls has updated and clarified their sign ordinance, all new signs, hereinafter, will comply with the City of Twin Falls signs ordinance, with the exception that all flag poles and pennant type signs previously permitted under the PUD Amendment dated December 18, 2007, will be allowed. The signs are similar to the City of Twin Falls signs that are in downtown/old town area (hanging baskets). In addition, any square footage language dictated in the sign code ordinance would not include pennant signs.

Planner I Spendlove reviewed the request.

This is a request to consider an amendment to the Magic Valley Mall PUD Agreement to allow a modification to the sign criteria on property located at 1485 Pole Line Road East. The modification would allow future signage at the Magic Valley Mall to follow current and revised City Code 10-9; Sign Regulation standards.

The proposed change will affect sign design and layout of proposed signs on the subject property. The proposed change is as follows:

Signs: All signs hereafter constructed or installed on the subject property shall meet the applicable provisions of the Twin Falls City Code. No other restriction shall be placed on signs permitted under this agreement with the exception of the allowance of flag poles and pennant type signs previously permitted under the PUD Amendment dated December 18, 2007.

The applicant is trying to eliminate confusion in the sign criteria and in the many addendums to the Magic Valley Mall, LLC PUD Agreements.

City Code requires that the applicants make a preliminary presentation to the Commission and to the public when an amendment to a PUD Agreement is desired. This presentation, which took place on January 28, 2014, allows the Commission and the public to become familiar with the proposed amendments to the project prior to the actual public hearing. At the presentation there were questions concerning who could have signs along the exterior of the mall and what type of sign. The PUD amendment will allow signs that comply with the current Twin Falls City Sign Code. Each new sign will have to go through the permitting process. Staff will evaluate the permit applications for compliance with City Code 10-9 before permitting any new signs.

The proposed development and amendment is still in compliance with the Comprehensive Plan which designates this area as appropriate for Commercial/Retail development.

On February 11, 2014 the Commission held a public hearing on this request. There was no public comment. Upon conclusion of the public hearing the Commission unanimously recommended approval of the amendment as presented subject to the following conditions:

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Magic Valley Mall, LLC PUD Agreement #215; 2014 Amendment, as approved by the City Council, prior to development of this site.

Staff concurs with the Commission recommendation.

Council discussion followed.

-What plan is set for area south of Sears

Brent White stated he doesn't know who the tenants may be. Work in the area was done to meet the handicap code.

Mayor Hall opened and closed the public testimony portion of the hearing.

Deliberations: None

Rebuttal: None

**MOTION:**

Councilperson Lanting made a motion to approve the request for a PUD Agreement Amendment to amend the Magic Valley Mall, LLC PUD Agreement #215 to allow a modification to the sign criteria on property located at 1485 Pole Line Road East, as described, and conditions placed by the Planning and Zoning Commission.

The motion was seconded by Councilperson Munn.

-Clarification of the motion

Councilperson Lanting stated his intent for the motion would include the use of flag pole and pennant signs; and,

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Magic Valley Mall, LLC PUD Agreement #215; 2014 Amendment, as approved by the City Council, prior to development of this site.

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

3. Request for a PUD Agreement Amendment to amend the WS&V PUD Agreement #263 to allow a mixed use development; consisting of professional and residential uses, on the remaining four (4) undeveloped lots within the WS&V First Amended Subdivision-A PUD, consisting of lots 2-5 Block 1 and totaling 16 (+/-) acres, located west of the 1000 block of Field Stream Way and southwest of Cheney Drive West, extended.

John Fitzgerald, Worst, Fitzgerald, and Stover, P.L.L.C., representing the applicant explained the request.

On overhead projection he showed the location of the property and letters from Brad Wills, President of Wills, Inc. and Fieldstream property owner, and Gerald Martens, representing Latitude 42 Subdivision, in favor of the request.

In the Council's packet is a letter he prepared dated November 4, 2013, which outlined the purpose and objective of the sought amendment. It is essential to correct errors, conflicts, and ambiguities in the existing PUD Agreement as well as to amend the development process without diminishing the opportunity for public input as well as oversight and approval from the City of Twin Falls. As you look at the information in the amendment to Exhibit C, the first amendment is in reference to doctor's offices in both the permitted use and the special use. The amendment is to eliminate it from the special use section and put it into the permitted use. The second is to clarify accessory buildings relative to the development. Part of the existing PUD agreement provides for dwellings up to six units in one single building. The applicant is seeking to amend the PUD Agreement to allow up to eight units in one single building. In conjunction with that, an amendment under the special use permit process which would allow for more than eight units to a maximum of twelve units in a single building. This does not affect the density but affects how many household units are in one single building. The distinction and part of the issue has been of concern, with respect to the PUD, allowing for a more manageable process for the development of the property. This is a unique type of situation in that typically the PUD agreement states what is being done and how it will be done, etc. and in this case establishing permitted uses and uses that are allowed by Special Use Permit (SUP). The applicant or the proposed developer would apply for a SUP, and that would be heard by Planning & Zoning Commission. A public hearing will take place allowing for public comment from surrounding property owners. If there is disagreement of the decision made by the Planning and Zoning Commission, affected individuals may seek an appeal that will come before the City Council. The process for public input and governmental oversight will be in place and at the same time providing the process for the PUD development to proceed in a manageable way.

Staff recommended the applicant provide a new sewer and water system model. WS&V is more than happy to cooperate with the City and to do such a new modeling if it is determined it is necessary. The applicant is seeking to create a manageable system or process.

Planner 1 Spendlove reviewed the request.

Letters received from the public were placed on overhead projection.

He gave a history of the project and read the following from his staff report submitted to the Council.

*There are multiple proposed changes to Exhibit "C" in the PUD Agreement. For organizational purposes staff has numbered and annotated the proposed changes as follows:*

1. *Land Use Regulations – (A) Permitted Uses and (B) Special Uses: "Doctor's Office" was listed under both the Permitted Uses and Special Uses sections; the amendment has eliminated the listing under Special Uses, leaving the use in the Permitted Uses section. In so doing, the numbering of categories in the Permitted Section was also amended to reflect that "Doctor's Office" is a type of use found under the category of "Medical Facility" and not a separate use unto itself.*

*According to the applicant, this amendment was performed in order to eliminate conflict within the document. The Planning and Zoning Commission recommended approval of this change.*

2. *Land Use Regulations – (A) Permitted Uses:*
  6. *Residential (Unrestricted hours of operation):*
    - a. *Detached Accessory accessory buildings (less than 1,000 square feet),*

*According to the applicant, this amendment was performed in order to clarify that accessory buildings are to be detached accessory buildings. Current City code does make a distinction between these two types of accessory buildings. Current City Code 10-4-6: R-6 Residential Multi-Household: lists accessory buildings (under 1,000 square feet) as a permitted use. The Planning and Zoning Commission recommended approval of this change.*

3. *Land Use Regulations – (A) Permitted Uses:*
  6. *Residential (Unrestricted hours of operation):*
    - e. *Dwellings – multiple household (max 6 8 units),*

*According to the applicant, this amendment originated from the applicant's original application. The applicant pointed towards the Devon Senior Housing Project located at 1338 North College Road East as an example of a conceptual design of a portion of this subject property. Specifically, this amendment changes the outright permitted use of a multiple household from 6 dwelling units per building, to 8 dwelling units per building. The Planning and Zoning Commission did not recommend approval of this change. The Commission amended this section during deliberations and voted to remove the proposed change from the document.*

4. *Land Use Regulations – (B) Special Uses:*
  7. *Residential*
    - a. *Detached accessory buildings (more than 1,000 square feet) associated to a residential use i.e., carports, garages, clubhouse and other accessory buildings,*

*According to the applicant, this amendment was performed in order to clarify the types of detached accessory buildings that may need a special use permit if they are more than 1,000 square feet. The Planning and Zoning Commission recommended approval of this change.*

5. *Land Use Regulations – (B) Special Uses:*
  7. *Residential*
    - f. *Dwellings – Multiple household (more than 8 units to a maximum of 12 units)*

*According to the applicant, this amendment originated from the applicant's original application. The applicant pointed towards the Devon Senior Housing Project located at 1338 North College Road East as an example of a conceptual design of a portion of this subject property. Specifically, this amendment will require a project that wishes to have more than the outright permitted number of 8 dwelling units per building to get a Special Use Permit before establishing the use. It also places a maximum of 12 dwelling units per building on the project. The Planning and Zoning Commission did not recommend approval of this change. The Commission amended this section during deliberations and voted to remove the proposed change from the document.*

6. *Land Use Regulations – (D) Property Development Standards:*
  1. *Use of Lots: Under section (A) PERMITTED USES hereinabove, each building, except accessory structures buildings, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. Under section (B) SPECIAL USES hereinabove, multiple buildings, including accessory buildings, may be located on a lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein.*

*According to the applicant, this amendment was performed to facilitate WS&V's development and marketing of the subject property in a manageable process yet providing governmental oversight, input and approvals, including opportunity for public comment, without having to trudge through the process to amend the PUD Agreement on a project by project or proposal by proposal basis. The applicant further explains that this amendment would provide the opportunity for a proposed array of multiple buildings consisting of permitted 6 units/building to be constructed on a single lot through the Special Use Permit process. The applicant believes this request is wholly consistent with the City of Twin Falls desire and intention to allow certain uses outright and other uses only with its oversight and approval, including public comment. The Planning and Zoning Commission recommended approval of this change.*

7. *Land Use Regulations – (D) Property Development Standards:*
  7. *Access: all lots shall have a vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way, unless a secondary means of permanent vehicular access has been approved on a subdivision plat, or by a recorded easement.*

*The applicant did not provide a reason for requesting this amendment to the PUD. During the presentation with the Planning and Zoning Commission, the applicant withdrew this change to the document. All language associated with this particular request has been removed from the analysis and the conditions due to the withdrawal.*

8. *Land Use Regulations – (D) Property Development Standards:*
  12. *Building Standards:*

a. *Buildings: New buildings are to be designed in such a way as to conform with the general residential nature of the neighborhood. All buildings shall be of residential character with the exteriors of architectural masonry, stone, stucco, or architectural steel siding, wood or cementitious materials (e.g. Hardie board). Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces.*

*The applicant did not provide a reason for requesting this amendment to the PUD. The Planning and Zoning Commission recommended approval of this change.*

9. *Land Use Regulations – (D) Property Development Standards:*

12. *Building Standards:*

d. *Buildings shall have exteriors of architectural masonry, stone, stucco, or architectural steel siding, wood, or cementitious materials (e.g. Hardie board).*

*The applicant did not provide a reason for requesting this amendment to the PUD. The Planning and Zoning Commission recommended approval of this change.*

*Possible Impacts of the PUD Amendment:*

*#3, #5, & #6: In 8 years this area has been up-zoned to include a dramatic increase in available dwelling units and density. In 2006 the area was annexed as an R-2 zoning designation that requires separate lots for each building, and a maximum of 2 dwelling units per building, and no commercial aspect to the development. In 2009, a portion of that area was zoned R-4, which still requires separate lots for buildings, and a maximum of 4 dwelling units in one building (per special use permit). This rezone also brought an inclusion of some commercial/office aspect into a portion of the property. In 2010 the entirety (both R-2 and R-4 PRO areas) was again rezoned to R-6 PRO, and this too required each building to be on its own lot, and put a permitted maximum of 6 dwelling units per building. In 2012, a PUD Amendment was approved for a +/- 5 acre portion of the project that allowed multiple buildings on one lot, with a maximum of 6 units per building. This current amendment is asking to increase the permitted number of units per building as well as allow multiple buildings on one lot through a Special Use Permit Process.*

*The allowance of multiple buildings on one lot is a type of design language not found in any Residential Zone in the Twin Falls City Code. This language is found in the Commercial and Industrial zoning code sections. The Devon Senior Housing project mentioned by the applicant in their letter is found in the C-1: Commercial Highway zoning district.*

*The amendment to allow 8 dwelling units per building is significantly different from the total allowable units that were possible in 2006 when this area was annexed under the R-2 Zoning district, as well as the subsequent rezone to R-4 PRO that took place in 2009. The approved R-6 PRO PUD currently in effect does place a maximum of 6 dwelling units per building. The base R-6 Zoning District does not have a maximum dwelling unit built into the current code. However, the increase in available density from 6 to 8 units will have an impact on the current uses in the area as well as the potential surrounding uses if approved. Per City Code 10-6-1.3(A): "In residential zoning sub districts, the number of units per building shall be determined by commission and council action."*

*On February 11, 2014 the Planning and Zoning Commission held a public hearing on this request. There were numerous comments from the public which can be reviewed in the approved minutes upon conclusion of the public hearing; a motion and recommendation were made by the Planning and Zoning Commission as follows:*

**MOTION:**

*Commissioner Tatum made a motion to approve the request, as presented, with the following amendments: to allow Dwellings-Multiple household with a maximum of 6 units as a permitted use, and to remove the Dwellings-multiple household allowing more than 8 units to a maximum of 12 units as allowed through Special Use Permit. Commissioners Boyd, Derricott, Frank, Grey, Munoz, Sharp, Tatum & DeVore voted in favor of the motion, and Commissioner Woods voted against the motion.*

**RECOMMEND APPROVAL OF THE REQUEST, AS AMENDED BY THE PLANNING AND ZONING COMMISSION, AND AS PRESENTED, WITH STAFF RECOMMENDATIONS**

- 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 WS&V PUD #263; a R-6 PRO Planned Unit Development.*
- 2. Subject to a new infrastructure model for sewer and water systems, and corresponding construction plans, being approved by the City prior to any development occurring on lots 2-5 of the WS&V Subdivision First Amended.*

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*The first condition placed is a standard condition. The second condition has to do with infrastructure modeling and infrastructure plans that the City typically receives with the subdivision. If it is approved this way with multiple buildings on one lot, we will not have a subdivision requirement before they can develop. The City receives with residential homes and uses a subdivision if the applicant is requesting multiple buildings. If they have multiple buildings on one lot it will not require them to subdivide, therefore the City will not get that infrastructure.*

City Council discussion followed.

-Sewer and water modeling of commercial property

Councilperson Munn asked City Engineer Fields that in the event the amendments are approved and if 12 units with a SUP are allowed, how could that impact infrastructure in the area.

City Engineer Fields stated that she is unable to determine this at this time but if she does have concern she will contact the developer to check. Costs associated with modeling are the responsibility of the developer.

Councilperson Talkington stated that an R-2 to an R-6 is a dramatic land use change in density allowing 12 units where a duplex could formerly be, and has resulted from a modification of the plans through a non-definite PUD concept.

Planner 1 Spendlove stated that the R-2 allows duplexes with a SUP. Surrounding properties typically have an R-2 with single family homes.

Councilperson Talkington stated his concern that this would not have to go through a subdivision requirement to see if the City can or will issue a will serve permit. It appears that this is trying to go to the maximum density.

City Engineer Fields stated that in regards to sewer and water modeling, there was a concept and original modeling that occurred and at the end of that modeling there was a conclusion that the piping that was originally planned worked. The City will continue to assure infrastructure is being dealt with responsibly. Currently, the City is not issuing will serve letters for infrastructure improvements meaning that if the development got to the place where they needed to upsize a collection line they will need to adjust their development plans so the City would not have to issue a will serve for the pipe in the ground.

Councilperson Barigar asked if this scenario would have to go before the Planning and Zoning Commission for a request of multiple buildings on one lot.

Planner I Spendlove stated this would have to go through the SUP process.

Councilperson Barigar asked if the request to go from six units per building to eight units per building without coming back for a SUP would put four more units on the property because there are four lots.

Planner 1 Spendlove answered in the affirmative.

Councilperson Barigar asked if a request for more than eight units and a request to put two buildings with six units on one lot are required to go through the SUP process.

Planner 1 Spendlove answered in the affirmative.

Councilperson Lanting asked for the density of an R-2 and an R-4.

Planner 1 Spendlove stated that there is a clause in the code that deals with the design of the building, adding 1,000 sq. ft. or 2,000 sq. ft. to the building if it's built below or above ground. There are too many variables to state the density as the density is tied to the design of the development. The R-4 lot area for a single household development is 4,000 sq. ft., a duplex and a multiplex will be 7,000 sq. ft. plus 2,000 sq. ft. per unit or 1,000 sq. ft. per unit above or below the ground level unit.

Vice Mayor Hawkins asked when the completion of Cheney Drive and/or Creekside Way will be done.

Tim Vawser, EHM Engineers, stated that discussions have been made with City staff as well as adjacent property owners, regarding going forward to potentially build Cheney Drive out to Grandview. Creekside Way is the development to the north connection to Pole Line Road; their preliminary plans show Creekside as the only connection to Pole Line because it is controlled access.

Vice Mayor Hawkins asked if a traffic study has been conducted at the intersection of Grandview and North College.

City Engineer Fields stated that a traffic study on Grandview and North College has not been done since the four way stop has been placed and she did not ask for one as part of this process.

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

Steven Dixon, 1006 Cobble Creek Road, spoke against the request. A large subdivision of up to twelve units per building will be a significant impact to his family.

Keven Blumquist, 1016 Misty Meadows Trail, spoke against the request.

Meagan Humble, 931 Misty Meadows Trail, spoke against the request. She stated her concern of a significant zoning change, lack of a development plan, and possible 120 apartment buildings on one five acre lot.

Monica Rojas, 1017 Cobble Creek Road, spoke against the request. She stated her concerns of traffic issues on North College Road and Grandview. She attended the Planning & Zoning Commission meeting in which Planner Spendlove stated that there are no other multiple buildings on one lot in any residential community but in commercial and industrial.

Susan Young, 920 Misty Meadows Trail, spoke against the request. She stated her concern of traffic and the changes made to the quality of her neighborhood.

Matt Packin, 966 Rice Circle; spoke against the request. He stated his concern of the lack of specifics of the development plan.

Tara Packin, 966 Rice Circle, spoke against the request. She stated her concern of high density and traffic.

Closed the public testimony portion of the hearing.

John Fitzgerald, Worst, Fitzgerald, and Stover, P.L.L.C., stated public comment is focused upon an apartment proposal. The applicant is proposing changes to the process. The applicant is also requesting an increase from six units per building to eight units per building as permitted. Multiple buildings would require the applicant to go through the process that would entail government oversight and approval and public input through the SUP process. An increase of more than eight units in a building would also invoke government oversight and approval and public input. On overhead projection he showed the location of the Fieldstream Subdivision and compared the subdivision to the subject property. The Council approved Fieldstone Plaza R4 PUD offices. The buffer was shown between properties. In terms of traffic, as the property is developed the road will be built out. A modeling of the water and sewer may be required by the City. The focus should be the process under which the PUD agreement operates.

Mayor Hall stated that the public hearing is opened for staff, applicant and any public testimony.

Councilperson Lanting asked for the differences between the applicant's proposal and the Planning & Zoning Commission's recommendation.

Planner 1 Spendlove stated that difference is centered around the maximum amount of units in the building. The Planning & Zoning Commission eliminated the proposed change from six to eight which limited it to six as an outright permitted use and they also eliminated a similar section in the special use section. In effect their changes limited the number of units in a building to six and only six. That is the maximum placed on the PUD.

Councilperson Lanting asked if the applicant is asking for eight outright permitted, and twelve through SUP.

Planner 1 Spendlove stated the applicant is asking for anything over eight up to twelve through SUP.

John Fitzgerald, Worst, Fitzgerald, stated for clarification that the Planning & Zoning Commission did allow for the SUP associated with multiple buildings. If the applicant has six units per buildings he may come back through the SUP process for multiple buildings, two buildings with six units.

Mayor Hall closed the public hearing.

Deliberations:

Councilperson Talkington asked if there are similar types of PUD agreements that have a history chronology and process similar to this to use as a model, as far as residential.

City Attorney Wonderlich stated the difference is that Council has approved them one at a time.

**MOTION:**

Councilperson Munn moved to approve on Page 11, allow under, (A) PERMITTED USES 6.a. Detached and 6.e. To allow for six multiple households to eight units. The motion was seconded by Councilperson Barigar.

Councilperson Lanting stated his concern primarily because it started it out as R-2 and is also tempered by the fact that directly to the north there will be C-1.

**MOTION:**

Councilperson Lanting made an amendment to the motion to allow the lot (Lot 2) directly north of the apartments would remain six units per building and the remainder of the property (Lots 3, 4, and 5) could become eight units per building. The motion was seconded by Councilperson Munn.

Councilperson Lanting stated this would add an additional buffer to the neighborhood to the east.

Councilperson Barigar stated that he is supportive of the amendment because it helps with the transition. In speaking on housing, apartments are labeled commercial, and earlier in the meeting The Fair Housing Proclamation was read, stating "housing is a critical component of family and community health and stability and housing choice impacts our children's access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies. This does not have to happen in only a single family home." The City is underserved with apartment type living in our community and when defined as commercial development, it gets personified as a negative thing, which is not fair for people who have to live in apartments.

Roll call vote on the amendment to the motion showed Councilpersons Hawkins, Munn, Barigar, Lanting, and Hall voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.

Roll call vote on the main motion showed Councilpersons Hawkins, Munn, Barigar, Lanting, and Hall voted for the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.

**MOTION:**

Councilperson Munn made a motion to approve on Page 12 under (B) Special Uses (7) e. to allow multiple households any more than eight units be approved up to a maximum of twelve units pursuant to a SUP. The motion was seconded by Councilperson Barigar.

**MOTION:**

Councilperson Lanting made an amendment to the motion to not allow for any multiple households any more than six units on the area discussed and if any of those SUP's come through, that everyone in the Fieldstone Subdivision be notified by the applicant. The motion was seconded by Vice Mayor Hawkins.

Councilperson Barigar stated that not everyone who spoke tonight or at the Planning & Zoning Commission hearing is from the Fieldstone Subdivision.

Mayor Hall asked Planner 1 Spendlove for clarification on increasing the notification distance.

Planner 1 Spendlove stated that City Code currently allows the Zoning Administrator to increase the notification distance.

Councilperson Talkington stated that he cannot support the motion increasing the density to 50%.

**MOTION:**

Roll call vote on the amendment to the motion showed Councilpersons Hawkins, Munn, Barigar, Lanting, and Hall voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.

**MOTION:**

Roll call vote on the main motion as amended showed Councilpersons Munn, Barigar and Hall voted in favor of the motion. Councilpersons Hawkins, Talkington, and Lanting voted against the motion. Failed 3 to 3.

**MOTION:**

Councilperson Barigar made a motion to approve on Page 13, Land Use Regulations – (D) Property Development Standards: 1. Use of Lots: Under section (A) include the revision to allow a SUP for multiple buildings on a single lot. The motion was seconded by Councilperson Lanting.

City Attorney Wonderlich stated for clarification that multiple buildings per lot are allowed in residential areas under a PUD only.

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

**MOTION:**

Councilperson Munn made a motion to approve on Page 11, Exhibit C: 6. a. detached accessory buildings less than 100' and amending that section; 3. a. putting doctor's offices in permitted uses, page 12; 4. b. removing doctor's offices from special uses, 7.a. detached accessory buildings more than 1,000 sq. ft. associated to a residential use i.e., carports, garages, clubhouse and other accessory buildings, make that amendment; Page, 16, 12. a. architectural steel siding, wood or cementitious materials (e.g. Hardie board), d. wood or cementation materials (e.g Hardie board). The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

**MOTION:**

Councilperson Barigar made a motion to have those approvals made stand; and to include staff recommendations:

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 WS&V PUD #263; a R-6 PRO Planned Unit Development.
2. Subject to a new infrastructure model for sewer and water systems, and corresponding construction plans, being approved by the City prior to any development occurring on lots 2-5 of the WS&V Subdivision First Amended.

The motion was seconded by Councilperson Munn. Roll call vote on the motion showed Councilpersons Hawkins, Munn, Barigar, Lanting, and Hall voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.

**V. ADJOURNMENT TO: Executive Sessions:**

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

**MOTION:**

Vice Mayor Hawkins made a motion to move into Executive Session 67-2345(f), to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. The motion was seconded by Councilperson Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

The meeting adjourned at 8:31 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary

**COUNCIL MEMBERS:**

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
Vice Mayor					Mayor	



**MINUTES**  
**Meeting of the Twin Falls City Council**  
**Monday, March 17, 2014**  
**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**  
**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA**  
**PROCLAMATIONS: None**

**GENERAL PUBLIC INPUT**

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b>		
1. Consideration of a request to approve the Accounts Payable for March 10 - 17, 2014, and Payroll for March 14, 2014.	Action Action	Staff Report Sharon Bryan
2. Consideration of a request to approve the following Council Minutes: March 3, 2014.	Action	Leila A. Sanchez
3. Consideration of a request to approve a Trust Agreement for Cedar Park Subdivision No. 10, placing Lots 2 through 7 Block 1 into trust.	Action	Troy Vitek
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b>		
1. Presentation of a service plaque to Gale Kleinkopf in recognition of his service on the Golf Advisory Commission.	Presentation	Dennis Bowyer
2. Swearing in ceremony for the Twin Falls Police Department's newest Police Officer, William Jansen. It is requested that Mayor Don Hall administer the Oath of Office.	Action	Brian Pike Don Hall
3. Consideration of a request to rename Canyon Crest Drive, as platted in Grandview Estates Subdivision, to Canyon Crest Drive West	Action	Jacqueline D. Fields
4. Consideration of a request to hear concerns regarding the list of certified backflow device testers being developed by the City's Water Department staff.	Discussion/ Possible Action	Travis Rothweiler <i>Dave Wright / Kimberly Nurseries, Inc.</i>
5. Presentation of the 2014 Updated Community Strategic Plan, which includes City staff and Council progress on Strategic Plan goals and initiatives.	Presentation/ Discussion	Travis Rothweiler
6. Public input and/or items from the City Manager and City Council.		
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M.: None</b>		
<b>V. <u>ADJOURNMENT TO:</u></b>		
Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to <u>acquire an interest in real property which is not owned by a public agency.</u>		
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.		

*Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.*

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Present: Suzanne Hawkins, Jim Munn, Shawn Barigar, Chris Talkington, Gregory Lanting, Don Hall, Rebecca Mills Sojka

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Police Chief Brian Pike, City Engineer Jacqueline Fields, Parks & Recreation Director Dennis Bowyer, Water Department Wally Kendrick, PIO Officer Josh Palmer, Deputy City Clerk Leila A. Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag. A quorum is present.

Boy Scouts from Troop 67, Twin Falls Methodist Church, were present.

#### **CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

City Manager Rothweiler stated the Corrected Amended Minutes of the March 3, 2014, are ready for approval.

Mayor Hall stated that several Councilmembers have received inquiries on comments made by Councilmember Mills Sojka at the City of Filer Council meeting. The Mayor of Filer indicated that Councilmember Mills Sojka clarified that she unequivocally was speaking on her own and it was not regarding a philosophy or direction that the City of Twin Falls was taking on their endeavor. All seven Councilmembers are individuals and have that right to voice their opinion. One person cannot speak for all seven Council members.

Councilperson Munn stated for clarification that inquiries were made on the issue of the dog shooting event in Filer.

**PROCLAMATIONS: None**

#### **GENERAL PUBLIC INPUT: None**

#### **AGENDA ITEMS**

##### **I. CONSENT CALENDAR:**

1. Consideration of a request to approve the Accounts Payable for March 10 - 17, 2014, total: \$548,491.28 and March 14, 2014, Payroll, total: \$116,241.54.
2. Consideration of a request to approve the following Council Minutes: March 3, 2014.
3. Consideration of a request to approve a Trust Agreement for Cedar Park Subdivision No. 10, placing Lots 2 through 7 Block 1 into trust.

##### **MOTION:**

Councilmember Talkington made the motion to approve the Consent Calendar as amended. The motion was seconded by Councilmember Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

##### **II. ITEMS FOR CONSIDERATION:**

1. Presentation of a service plaque to Gale Kleinkopf in recognition of his service on the Golf Advisory Commission.

Parks and Recreation Director Bowyer gave the presentation.

Mayor Hall and Councilmember Lanting presented the plaque to Gale Kleinkopf.

Gale Kleinkopf stated that the Golf Commission's major responsibility is to operate and sponsor a golf tournament to raise funds for capital improvements. The Golf Commission has been able to raise \$8,000 to \$10,000 yearly.

The Council commended Mr. Kleinkopf for his leadership and service to the City of Twin Falls.

2. Consideration of a request to rename Canyon Crest Drive, as platted in Grandview Estates Subdivision, to Canyon Crest Drive West.

City Engineer Fields explained the request.

Canyon Crest Drive was platted as roadway right of way in Grandview Estates Subdivision. After this subdivision was platted, it was discovered that Canyon Crest Drive should have been named Canyon Crest Drive West.

Staff recommends that the Council accept the agreement and authorize the Mayor to sign.

**MOTION:**

Councilmember Barigar moved to approve the request to rename Canyon Crest Drive, as platted in Grandview Estates Subdivision, to Canyon Crest Drive West. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Chief Pike reported that today there were sustained winds up to 35 to 45 mph and gusts up to 60 mph, causing downed trees, two accidents on the Hansen Bridge and on Perrine Bridge. He thanked the Streets Department, Fire Department, and Police Department for their work to assure that roads were safe and clear.

3. Swearing in ceremony for the Twin Falls Police Department's newest Police Officer, William Jansen. It is requested that Mayor Don Hall administer the Oath of Office.

Chief Pike stated the ceremony involves the pinning of the Police Badge and Mayor Hall to administer the Oath of Office. The oath represents the heart of everything that is done in law enforcement. The badge represents that commitment. He addressed Officer William Jansen and stated that by raising his hand he is affirming his commitment to provide public safety to the community and the ability to perform the functions of the job.

Mayor Hall administered the oath of office to Police Officer William Jansen.

4. Consideration of a request to hear concerns regarding the list of certified backflow device testers being developed by the City's Water Department staff.

City Manager Travis Rothweiler explained the request.

At its February 24, 2014, meeting, the members of the City Council supported the City staff's request to enhance its residential backflow device inspection program after a recent inspection by the Idaho the Department of Environmental Quality (DEQ). During the inspection, representatives from the DEQ indicated the City was possibly out of compliance with IDAPA Rules requiring annual testing and reporting of residential backflow equipment. Previously the City only enforced testing on commercial and industrial customers and recommended testing on residential lawn systems. DEQ requires residential systems be included in the program.

As shared during the meeting, the potential consequences of non-compliance are:

- The City may become ineligible for SRF loans,
- Water Superintendent could lose his licensure, and
- the entire water system could be condemned and DEQ could disapprove our monitoring waivers.

Because coming into compliance with the DEQ rules would have a direct impact on the City's residential property owners, the City Council supported the staff's idea of developing a list of certified testers under a specific price point for the service. In its February 24, 2014 report, the City staff illustrated the average price point was \$45 for the service. The City Council made a motion to have staff develop a list that could be provided to its residential customers of all service providers willing to offer the service in Twin Falls for or less than \$35 per test.

Some testers have stated that they do not believe it is appropriate for the City to be involved in the pricing of the service. It is important to note that the City Council's action did not set a price point for the service. The price point would only be used in the development of the service. Some of the service providers are asking the City Council to reconsider publishing a list of all certified testers who offer the service for or less than \$35.

Dave Wright, President of Kimberly Nurseries, Inc., stated that he received a call from the City Water Department that if he chose to be on the list of certified testers he could not charge more than \$35 per customer. Although he understands the desire and intent of the Council to look after the best interest of the citizens of Twin Falls regarding this mandate, he is here to raise awareness that this

action, whether purposeful or not, artificially fixes the price for the service. He then gave an overview of the costs associated with a backflow service. Many of the backflow testers that can provide the service for \$35 now can hardly be called legitimate professional businesses. He suggested that if the Council wants to produce a list of testers than either include everyone that is certified and not list the charges or forget doing the list altogether. Scrutinizing the list artificially sets the price and that oversteps the bounds of free enterprise. He does not believe that a municipality or any government entity should be setting prices because the free enterprise system governs itself and takes care of that on its own. He strongly suggested that the Council reconsider their stance on setting a price on these issues.

Council discussion followed.

- Testing to be done by certified backflow testers
- Testing required by the Department of Environment Quality
- Testing affordability to the public

Wally Kendrick, Water Department, explained that he runs the backflow program. He contacted BAT & Supply, Tetonia, Idaho, a backflow testing business, and according to the company, the average price for a residential backflow test is \$35. Eleven local testers' costs average out to \$45. Every year he sends out a letter with a list of certified backflow testers which is basically free advertising for the tester.

City Manager Rothweiler explained that the State provides an entire list of certified backflow testers. The city can publish the entire list or provide a link on the City's website. He shared with Dave Wright that it was not Council's intent to get into a place of price setting but to move forward with the required mandate and to provide some level of relief for the customer.

- Testing affordability to the public
- Free advertising for backflow testers
- List on the City website
- Listing of certified backflow testers from the City of Jerome, Boise, and Meridian

**MOTION:**

Councilperson Lanting made the motion to alter the Council's decision from previous weeks. The City will provide a list of all certified backflow specialists, who would like to have their name on the list, provide a price or to call for a quote. The motion was seconded by Councilperson Munn.

- Council discussion followed on the clarification of the geographic boundaries of certified backflow testers that are to be placed on the list
- Councilperson Lanting requested to add "County of Twin Falls" to the motion.
- Councilperson Munn requested to add "The City would update the list every January of every year, insuring the Water Department's updated list and pricing."
- Vice Mayor Hawkins requested to add the hyperlink of the web address to the State list of certified providers in the State of Idaho

Councilperson Talkington asked why Jerome would be excluded; it is closer to Twin Falls than some places in Buhl.

Councilperson Barigar stated he is struggling with the geographic area of Twin Falls County. He asked Wally Kendrick if this was everyone in Twin Falls. Wally Kendrick stated the list included testers from Twin Falls, Jerome, Filer, and Buhl.

Vice Mayor Hawkins stated that the citizens of Twin Falls can find information of all testers from the State link web address.

Councilperson Munn stated that he is in favor of placing the state's hyperlink on the City's website only.

Councilperson Lanting made a reinstatement of the motion: Councilperson Lanting moved to alter the Council's decision from previous weeks to the following: To place on both the City's water bills and web site certified backflow testers from Twin Falls County, with the opportunity to list their price or state, "please ask for a quote", and phone number. At the bottom of the list there will be a hyperlink to the State list and the list will be updated every January 1.

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

5. Presentation of the 2014 Updated Community Strategic Plan, which includes City staff and Council progress on Strategic Plan goals and initiatives.

City Manager Rothweiler stated that the City of Twin Falls adopted the 2030 Strategic Plan - a community vision with specific goals and objectives - to guide City's budget, operations and activities. The City's Strategic Plan becomes operational at the beginning of the current fiscal year (October 1, 2013). As part of the Strategic Plan, the City will revisit the document on an annual basis with council members to provide updates and to identify achievements.

The Long Term Planning plan will be presented to the City Council on March 31, 2014.

Parks & Recreation Director Bowyer gave an update on the expanding background checks to all coaches and the implementation of an ID badge system for coaches and staff.

Approximately 900 to 950 background checks will be done yearly by the Twin Falls Police Department on volunteer coaches and assistant head coaches. Issuance of identification cards will be issued after the background check.

Council discussion followed.

City Attorney Wonderlich explained that the application lists the disqualifying criteria. The background checks are NCIC and City Check.

-Background checks for coaches are done yearly

City Manager Rothweiler stated that staff will follow up with Council in regards to commission/committees background checks.

Parks & Recreation Director Bowyer gave an update on expanding bicycle connectivity by hosting community forums, pursuing grants to establish a bicycle connectivity plan, mapping out existing and future routes for signage, striping, etc.

In 2013, the City Manager hosted an open house to ask for input from citizens on increasing bike and pedestrian path connectivity. The Seastroms and Art Hoag developed a map with proposed bike friendly routes. Staff is developing a map of bike friendly routes by compiling the maps developed from the bike forum and the map from the Seastroms and Art Hoag. Staff plans to present the proposed map to the public for their input. From those inputs, costs will be estimated on the maintenance of bike routes and maps.

Council discussion followed.

- Planning & Zoning Department Comprehensive Plan Objective HC1.1B: Require bike and walking paths/trails are developed as part of new development

City Manager Rothweiler stated that blending of the Transportation Master Trail Plan Bike Facilities and the City's Comprehensive Trail Plan can be done.

Public Works Director Caton gave an update on launching a pilot project that allowed for sewer upgrades without trenching, which resulted in cost and time savings.

He explained there are three types of trenchless pipe replacement or repair: pipe bursting, slip line, cured in place piping (CIPP).

CIPP was placed at the Washington Street South and South Park. He continued to explain the costs of in place piping process and costs.

Council discussion followed.

City Manager Rothweiler asked Council to send their input on what staff updates they would like to hear at future meetings.

Councilperson Talkington stated that he would like to have an update from Councilperson Barigar on a recent trip regarding the City's regional Airport.

Councilperson Barigar reported on a meeting held with Bill Carberry, Dan Olmstead, Jan Rogers and the SkyWest Team. The city is the recipient of a Community Air Service grant of \$400,000. Remaining in the funds is \$200,000. The four Brazilian flights (daily) will be replaced with two jet service flights (daily) beginning June, 2014.

Minutes

Monday, March 17, 2014

Page 6 of 6

Mayor Hall stated that the Twin Falls Chamber Luncheon - State of the City address will be held at the Stonehouse on April 9, 2014, at 12:00 p.m.

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

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

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

**V. ADJOURNMENT TO:**

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

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

The meeting adjourned at 7:09 p.m.

Leila A. Sanchez

Deputy City Clerk/Recording Clerk



**Date:** Monday, April 7, 2014, Council Meeting  
**To:** Honorable Mayor and City Council  
**From:** Staff Sergeant Dennis Pullin, Twin Falls Police Department

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**Request:**

Consideration of a request by Rosa Paiz to approve the Annual Mother's Day and Cinco De Mayo event to be held at the Twin Falls City Park on Sunday, May 11, 2014, from 12:00 p.m. to 8:00 p.m.

**Time Estimate:**

In that this is an annual event that typically requires little to no additional Police response, I am submitting this Special Events Application for consideration on the Consent Calendar.

**Background:**

On March 11, 2014, Rosa Paiz submitted a Special Events Application for the Annual Mother's Day and Cinco De Mayo event. The date of the event will be Sunday, May 11, 2014, commencing at 12:00 p.m. and concluding by 8:00 p.m. All alcoholic beverages will be served and consumed at an established beer garden, identifications will be checked and bracelets will be required. There will be band music in the shell and DJs participating in the fiesta are scheduled to start at 1:00 p.m. There will also be vendors offering a variety of foods for purchase at the fiesta.

This event will not require the closure of any streets. The Twin Falls Police Department's Administrative Staff recommends that four (4) sworn law enforcement personnel provide security from 4:00 p.m. until 8:00 p.m. Rosa Paiz has requested that Twin Falls County Sheriff's Reserve Deputies provide the security.

While it is possible that the live band and DJs may become a noise disturbance issue for the residential neighborhood near the City Park, we have had very few complaints in past years. Should the amplified sound become an issue, the Patrol Supervisor will be advised to contact Rosa Paiz regarding noise complaints. The Staff recommends that the on-duty Supervisor be given the authority to order event organizers to mitigate the sound of amplified music. If the noise complaints become habitual, the Patrol Supervisor shall be granted the authority to order the music to be terminated.

There were no calls for Police service during the 2013 Mother's Day and Cinco De Mayo event. There was, however, an issue with the security payment which was not paid until December of 2013, well beyond the 60-day time period allotted for payment. Numerous attempts were made by the Twin Fall City Finance Department to collect payment.

Based on the above information, the Twin Falls Police Department Staff and other relevant City Staff members have reviewed the application and recommend its approval based on the agreement.

Agenda Item for April 7, 2014  
From Staff Sergeant Dennis Pullin  
Page Two

**Approval Process:**

Consent of the Council

**Budget Impact:**

Ms. Paiz has requested Twin Falls County Sheriff's Reserve Deputies provide the security for the event; therefore, there will be no foreseen budgetary issues with the City of Twin Falls.

**Regulatory Impact:**

Approval of this request will allow the applicant to proceed with the event as scheduled. Given the success of previous years' events, the Staff has approved the use of four (4) Twin Falls County Sheriff's Reserve Deputies for security for this event from 4:00 p.m. until 8:00 p.m.

**Conclusion:**

Staff recommends that the City Council approve the Special Events Application submitted for the Annual Mother's Day and Cinco De Mayo event based on the information provided.

**Attachments:**

N/A

DP:aed



**DATE:** *MONDAY April 7, 2014*  
**To:** *Honorable Mayor and City Council*  
**From:** *Jonathan Spendlove, Planning and Zoning*

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## ITEM I-

### Request:

Consideration of the WS&V R-6 PRO Planned Unit Development Amended Agreement between the City of Twin Falls and WS&V, LLC.

### Time Estimate:

There will be no staff presentation unless the Council has questions and pulls this item off the Consent Calendar.

### Budget Impact:

Approval of this request will impact the City budget as developed uses on the property shall be assessed at a higher value than undeveloped property.

### Regulatory Impact:

Approval will allow the project to be developed as approved.

### History:

On January 28<sup>th</sup>, 2014 there was a Preliminary PUD Presentation on this request made to the Commission at a public meeting, followed by a public hearing made to the Commission on February 11, 2014.

On March 10, 2014 the City Council held a public hearing on this request. Upon conclusion of the public hearing, a motion was made as follows:

#### MOTION:

*Councilperson Barigar made a motion to have the approvals made stand, and to include the staff recommendations subject to:*

- 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 WS&V PUD #263; a R-6 PRO Planned Unit Development.*
- 2. Subject to a new infrastructure model for sewer and water systems, and corresponding construction plans, being approved by the City prior to any development occurring on lots 2-5 of the WS&V Subdivision First Amended.*

*Roll call vote on motion showed Councilpersons Hawkins, Munn, Barigar, Lanting, and Hall voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.*

The approvals made were amendments to the PUD as follows:

- An amendment was made and a motion passed to limit the number of dwelling units per building on Lot 2 Block 1 (6 Units), and Lots 3, 4, and 5 Block 1 (8 Units); as outright permitted uses.
- An amendment was made and a motion failed to allow 12 units per building on Lots 3, 4, and 5 Block 1; through a special use permit process.
- An amendment was made and a motion passed to allow multiple buildings on a lot.
- A motion was made and passed to approve the following changes: on page 11, Exhibit C: 6. a. Detached accessory buildings less than 100' and amending that section; 3a. putting doctor's offices in permitted uses, page 12; 4.b.removing doctor's offices from special uses, 7.a.Detached accessory buildings more than 1,000 sq. ft. associated associated to a residential use i.e., carports, garages, clubhouse and other accessory buildings, make that amendment and page 14.7. amending the sentence to say, 16.12.a. architectural steel siding, wood or cementitious materials (e.g. Hardie board).

#### **Analysis:**

Staff has worked with the developer to assure that the PUD Agreement correctly reflects Council's approval. Attached is a copy of the final draft of the PUD Agreement w/exhibits.

#### **Conclusion:**

Staff feels that the attached WS&V Agreement correctly reflects the rezone/PUD as it was amended and approved by Council, and recommends Council approval of the agreement.

#### **Attachments:**

- 1- Final Draft of the WS&V PUD R-6 PRO Planned Unit Development Amended Agreement
- 2- Draft Minutes of the March 10, 2014 CC public meeting.
- 3- Minutes of the January 28<sup>th</sup> P&Z Public Meeting
- 4- Minutes of the February 11<sup>th</sup> P&Z Public Meeting.

**WS&V PUD**

**R-6 PRO PLANNED UNIT DEVELOPMENT AMENDED AGREEMENT**

THIS AMENDED AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called “City”), and WS&V, LLC (hereinafter called “Developer”), whose address is P.O. Box 566, Twin Falls, Idaho 83303-0566.

**RECITALS**

WHEREAS, Developer is the owner of that certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit “A”, attached hereto (the “Property”), which Property is north of the northwest corner of the intersection of North College Road and Field Stream Way.

WHEREAS, Developer intends to develop and/or sell all or portions of the property from time to time; and

WHEREAS, Developer has made request of the City to develop a mixed use medical/professional office and residential (the “Project”) on the Property and has submitted to the City a Master Development Plan (Exhibit “B”) thereof which has been approved for development as a “R-6 PRO PUD” by the City Council of the City; and

WHEREAS, City, by and through its City Council on March 10, 2014, has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this Amended Agreement and are as follows:

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 WS&V PUD #263; a R-6 PRO Planned Unit Development.
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 development meeting or exceeding R-6 PRO Code Requirements and Required Improvements (10-11-1 through 9) and/or subject to compliance with attached - Exhibit “C” W,S&V - R-6 PRO PUD, as approved, or whichever is greater.

4. Subject to a new infrastructure model for sewer and water systems, and corresponding construction plans, being approved by the City prior to any development occurring on lots 2-5 of the WS&V Subdivision First Amended.

### COVENANTS

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

- I. NATURE OF THE AMENDED AGREEMENT. This Amended Agreement shall become part of the “R-6 PRO PUD” zone with respect to the Project upon its full execution and recording. Developer and its 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. Further, this Amended Agreement shall supersede, replace and control over all prior PUD agreements and amendments thereto, including, not by way of limitation, that certain WS&V PUD R-6 Pro Planned Unit Development Agreement recorded as Instrument No. 2012-007103, records of Twin Falls County, state of Idaho.
- II. NATURE OF THE DEVELOPMENT. It is agreed by the parties hereto that certain language and requirements pertaining to the “Project” zone shall be interpreted as follows:
  - A. Uses, as per “Exhibit C”.
    1. Except as provided herein, the uses shall be limited to those allowed in the R-6 PRO (PUD) zone (Code Section 10-4-18.2) as amended and attached hereto as “Exhibit C”.
  - B. Lot Area, as per “Exhibit C”.
    1. Except as provided herein, the minimum lot area per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit and attached hereto as “Exhibit C”.
    2. For medical/professional offices, the lot size shall be of sufficient size to provide for the building, off street parking and landscaping and attached hereto as “Exhibit C”.
  - C. Lot Occupancy, as per “Exhibit C”.

No dwelling, including it accessory buildings, shall occupy more than sixty percent (60%) of a lot.

For professional offices, there is no occupancy requirement.

D. Building Size, as per “Exhibit C”.

The maximum building size is 14,000 S.F. (a larger building may be allowed with an application for special use permit).

E. Building Height, as per “Exhibit C”.

No building shall be greater than 35’ above grade, as measured per 10-2-1 of City Code, as amended.

F. Hours of Operation, as per “Exhibit C”.

Hours of operation for all professional office buildings shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit.

G. Phasing of Development.

Developer shall be permitted to develop the property in phases, so long as these phases are in compliance with the Master Development Plan and this Amended Agreement. Approval for each phase may be obtained by submission to the City Engineer of technically correct designs and improvement plans for necessary construction. The designation and location of specific uses on the Master Development Plan are conceptual and changes therefrom shall not provide basis for disapproval of any phase. There shall be no minimum or maximum limit between the occurrence of phases.

III. STREET, SEWER, WATER, AND DRAINAGE IMPROVEMENTS.

Developer, or their designee by appropriate agreement, shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property and adjacent right-of-ways (hereinafter “Improvements”) as described herein in accordance with City Standards.

A. Improvement Plans. Developer shall file or cause to be filed with the City a complete set of plans showing all improvements contemplated. The Improvement Plans and all improvements shall thereon meet the approval of the City, which approval shall be given if such plans conform with established City requirements, the Master Development Plan and this Amended Agreement.

B. Improvement Design and Construction. Developer, at its expense, shall cause all improvements shown on the Improvement Plan to be designed, constructed and installed consistent with approved Improvement Plans except as otherwise provided herein. Notwithstanding the foregoing, nothing in this Amended Agreement shall prohibit City, State or Federal participation in the cost or financing of Improvements on the Property if mutually agreed by the parties hereto.

- C. Phased Construction. 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 phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.
  
- D. 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 require in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and 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 the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as 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 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 right of the parties are preserved at law and equity.
  
- E. 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. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.
  
- F. Maintenance of Improvements. City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.

#### IV. PLATS.

- A. Developer agrees to file with City preliminary plat and final plats prepared by a registered professional engineer, of the real property, which is the subject of this Amended Agreement. Preliminary and final plats shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-ways the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the City.

V. PARCEL DEVELOPMENT CRITERIA, as per “Exhibit C”. The Property or any portion thereof shall be developed in accordance with the criteria set forth in this Section V -- as per “Exhibit C”.

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, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.

B. Landscaping and Planting, as per “Exhibit C”.

C. Landscaping Plan, as per “Exhibit C”.

D. Building Standards, as per “Exhibit C”. Buildings and improvements shall comply with the following standards.

1. Architectural Standards, as per “Exhibit C”.

2. Outside Storage / Loading Docks, as per “Exhibit C”.

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

4. Sign Plan. All signage shall conform to City of Twin Falls Sign Regulations Ordinance, subject to the following:

a) Building Signs, as per “Exhibit C”.

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

VII. GENERAL PROVISIONS.

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

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

C. Applicable Law. This Amended 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”.
- E. Successors and Assigns. This Amended Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this Amended Agreement with respect to said transferred property.
- F. Severability. In the event any portion of this Amended Agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed from this Amended Agreement, and the remaining portions thereof shall not be affected.
- G. Signatories. Each of the persons executing this Amended Agreement hereby 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 Amended Agreement is binding on, and enforceable against, such entity.
- H. Effective Date. This Amended 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 should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails, shall be entitled to a reasonable attorney’s fee.
- J. Construction. Should any provision of this Amended 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. Attachment. All attachments to this Amended Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.
- L. Captions. The captions, sections and paragraph numbers appearing in this Amended Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this Amended 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

ATTEST: \_\_\_\_\_

By: \_\_\_\_\_  
Don Hall  
Mayor

DEVELOPER  
WS&V, LLC

ATTEST: \_\_\_\_\_

By: \_\_\_\_\_  
Douglas Vollmer  
Member

ACKNOWLEDGMENTS

STATE OF IDAHO )  
 )ss.  
COUNTY OF TWIN FALLS )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned, a Notary Public in and for said State and County, personally appeared Don Hall, known to me to be the Mayor 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: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

ACKNOWLEDGMENTS

STATE OF IDAHO )  
 )ss.  
COUNTY OF TWIN FALLS )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me personally appeared Douglas Vollmer, known and identified to me to be a Member of WS&V, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledge to me that such company executed the same.

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing At: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**EXHIBIT A**  
**LEGAL DESCRIPTION**

Lots 2, 3, 4, and 5, Block 1, WS&V Subdivision First Amended, according to the official plat thereof recorded in the office of the Twin Falls County Recorder in book 24 of plats on page 13.



**EXHIBIT “C”**  
**WS&V**  
**R-6 PRO PUD**  
**March 10, 2014 - CC DECISIONS**

**LAND USE REGULATIONS:**

**(A) PERMITTED USES: Buildings, structures or premises shall be used and buildings and structures shall hereunder be erected, altered or enlarged only for the following uses:**

(Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit or unless stated elsewhere in this Exhibit)

1. Communications and Utilities:
  - a. Underground and aboveground transmission lines.
  - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
2. Governmental Facilities:
  - a. Governmental office buildings
3. Medical Facilities
  - a. Doctor's office
4. Parks:
  - a. Open space.
  - b. Private parks and playgrounds without crowd attracting facilities.
  - c. Public parks and playgrounds without crowd attracting facilities.
5. Public Assembly:
  - a. Religious facilities.
  - b. Schools - private academic.
  - c. Schools - public.
6. Residential (unrestricted hours of operation):
  - a. Detached accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
  - b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
  - c. Dwellings - detached single household.
  - d. Dwellings - duplex.
  - e. Dwellings - multiple household: on Lot 2 of Block 1 (Max 6 units); on Lots 3, 4 and 5 of Block 1 (max 8 units)
  - f. Dwellings - triplex and four-plex. (Ord. 2526, 5-20-1996)
  - g. Household units in the same building as an allowed use and occupied by owner or an employee of the allowed use.
  - h. Nursing homes and rest homes with a maximum of 16 residents/beds - including staff
7. Services:
  - a. Finance and investment offices.

- b. Insurance and related business.
- c. Professional services.
- d. Photography studios.
- e. Real estate and related business.

(B) **SPECIAL USES: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses unless special provisions are taken. Special use permits may be granted for the following uses:**  
 (Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit)

1. Communications and Utilities:
  - a. Utility owned buildings and structured more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural Facilities:
  - a. Botanical gardens and arboretums.
  - b. Historic sites and monuments.
  - c. Libraries, museums and art galleries.
  - d. Planetariums and aquariums.
3. Governmental Facilities:
  - a. Fire stations and police stations.
  - b. Judicial facilities.
4. Medical Facilities:
  - a. Ambulance service.
5. Multiple buildings, including accessory buildings, on a lot.
6. Parks:
  - a. Park concessions.
  - b. Public parks and playgrounds with crowd attracting facilities.
7. Public Assembly:
  - a. Auditoriums.
8. Residential:
  - a. Detached accessory buildings (more than 1,000 square feet) associated to a residential use i.e., carports, garages, clubhouse and other accessory buildings.
  - b. Bed and breakfast facilities.
  - c. Home occupations.
  - d. Nursing home and rest homes with 17 or more residents/beds - including resident staff
  - e. Residence halls-medical related, residence hotels-medical related, rooming houses-medical related
9. Services:
  - a. Beauty salons/barbershops.
  - b. Commercial daycare facilities and preschools.
  - c. Consumer credit collection.
  - d. Employment agency.

- e. In home daycare services.
- 10. Sports Facilities:
  - a. Outdoor, public and commercial ice and roller skating facilities.
  - b. Outdoor, public and commercial swimming pools.
  - c. Outdoor, public and commercial tennis courts.
- 11. Transportation:
  - a. Bus - pick up shelters.

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

**(D) PROPERTY DEVELOPMENT STANDARDS:**

1. Use of Lots: Each building, except accessory buildings, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein; provided, however, as provided under section (B) SPECIAL USES hereinabove, multiple buildings, including accessory buildings, may be located on a lot by special use permit, and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein.
  - a. Minimum of 15% and a Maximum of 85% of the project to be residential development.
2. Lot Area:
  - a. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit or below the ground level unit.
  - b. For professional offices, the lot size shall be of sufficient size to provide for the building, off street parking and landscaping.
3. Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.
  - a. For professional offices, there is no occupancy requirement.
4. Building Height: No building shall be greater than 35' above grade, as measured per 10-2-1 of City Code, as amended.
5. Building Size: The maximum building size is 14,000 sf (a larger building may be permitted with a Special Use Permit.)

6. Yards:
- a. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)
    - 1) The front building line shall not be closer than twenty feet (20') to the front property line.
    - 2) Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
    - 3) On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
    - 4) No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the property line on other street frontages.
  - b. Side Yard:
    - 1) The side building line shall not be closer than five feet (5') to the side property line.
    - 2) Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.
    - 3) Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2 ½') to the side property line.
  - c. Rear Yard:
    - 1) The rear building line shall not be closer than fifteen feet (15') to the rear property line for residential uses and fifteen feet (15') for other uses.
    - 2) Detached accessory building shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided in section 10-7-5 of this title.
    - 3) On a corner lot, the rear yard setback may be reduced to the side yard setback.
    - 4) For professional offices, the rear yard may be reduced to the side yard setback of the basic district.
7. Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

8. Landscaping Plan (PUD): All landscaped shall comply with the provisions of section 10-11-2 of this title.
  - a. Professional Uses: Professional offices shall provide landscaping equal to twenty-five percent (25%) of the total lot area.
  - b. Residential Uses: Residential development, excluding single family and/or duplex dwellings, shall provide landscaping equal to ten percent (10%) of the total lot area.
  - c. Landscaping shall be required to be installed on each parcel/lot of the Property at the same site and building improvements are completed thereon, or by the next planting season subject to a Temporary Certificate of Occupancy. Landscaped perimeters shall be installed from the back of the curb in the public right-of-way and shall be extended to the dimensions set forth below.
  - d. A minimum 20 foot wide landscape buffer, including sidewalk, measured from back of the curb will be constructed along Field Stream Way and Creekside Way.
    - (1) Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18") in height and with at least fifty percent (50%) of the berms to have a minimum ridge elevation of thirty percent (30%) in height. Trees and shrubs will be provided in ratios meeting the City Code 10-11-2. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings.
  - e. A minimum 20 foot wide landscape buffer, measured from the property line, will be constructed along the north and south boundaries of the PUD project boundary. The landscaping shall include berms with a minimum height of 18 inches to a maximum height of 30 inches.
  - f. The use of planters and landscaped islands within parking lots will be used to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. The area adjacent to residential areas shall be landscaped with coniferous and deciduous trees and/or solid fencing with shrubs, berms, solid wall and/or planter boxes to create a defense buffer in a relatively short period of time.
  - g. All landscaping shall be installed in conformance with the project Master Development Plan. All landscaping maintenance will be in a uniform manner.
  - h. The property landscaping will utilize a city pressure irrigation system constructed in compliance with applicable standards.
9. Off Street Parking:
  - a. Each use shall provide parking in compliance with city code.
10. Signs:
  - a. All uses shall comply with the provisions of chapter 9 of this title.

- b. Multiple-occupancy buildings shall have a sign plan approved by the administrator.
  
- 11. Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of the code. (Ord. 2550, 6-2-1997)
  - a. Professional offices shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the professional office use and any contiguous residential lot or use.
  
- 12. Building Standards:
  - a. Buildings: New buildings are to be designed in such a way as to conform with the general residential nature of the neighborhood. All buildings shall be of residential character with exteriors of architectural masonry, stone, stucco, architectural steel siding, wood or cementitious materials (e.g. Hardie board). Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces.
  - b. Buildings shall have pitched roofs with a gable or hip roof with a minimum 5/12 pitch and twelve inch (12") eave. Roofing material shall consist of architectural asphalt shingles, architectural metal or tile.
  - c. Building faces shall be broken up with windows, recesses, awnings or other architectural features that break up large flat surfaces.
  - d. Buildings shall have exteriors of architectural masonry, stone, stucco, architectural steel siding, wood, or cementitious materials (e.g. Hardie board).
  - e. All building public access will be oriented toward the project interior.
  - f. Lighting: Building and parking area lighting shall be enclosed in fixtures or soffits that direct lighting to the ground surface in a manner that the light source cannot be seen from adjacent properties.
  - g. Outside Storage/Trash Containers/Loading Docks/Emergency Facilities: Outside storage and/or display is prohibited. Loading docks, trash containers and emergency facilities shall be visibly screened from roadways, residential areas and adjacent properties with screening materials. Screening may consist of landscaping - as per D8, masonry walls, buildings or fencing (vinyl, block, wood).

3. Request for a PUD Agreement Amendment to amend the WS&V PUD Agreement #263 to allow a mixed use development; consisting of professional and residential uses, on the remaining four (4) undeveloped lots within the WS&V First Amended Subdivision-A PUD, consisting of lots 2-5 Block 1 and totaling 16 (+/-) acres, located west of the 1000 block of Field Stream Way and southwest of Cheney Drive West, extended.

John Fitzgerald, Worst, Fitzgerald, and Stover, P.L.L.C., representing the applicant explained the request.

On overhead projection he showed the location of the property and letters from Brad Wills, President of Wills, Inc. and Fieldstream property owner, and Gerald Martens, representing Latitude 42 Subdivision, in favor of the request.

In the Council's packet is a letter he prepared dated November 4, 2013, which outlined the purpose and objective of the sought amendment. It is essential to correct errors, conflicts, and ambiguities in the existing PUD Agreement as well as to amend the development process without diminishing the opportunity for public input as well as oversight and approval from the City of Twin Falls. As you look at the information in the amendment to Exhibit C, the first amendment is in reference to doctor's offices in both the permitted use and the special use. The amendment is to eliminate it from the special use section and put it into the permitted use. The second is to clarify accessory buildings relative to the development. Part of the existing PUD agreement provides for dwellings up to six units in one single building. The applicant is seeking to amend the PUD Agreement to allow up to eight units in one single building. In conjunction with that, an amendment under the special use permit process which would allow for more than eight units to a maximum of twelve units in a single building. This does not affect the density but affects how many household units are in one single building. The distinction and part of the issue has been of concern, with respect to the PUD, allowing for a more manageable process for the development of the property. This is a unique type of situation in that typically the PUD agreement states what is being done and how it will be done, etc. and in this case establishing permitted uses and uses that are allowed by Special Use Permit (SUP). The applicant or the proposed developer would apply for a SUP, and that would be heard by Planning & Zoning Commission. A public hearing will take place allowing for public comment from surrounding property owners. If there is disagreement of the decision made by the Planning and Zoning Commission, affected individuals may seek an appeal that will come before the City Council. The process for public input and governmental oversight will be in place and at the same time providing the process for the PUD development to proceed in a manageable way.

Staff recommended the applicant provide a new sewer and water system model. WS&V is more than happy to cooperate with the City and to do such a new modeling if it is determined it is necessary. The applicant is seeking to create a manageable system or process.

Planner 1 Spendlove reviewed the request.

Letters received from the public were placed on overhead projection.

He gave a history of the project and read the following from his staff report submitted to the Council.

*There are multiple proposed changes to Exhibit "C" in the PUD Agreement. For organizational purposes staff has numbered and annotated the proposed changes as follows:*

1. *Land Use Regulations – (A) Permitted Uses and (B) Special Uses: "Doctor's Office" was listed under both the Permitted Uses and Special Uses sections; the amendment has eliminated the listing under Special Uses, leaving the use in the Permitted Uses section. In so doing, the numbering of categories in the Permitted Section was also amended to reflect that "Doctor's Office" is a type of use found under the category of "Medical Facility" and not a separate use unto itself.*

*According to the applicant, this amendment was performed in order to eliminate conflict within the document. The Planning and Zoning Commission recommended approval of this change.*

2. *Land Use Regulations – (A) Permitted Uses:*
  6. *Residential (Unrestricted hours of operation):*
    - a. *Detached Accessory accessory buildings (less than 1,000 square feet),*

*According to the applicant, this amendment was performed in order to clarify that accessory buildings are to be detached accessory buildings. Current City code does make a distinction between these two types of accessory buildings. Current City Code 10-4-6: R-6 Residential Multi-Household: lists accessory buildings (under 1,000 square feet) as a permitted use. The Planning and Zoning Commission recommended approval of this change.*

3. Land Use Regulations – (A) Permitted Uses:
  6. Residential (Unrestricted hours of operation):
    - e. Dwellings – multiple household (max 6 8 units),

According to the applicant, this amendment originated from the applicant's original application. The applicant pointed towards the Devon Senior Housing Project located at 1338 North College Road East as an example of a conceptual design of a portion of this subject property. Specifically, this amendment changes the outright permitted use of a multiple household from 6 dwelling units per building, to 8 dwelling units per building. The Planning and Zoning Commission did not recommend approval of this change. The Commission amended this section during deliberations and voted to remove the proposed change from the document.

4. Land Use Regulations – (B) Special Uses:
  7. Residential
    - a. Detached accessory buildings (more than 1,000 square feet) associated to a residential use i.e., carports, garages, clubhouse and other accessory buildings,

According to the applicant, this amendment was performed in order to clarify the types of detached accessory buildings that may need a special use permit if they are more than 1,000 square feet. The Planning and Zoning Commission recommended approval of this change.

5. Land Use Regulations – (B) Special Uses:
  7. Residential
    - f. Dwellings – Multiple household (more than 8 units to a maximum of 12 units)

According to the applicant, this amendment originated from the applicant's original application. The applicant pointed towards the Devon Senior Housing Project located at 1338 North College Road East as an example of a conceptual design of a portion of this subject property. Specifically, this amendment will require a project that wishes to have more than the outright permitted number of 8 dwelling units per building to get a Special Use Permit before establishing the use. It also places a maximum of 12 dwelling units per building on the project. The Planning and Zoning Commission did not recommend approval of this change. The Commission amended this section during deliberations and voted to remove the proposed change from the document.

6. Land Use Regulations – (D) Property Development Standards:
  1. Use of Lots: Under section (A) PERMITTED USES hereinabove, each building, except accessory structures buildings, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. Under section (B) SPECIAL USES hereinabove, multiple buildings, including accessory buildings, may be located on a lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein.

According to the applicant, this amendment was performed to facilitate WS&V's development and marketing of the subject property in a manageable process yet providing governmental oversight, input and approvals, including opportunity for public comment, without having to trudge through the process to amend the PUD Agreement on a project by project or proposal by proposal basis. The applicant further explains that this amendment would provide the opportunity for a proposed array of multiple buildings consisting of permitted 6 units/building to be constructed on a single lot through the Special Use Permit process. The applicant believes this request is wholly consistent with the City of Twin Falls desire and intention to allow certain uses outright and other uses only with its oversight and approval, including public comment. The Planning and Zoning Commission recommended approval of this change.

7. Land Use Regulations – (D) Property Development Standards:
  7. Access: all lots shall have a vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way, unless a secondary means of permanent vehicular access has been approved on a subdivision plat, or by a recorded easement.

The applicant did not provide a reason for requesting this amendment to the PUD. During the presentation with the Planning and Zoning Commission, the applicant withdrew this change to the document. All language associated with this particular request has been removed from the analysis and the conditions due to the withdrawal.

8. Land Use Regulations – (D) Property Development Standards:
  12. Building Standards:

a. *Buildings: New buildings are to be designed in such a way as to conform with the general residential nature of the neighborhood. All buildings shall be of residential character with the exteriors of architectural masonry, stone, stucco, or architectural steel siding, wood or cementitious materials (e.g. Hardie board). Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces.*

*The applicant did not provide a reason for requesting this amendment to the PUD. The Planning and Zoning Commission recommended approval of this change.*

9. *Land Use Regulations – (D) Property Development Standards:*

12. *Building Standards:*

d. *Buildings shall have exteriors of architectural masonry, stone, stucco, or architectural steel siding, wood, or cementitious materials (e.g. Hardie board).*

*The applicant did not provide a reason for requesting this amendment to the PUD. The Planning and Zoning Commission recommended approval of this change.*

*Possible Impacts of the PUD Amendment:*

*#3, #5, & #6: In 8 years this area has been up-zoned to include a dramatic increase in available dwelling units and density. In 2006 the area was annexed as an R-2 zoning designation that requires separate lots for each building, and a maximum of 2 dwelling units per building, and no commercial aspect to the development. In 2009, a portion of that area was zoned R-4, which still requires separate lots for buildings, and a maximum of 4 dwelling units in one building (per special use permit). This rezone also brought an inclusion of some commercial/office aspect into a portion of the property. In 2010 the entirety (both R-2 and R-4 PRO areas) was again rezoned to R-6 PRO, and this too required each building to be on its own lot, and put a permitted maximum of 6 dwelling units per building. In 2012, a PUD Amendment was approved for a +/- 5 acre portion of the project that allowed multiple buildings on one lot, with a maximum of 6 units per building. This current amendment is asking to increase the permitted number of units per building as well as allow multiple buildings on one lot through a Special Use Permit Process.*

*The allowance of multiple buildings on one lot is a type of design language not found in any Residential Zone in the Twin Falls City Code. This language is found in the Commercial and Industrial zoning code sections. The Devon Senior Housing project mentioned by the applicant in their letter is found in the C-1: Commercial Highway zoning district.*

*The amendment to allow 8 dwelling units per building is significantly different from the total allowable units that were possible in 2006 when this area was annexed under the R-2 Zoning district, as well as the subsequent rezone to R-4 PRO that took place in 2009. The approved R-6 PRO PUD currently in effect does place a maximum of 6 dwelling units per building. The base R-6 Zoning District does not have a maximum dwelling unit built into the current code. However, the increase in available density from 6 to 8 units will have an impact on the current uses in the area as well as the potential surrounding uses if approved. Per City Code 10-6-1.3(A): "In residential zoning sub districts, the number of units per building shall be determined by commission and council action."*

*On February 11, 2014 the Planning and Zoning Commission held a public hearing on this request. There were numerous comments from the public which can be reviewed in the approved minutes upon conclusion of the public hearing; a motion and recommendation were made by the Planning and Zoning Commission as follows:*

**MOTION:**

*Commissioner Tatum made a motion to approve the request, as presented, with the following amendments: to allow Dwellings-Multiple household with a maximum of 6 units as a permitted use, and to remove the Dwellings-multiple household allowing more than 8 units to a maximum of 12 units as allowed through Special Use Permit. Commissioners Boyd, Derricott, Frank, Grey, Munoz, Sharp, Tatum & DeVore voted in favor of the motion, and Commissioner Woods voted against the motion.*

**RECOMMEND APPROVAL OF THE REQUEST, AS AMENDED BY THE PLANNING AND ZONING COMMISSION, AND AS PRESENTED, WITH STAFF RECOMMENDATIONS**

- 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 WS&V PUD #263; a R-6 PRO Planned Unit Development.*
- 2. Subject to a new infrastructure model for sewer and water systems, and corresponding construction plans, being approved by the City prior to any development occurring on lots 2-5 of the WS&V Subdivision First Amended.*

*The first condition placed is a standard condition. The second condition has to do with infrastructure modeling and infrastructure plans that the City typically receives with the subdivision. If it is approved this way with multiple buildings on one lot, we will not have a subdivision requirement before they can develop. The City receives with residential homes and uses a subdivision if the applicant is requesting multiple buildings. If they have multiple buildings on one lot it will not require them to subdivide, therefore the City will not get that infrastructure.*

City Council discussion followed.

-Sewer and water modeling of commercial property

Councilperson Munn asked City Engineer Fields that in the event the amendments are approved and if 12 units with a SUP are allowed, how could that impact infrastructure in the area.

City Engineer Fields stated that she is unable to determine this at this time but if she does have concern she will contact the developer to check. Costs associated with modeling are the responsibility of the developer.

Councilperson Talkington stated that an R-2 to an R-6 is a dramatic land use change in density allowing 12 units where a duplex could formerly be, and has resulted from a modification of the plans through a non-definite PUD concept.

Planner 1 Spendlove stated that the R-2 allows duplexes with a SUP. Surrounding properties typically have an R-2 with single family homes.

Councilperson Talkington stated his concern that this would not have to go through a subdivision requirement to see if the City can or will issue a will serve permit. It appears that this is trying to go to the maximum density.

City Engineer Fields stated that in regards to sewer and water modeling, there was a concept and original modeling that occurred and at the end of that modeling there was a conclusion that the piping that was originally planned worked. The City will continue to assure infrastructure is being dealt with responsibly. Currently, the City is not issuing will serve letters for infrastructure improvements meaning that if the development got to the place where they needed to upsize a collection line they will need to adjust their development plans so the City would not have to issue a will serve for the pipe in the ground.

Councilperson Barigar asked if this scenario would have to go before the Planning and Zoning Commission for a request of multiple buildings on one lot.

Planner I Spendlove stated this would have to go through the SUP process.

Councilperson Barigar asked if the request to go from six units per building to eight units per building without coming back for a SUP would put four more units on the property because there are four lots.

Planner 1 Spendlove answered in the affirmative.

Councilperson Barigar asked if a request for more than eight units and a request to put two buildings with six units on one lot are required to go through the SUP process.

Planner 1 Spendlove answered in the affirmative.

Councilperson Lanting asked for the density of an R-2 and an R-4.

Planner 1 Spendlove stated that there is a clause in the code that deals with the design of the building, adding 1,000 sq. ft. or 2,000 sq.ft. to the building if it's built below or above ground. There are too many variables to state the density as the density is tied to the design of the development. The R-4 lot area for a single household development is 4,000 sq. ft., a duplex and a multiplex will be 7,000 sq. ft. plus 2,000 sq. ft. per unit or 1,000 sq. ft. per unit above or below the ground level unit.

Vice Mayor Hawkins asked when the completion of Cheney Drive and/or Creekside Way will be done.

Tim Vawser, EHM Engineers, stated that discussions have been made with City staff as well as adjacent property owners, regarding going forward to potentially build Cheney Drive out to Grandview. Creekside Way is the development to the north connection to Pole Line Road; their preliminary plans show Creekside as the only connection to Pole Line because it is controlled access.

Vice Mayor Hawkins asked if a traffic study has been conducted at the intersection of Grandview and North College.

City Engineer Fields stated that a traffic study on Grandview and North College has not been done since the four way stop has been placed and she did not ask for one as part of this process.

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

Steven Dixon, 1006 Cobble Creek Road, spoke against the request. A large subdivision of up to twelve units per building will be a significant impact to his family.

Keven Blumquist, 1016 Misty Meadows Trail, spoke against the request.

Meagan Humble, 931 Misty Meadows Trail, spoke against the request. She stated her concern of a significant zoning change, lack of a development plan, and possible 120 apartment buildings on one five acre lot.

Monica Rojas, 1017 Cobble Creek Road, spoke against the request. She stated her concerns of traffic issues on North College Road and Grandview. She attended the Planning & Zoning Commission meeting in which Planner Spendlove stated that there are no other multiple buildings on one lot in any residential community but in commercial and industrial.

Susan Young, 920 Misty Meadows Trail, spoke against the request. She stated her concern of traffic and the changes made to the quality of her neighborhood.

Matt Packin, 966 Rice Circle; spoke against the request. He stated his concern of the lack of specifics of the development plan.

Tara Packin, 966 Rice Circle, spoke against the request. She stated her concern of high density and traffic.

Closed the public testimony portion of the hearing.

John Fitzgerald, Worst, Fitzgerald, and Stover, P.L.L.C., stated public comment is focused upon an apartment proposal. The applicant is proposing changes to the process. The applicant is also requesting an increase from six units per building to eight units per building as permitted. Multiple buildings would require the applicant to go through the process that would entail government oversight and approval and public input through the SUP process. An increase of more than eight units in a building would also invoke government oversight and approval and public input. On overhead projection he showed the location of the Fieldstream Subdivision and compared the subdivision to the subject property. The Council approved Fieldstone Plaza R4 PUD offices. The buffer was shown between properties. In terms of traffic, as the property is developed the road will be built out. A modeling of the water and sewer may be required by the City. The focus should be the process under which the PUD agreement operates.

Mayor Hall stated that the public hearing is opened for staff, applicant and any public testimony.

Councilperson Lanting asked for the differences between the applicant's proposal and the Planning & Zoning Commission's recommendation.

Planner 1 Spendlove stated that difference is centered around the maximum amount of units in the building. The Planning & Zoning Commission eliminated the proposed change from six to eight which limited it to six as an outright permitted use and they also eliminated a similar section in the special use section. In effect their changes limited the number of units in a building to six and only six. That is the maximum placed on the PUD.

Councilperson Lanting asked if the applicant is asking for eight outright permitted, and twelve through SUP.

Planner 1 Spendlove stated the applicant is asking for anything over eight up to twelve through SUP.

John Fitzgerald, Worst, Fitzgerald, stated for clarification that the Planning & Zoning Commission did allow for the SUP associated with multiple buildings. If the applicant has six units per buildings he may come back through the SUP process for multiple buildings, two buildings with six units.

Mayor Hall closed the public hearing.

Deliberations:

Councilperson Talkington asked if there are similar types of PUD agreements that have a history chronology and process similar to this to use as a model, as far as residential.

City Attorney Wonderlich stated the difference is that Council has approved them one at a time.

**MOTION:**

Councilperson Munn moved to approve on Page 11, allow under, (A) PERMITTED USES 6.a. Detached and 6.e. To allow for six multiple households to eight units. The motion was seconded by Councilperson Barigar.

Councilperson Lanting stated his concern primarily because it started it out as R-2 and is also tempered by the fact that directly to the north there will be C-1.

**MOTION:**

Councilperson Lanting made an amendment to the motion to allow the lot (Lot 2) directly north of the apartments would remain six units per building and the remainder of the property (Lots 3, 4, and 5) could become eight units per building. The motion was seconded by Councilperson Munn.

Councilperson Lanting stated this would add an additional buffer to the neighborhood to the east.

Councilperson Barigar stated that he is supportive of the amendment because it helps with the transition. In speaking on housing, apartments are labeled commercial, and earlier in the meeting The Fair Housing Proclamation was read, stating "housing is a critical component of family and community health and stability and housing choice impacts our children's access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies. This does not have to happen in only a single family home." The City is underserved with apartment type living in our community and when defined as commercial development, it gets personified as a negative thing, which is not fair for people who have to live in apartments.

Roll call vote on the amendment to the motion showed Councilpersons Hawkins, Munn, Barigar, Lanting, and Hall voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.

Roll call vote on the main motion showed Councilpersons Hawkins, Munn, Barigar, Lanting, and Hall voted for the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.

**MOTION:**

Councilperson Munn made a motion to approve on Page 12 under (B) Special Uses (7) e. to allow multiple households any more than eight units be approved up to a maximum of twelve units pursuant to a SUP. The motion was seconded by Councilperson Barigar.

**MOTION:**

Councilperson Lanting made an amendment to the motion to not allow for any multiple households any more than six units on the area discussed and if any of those SUP's come through, that everyone in the Fieldstone Subdivision be notified by the applicant. The motion was seconded by Vice Mayor Hawkins.

Councilperson Barigar stated that not everyone who spoke tonight or at the Planning & Zoning Commission hearing is from the Fieldstone Subdivision.

Mayor Hall asked Planner 1 Spendlove for clarification on increasing the notification distance.

Planner 1 Spendlove stated that City Code currently allows the Zoning Administrator to increase the notification distance.

Councilperson Talkington stated that he cannot support the motion increasing the density to 50%.

**MOTION:**

Roll call vote on the amendment to the motion showed Councilpersons Hawkins, Munn, Barigar, Lanting, and Hall voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.

**MOTION:**

Roll call vote on the main motion as amended showed Councilpersons Munn, Barigar and Hall voted in favor of the motion. Councilpersons Hawkins, Talkington, and Lanting voted against the motion. Failed 3 to 3.

**MOTION:**

Councilperson Barigar made a motion to approve on Page 13, Land Use Regulations – (D) Property Development Standards: 1. Use of Lots: Under section (A) include the revision to allow a SUP for multiple buildings on a single lot. The motion was seconded by Councilperson Lanting.

City Attorney Wonderlich stated for clarification that multiple buildings per lot are allowed in residential areas under a PUD only.

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

**MOTION:**

Councilperson Munn made a motion to approve on Page 11, Exhibit C: 6. a. detached accessory buildings less than 100' and amending that section; 3. a. putting doctor's offices in permitted uses, page 12; 4. b. removing doctor's offices from special uses, 7.a. detached accessory buildings more than 1,000 sq. ft. associated to a residential use i.e., carports, garages, clubhouse and other accessory buildings, make that amendment; Page, 16, 12. a. architectural steel siding, wood or cementitious materials (e.g. Hardie board), d. wood or cementation materials (e.g Hardie board). The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

**MOTION:**

Councilperson Barigar made a motion to have those approvals made stand; and to include staff recommendations:

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 WS&V PUD #263; a R-6 PRO Planned Unit Development.
2. Subject to a new infrastructure model for sewer and water systems, and corresponding construction plans, being approved by the City prior to any development occurring on lots 2-5 of the WS&V Subdivision First Amended.

The motion was seconded by Councilperson Munn. Roll call vote on the motion showed Councilpersons Hawkins, Munn, Barigar, Lanting, and Hall voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.

**V. ADJOURNMENT TO: Executive Sessions:**

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

**MOTION:**

Councilperson Hawkins made a motion to move into Executive Session 67-2345(f), to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. The motion was seconded by Councilperson Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

The meeting adjourned at 8:31 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
January 28, 2014 6:00 PM  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Nikki Boyd   Jason Derricott   Tom Frank   Kevin Grey   Gerardo “Tato” Munoz   Chuck Sharp   Jolinda Tatum  
**Chairman**

**AREA OF IMPACT:**

Lee DeVore   Steve Woods  
**Vice-Chairman**

**CITY COUNCIL LIAISON**

Rebecca Mills Sojka

**ATTENDANCE**

**CITY LIMIT MEMBERS**

<u>Present</u>	<u>Absent</u>
Derricott	Boyd
Frank	Sharp
Grey	Tatum
Munoz	

**AREA OF IMPACT MEMBERS**

<u>Present</u>	<u>Absent</u>
Woods	DeVore

**CITY COUNCIL LIAISON(S):**

**CITY STAFF:** Spendlove, Strickland

**I. CALL MEETING TO ORDER:**

Chairman Frank called the meeting to order at 6:26 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

**II. CONSENT CALENDAR:**

1. Approval of Minutes from the following meeting(s): [January 14, 2014-Public Hearing](#)
2. Approval of Findings of Fact and Conclusions of Law:
  - Pickett (SUP 01-14-14)

**Motion:**

Commissioner Woods made a motion to approve the consent calendar, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

**UNANIMOUSLY APPROVED**

**III. ITEMS OF CONSIDERATION:**

1. A Preliminary Presentation for the Commission to consider a request for a PUD Agreement Amendment to amend the Magic Valley Mall PUD Agreement to allow a modification to the sign criteria on property located at 1485 Pole Line Road East c/o David Thibault, EHM Engineers on behalf of Magic Valley Mall, LLC (app. 2612)

**Applicant Presentation:**

Dave Thibault, EHM Engineers, Inc., representing the applicant stated this PUD Amendment includes a modification of their sign criteria for monument signs and exterior advertisement at the Magic Valley Mall the proposal is to amend the current PUD and allow for the pennant signs which are kind of place holder and place identification signs out at the mall. They have built monuments

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that are approximately 3-4 feet tall and about 3-4 feet square with a pole that has a pennant sign that has the word food displayed on it, they have different themes. The amendment would allow for 30 of those signs to be built on the property and it currently allows for those 30 to be there, the amendment is to negate the rest of the sign criteria that is established in the rest of the PUD and adopt the current City signs ordinance and follow that regulation with the exception of the pennant signs that are currently allowed. The poles are similar to the fancier light poles that are downtown with the hanging baskets. The mall has developed a theme in hopes to maintain their sense of place, they want to conform with the current City regulations for future signage.

**Commissioner Questions/Comments:**

- Commissioner Frank: Would the signs be strictly internal to the mall property and not along the frontages of the property.
- Mr. Thibault: The signs would be on the property included in the PUD and it would include portions of the frontage. There is a big sign by the Taco Bell and one located at Pole Line & Blue Lakes Boulevard that would fall under this change.

**Staff Presentation:**

- Planner I Spendlove stated this is a request to amend the PUD Agreement to refer back to the City Code which has been updated since some of these PUD Agreements were adopted with the allowance for the pennant signs described in the presentation. Tonight is just a preliminary presentation only there will not be a staff analysis presented or recommendations. The public hearing for this item will be scheduled for February 11, 2014.

**Commissioner Questions/Comments:**

- Commissioner Woods stated the sign code for the City of Twin Falls is probably very different than the MV Mall PUD criteria. He was wondering if this change will create a bad picture or present a problem with lighting in an open area like the mall, will that be evaluated.
- Planner I Spendlove explained at the next presentation these types of things will be reviewed. If the question is about existing signs, if the sign code applies to them and they don't meet the current City Code requirements the signs become non-conforming signs, until the times comes that the applicant wants to change them or take them down they can continue to be there.
- Commissioner Woods asked if there is anything in the City sign code that would allow the businesses in the mall to put up new signs that would be bolder and create light problem.
- Planner I Spendlove stated any new signs will have to comply with the current City Code requirements.

**Public Comment: [Open & Closed](#)**

Planner I Spendlove reminded the Commission that the public hearing for this requested is scheduled for the February 11, 2014 meeting.

**Planning & Zoning Public Hearing Is Scheduled For February 11, 2014**

2. A Preliminary Presentation for the Commission to consider a request for a PUD Agreement Amendment to amend the WS&V PUD Agreement #263-A to allow a mixed use development; consisting of professional office and residential uses, on the remaining undeveloped lots within the WS&V First Amended Subdivision-A PUD, consisting of lots 2-5 Block 1 and totaling 16 (+/-) acres, located west of the 1000 block of Fieldstream Way and southwest of Cheney Drive West, extended c/o John O Fitzgerald, II on behalf of WS&V, LLC (app. 2614)

**Applicant Presentation:**

John Fitzgerald, II representing the applicant stated he knows this request has been in front of the Commission and Council on several occasions. He wants to emphasize that he is not here to rehash things but he is here to address some of the issues that have been addressed previously and to clarify the objectives are to meet the previously stated objections. In the staff report there is a comment under the analysis that this request is to allow for the development of an apartment complex on 5 (+/-) acres of property. That is not what the applicant is requesting; the applicant wants to correct errors, conflict and ambiguity in the PUD Agreement and to amend the development approval process without diminishing the intended governmental oversight. In the packet is included a letter dated Nov. 4, 2013 articulating what the application is for and what the objectives are for the request. For example, the PUD agreement had doctor's offices as a permitted use and as a use that required a special use permit. They would like to correct that and place doctor's offices under permitted uses. Another clarification is to define accessory buildings as being detached. One of the big items is the multi-family dwelling units set at 6 as a permitted use, the applicant would like to change that to 8 units as a permitted use, the 8 units is consistent with the original application by WS&V with the Devon Project located at the corner of Locust Street and North College Road, that was part of the concept presented by WS&V. The other portion of the request would allow through a special use permit process dwellings of more than 8 units up to a maximum of 12 units. The next items to address the approval process; any time the project moves forward and wants to change the applicant has to come back through for an amendment. What the applicant is proposing is that rather than having to go through an amendment is that the special use permit process be built into the PUD Agreement allowing the governmental oversight as well as the public input through the public hearing process. The comment was made that WS&V is looking for carte blanche to do whatever they want to do with the property, this is not the intention. The development is interesting because it was set up as a PUD but the traditional PUD Agreement states this is the concept and it is concrete. This particular project is not concrete it is intended to be fluid and flexible relative to what potential buyers want to do with the property. WS&V does not want carte blanche; they want the flexibility to have the proposed projects come in through the Special Use Permit process to allow for public input and review.

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**Staff Review & Analysis:**

Planner I Spendlove reviewed the exhibits on the overhead and some of the history. He stated a preliminary PUD presentation is required for an amendment prior to the public hearing. The purpose of this presentation is to allow both the Commission and the public to hear from the developer what type of development is being planned. Staff will provide further analysis at the public hearing scheduled for February 11, 2014.

**Public Comment: [Open & Closed](#)**

Planner I Spendlove reminded the Commission that the public hearing for this requested is scheduled for the February 11, 2014 meeting.

**[Planning & Zoning Public Hearing Is Scheduled For February 11, 2014](#)**

**IV. PUBLIC HEARINGS: [NONE](#)**

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

**VI. UPCOMING PUBLIC MEETINGS:** (held at the City Council Chamber unless otherwise posted)

1. Work Session- [Wednesday, February 5, 2014 P.M.](#)
2. Public Hearing-[Tuesday, February 11, 2014 6:00 P.M.](#)

**VII. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 6:48 PM



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**February 11, 2014 6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Nikki Boyd   Jason Derricott   Tom Frank   Kevin Grey   Gerardo "Tato" Munoz   Chuck Sharp   Jolinda Tatum  
**Chairman**

**AREA OF IMPACT:**

Lee DeVore   Steve Woods  
**Vice-Chairman**

**CITY COUNCIL LIAISON**

Rebecca Mills Sojka

**ATTENDANCE**

**CITY LIMIT MEMBERS**

<u>Present</u>	<u>Absent</u>
Boyd	
Derricott	
Frank	
Grey	
Munoz	
Sharp	
Tatum	

**AREA OF IMPACT MEMBERS**

<u>Present</u>	<u>Absent</u>
DeVore	
Woods	

**CITY COUNCIL LIAISON(S): NONE**

**CITY STAFF:** Carraway, Spendlove, Strickland, Fields, Wonderlich

**I. CALL MEETING TO ORDER:**

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

**II. CONSENT CALENDAR:**

1. Approval of Minutes from the following meeting(s): **January 28, 2014 Public Hearing**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

**Motion:**

Commissioner Woods made a motion to approve the consent calendar, as presented. Commissioner Munoz seconded the motion.

**Unanimously Approved**

**III. ITEMS OF CONSIDERATION:**

1. Request for Commission's consideration of approval of the preliminary plat for the Fieldstone Professional Subdivision- A PUD consisting of 11.9 (+/-) acres with 32 lots and 1 tract for a mixed use development located south of the 900-1100 blocks of Cheney Drive West & East of the 1350-1450 blocks of Field Stream Way. c/o David Thibault, EHM Engineers, Inc. on behalf of Brad Wills

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**Applicant Presentation:**

Dave Thibault, EHM Engineers, Inc., representing the applicant stated this is the next step in a long process that began a few years ago as this process is the first step in re-subdividing of an already approved subdivision. This property is east of the Xavier School and the LDS Church that is under construction and southwest of the hospital. The applicant has been through the process to request a rezone of the property to an R-4 PRO PUD Zoning Designation; there were also roadways that were vacated in a portion of the subdivision for the re-subdivision process to occur. The plat is a mixture of residential homes and professional office lots. As part of this development Cheney Drive West will be extended on the north boundary providing another access for the area as it grows. Brad Wills developed the Fieldstone Subdivision and this is the last phase for development of this property.

**Staff Analysis:**

Planner I Spendlove displayed the exhibits on the overhead and presented the staff analysis of the request. The history starts at approximately 2004 with various plats, PUD approvals and vacations. There are a couple of ordinances that have not been completed. He stated this preliminary plat includes 11.9 (+/-) acres the proposed plat will allow for a planned mixed use development consisting of residential multi-family, professional and medical uses. The minimum lot area for a single family dwelling in the R-4 zone is 4000 square feet, 7000 square feet for a duplex and multi-plex dwelling units will increase over the duplex area by 2000 square feet per dwelling unit depending on how it is designed. The Professional Office overlay states that the lot size shall be of sufficient size to provide for the building, off street parking and landscaping. All of the proposed lots have the required square footage. Professional Office will require parking, landscaping will be required so this will limit the design size.

The preliminary plat is proposing five (5) lots along the future alignment of Cheney Drive West for professional office uses, three (3) lots along North College Road West for duplexes, four (4) lots for single family dwellings at the end of Cobble Creek Road to complete a cul-de-sac and twenty (20) single family cottage-style residences along Field Stream Way. The non-residential uses are restricted to buildings less than 14,000 square feet unless allowed by special use permit. Screening would be required between the residential areas and non-residential areas.

There have been a lot of discussions regarding the construction of Cheney Drive West extension with Twin Falls Reformed Church, MBJ, LLC aka Countryside Village Trailer Park and the developer. The City has received road right-of-way from MBJ, LLC. The road right-of-way dedication has not been received from the property owner to the north, Twin Falls Reformed Church, Inc. Four of the five proposed professional office use lots access Cheney Drive West, extended. The Commission may wish to place a condition on the preliminary plat that no building permits will be issued for Lots 1 through 5, Block 1 of the Fieldstone Professional Subdivision until Cheney Drive West has been constructed.

A portion of Twin Falls Canal Company's Lateral #43 is located along the northern boundary of the proposed subdivision where Cheney Drive West, extended shall be constructed. The developer is proposing to relocate and pipe the lateral on the property to the north, Twin Falls Reformed Church, Inc. The Commission may wish to place a condition on the preliminary plat that the developer shall provide an approval from the Twin Falls Canal Company for the relocation of the lateral and the necessary easements.

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Fieldstone Subdivision is currently served with thirty five (35) sewer will serves. This development, being a re-plat of those residential lots, will retain those will serves and associated volume of waste water. There will be no additional capacity available until the waste water treatment plan is complete. The estimated time of completion of the treatment plant is December 2015.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

This request is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential development and the urban village/urban infill land use concept. There is not a zoning designation specific to the Urban Village/Urban Infill classification but it encourages mixed density residential development and a mix of non-residential uses that support the area which can be met with the professional office overlay.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request, as present, staff recommends the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to Council approval of an Ordinance for the rezoning of the property from R-2 to R-4 PRO PUD.
3. Subject to Council approval of an Ordinance for the vacation of the dedicated public rights-of-way and easements consisting of 2.7 (+/-) acres located within a portion of the Fieldstone Subdivision located south of the 900-1100 blocks of Cheney Drive West, undeveloped and east of the 1350-1450 blocks of Field Stream Way.
4. Subject to Council approval and recordation of the Fieldstone Professional P.U.D. R-4 Professional Planned Unit Development Agreement.
5. Subject to no building permits being issued for Lots 1 through 5, Block 1, Fieldstone Professional Subdivision, until Cheney Drive West, extended, has been constructed.
6. Subject to road right-of-way being dedicated to the City of Twin Falls from the Twin Falls Reformed Church, Inc. for their portion of Cheney Drive West, extended.
7. Subject to Twin Falls Canal Company approval of the relocation of Lateral #43 and the dedication of necessary easements.

**PZ Questions/Comments:**

- Zoning & Development Manager Carraway stated that the developer has asked that lot 4 Block 1 be excluded from condition #5, because to construct this building he would be accessing the property from Field Stream Way, she explained the City Engineer Fields may be able to address this issue if the Commission has questions about this request.
- Commissioner Frank asked City Engineer Fields to discuss this request.
- City Engineer Fields stated as long as the entity that chooses to develop on that land and is willing to accept access on Field Stream Way that would work out just fine.

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- Commissioner Woods asked about the irregular shapes of the lots along the northeast portion of the plat.
- Mr. Thibault explained these lots were excluded from the plat because the Fieldstone Homeowners Association owns this greenbelt area.
- Commissioner Woods asked if Misty Meadows Trail will go all the way through generating more traffic through a residential area.
- Mr. Thibault stated no the road will not go through it will be posted as private with no on street parking.
- Commissioner Woods asked about the configuration of Tract B and if the reason for it is because of existing construction.
- Mr. Thibault stated the tract contains storm water retention that will need to be reconfigured to accommodate the storm water retention as well as the construction of Cheney Drive West along the northern boundary.
- Commissioner Grey asked how the relocation of the lateral will work if there is not documentation from the church to the north as to whether or not they have agreed to this.
- Mr. Thibault explained he and the developer have been working with the property owners in the area and the canal company on relocating the lateral and suggested Mr. Wills speak on that issue. There is a plan for piping the canal and they are currently working on alignments to complete the project. There are a lot of properties with a vested interest in this project.
- Brad Wills, Wills Inc. stated the lateral is on the churches property, they have been working for about a year with the canal company. To make the pipe work they have an agreement with the canal company to have them relocate the lateral to an open ditch to the north, so that they don't have to pipe it twice. The Twin Falls Reform Church through their PUD Agreement has signed an agreement to give the City right-of-way to move forward with Cheney Drive West construction. The moving of the canal and the development of Cheney Drive West are being worked on together so that it can be done around the same time.
- Commissioner Munoz asked if there have been any traffic studies for this area related to how high density development would impact the area.
- Mr. Wills explained not to his knowledge, but by extending Cheney Drive West that should assist in relieving traffic. This project is not increasing the density but by having Cheney Drive West go through the intention is to have the City grow in this direction and by building Cheney Drive West it should help.
- Commissioner Frank asked the City Engineer Fields to describe how the City designs its roads.
- City Engineer Fields explained the master development plan shows collectors as four lane roads and this has been designed as a three lane road because the access is very limited and in part because there was a desire to getting it built.
- Commissioner Frank asked if from what is known of this development does staff see any potential traffic concerns.
- City Engineer Fields stated not along this section.
- Commissioner Munoz asked if there is a deadline for completion of the Cheney Drive West, extension, because the rest of the subdivision can be developed creating density without traffic plans.
- City Engineer Fields stated there is not a due date for construction of the Cheney Drive West, extension but it is her understanding that there is a desire to construct it as soon as possible because there is more than one beneficiary.

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**Public Hearing: Open**

- Megan Humble, 931 Misty Meadows Trail, stated she knows that it is required for non-residential developments to provide fencing, the request is that the fence go up before the development takes place so that the fencing can be uniform, especially since some of the lots are going to be directly exposed to the Cheney Drive West, extension.

**Closing Statement:**

- Mr. Wills stated along Grandview Drive there is a nice block wall and it was extended through Sunterra. The home owners are responsible for choosing to fence up along the walking path. The businesses will have to provide fencing between the two uses. They will put the fencing in before the development occurs.

**Public Hearing: Closed**

**Deliberations Followed:**

- Commissioner Munoz stated he still has concerns related to traffic and once Cheney Drive West is developed that will help, but he still has concerns.
- Commissioner Sharp stated he likes this plan better than the high density housing, the concerns have been addresses, as for traffic the property is going to be developed one way or the other.
- Commissioner Boyd stated it's hard to predict because you can't have one without the other development needs the road and the road needs to be there for development. So predicting when things will be built is difficult.
- Commissioner Munoz stated his concern is that Cheney Drive West doesn't have to be constructed until after the other lots are already developed.
- Commissioner Grey stated what if the condition was changed to state that Cheney Drive West must be built before development occurs.
- Commissioner Frank stated that building permits could be withheld until Cheney Drive West is built where the professional office lots are located.
- Commissioner Sharp clarified that Condition #5 states exactly that requirement.
- Commissioner Munoz stated that he thinks restricting development for the entire subdivision is until Cheney Drive West is constructed is too restrictive; he just has concerns with the timing and the traffic.
- Commissioner Frank stated he doesn't have an issue with approving this request.

**Motion:**

Commissioner Sharp made a motion to approve the request, as presented, with staff recommendations. Commissioner DeVore seconded the motion. Commissioners Boyd, Derricott, Frank, Grey, Sharp, Tatum, DeVore and Woods voted in favor of the motion and Commissioner Munoz voted against the motion.

**APPROVED, AS PRESENTED, WITH STAFF RECOMMENDATIONS**

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to Council approval of an Ordinance for the rezoning of the property from R-2 to R-4 PRO PUD.

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3. Subject to Council approval of an Ordinance for the vacation of the dedicated public rights-of-way and easements consisting of 2.7 (+/-) acres located within a portion of the Fieldstone Subdivision located south of the 900-1100 blocks of Cheney Drive West, undeveloped and east of the 1350-1450 blocks of Fields Stream Way.
4. Subject to Council approval and recordation of the Fieldstone Professional P.U.D. R-4 Professional Planned Unit Development Agreement.
5. Subject to no building permits being issued for Lots 1 through 5, Block 1, Fieldstone Professional Subdivision, until Cheney Drive West, extended, has been constructed.
6. Subject to road right-of-way being dedicated to the City of Twin Falls from the Twin Falls Reformed Church, Inc. for their portion of Cheney Drive West, extended.
7. Subject to Twin Falls Canal Company approval of the relocation of Lateral #43 and the dedication of necessary easements.

**IV. PUBLIC HEARINGS:**

1. Request for the Commission's recommendation on a request for a PUD Agreement Amendment to amend the Magic Valley Mall, LLC PUD Agreement #215 to allow a modification to the sign criteria on property located at 1485 Pole Line Road East c/o David Thibault, EHM Engineers, Inc. on behalf of Magic Valley Mall. (app. 2612)

**Applicant Presentation:**

Dave Thibault, EHM Engineers, Inc., representing the applicant stated this PUD Agreement was created in the mid 80's and has had several amendments subsequently as the Mall has grown. The request is that the PUD be amended to include language that would make the mall subject to the updated City Sign Code ordinance. The PUD would read that all signs constructed or installed on the subject property shall meet the applicable provisions of the Twin Falls City Code with no other restriction being placed on signs permitted under this agreement. They want to play by the same rules and the Mall has discovered that as they have tried to erect and construct signs for their property that trying to ensure compliance with the PUD Agreement has been laborious for their contractors to sift through their PUD requirements. The one exception to this change would be the pennant signs; the Mall has recently remodeled some of the entrances and added pennant signs previously called out in the PUD Agreement, they would ask that those remain in the PUD Agreement and permitted as allowed through the PUD Agreement. These signs don't necessarily advertise for specific stores or products they are more decorative and gives the customer a sense of place and location. The mall is a destination and these signs assist the customers.

**Staff Analysis:**

Planner I Spendlove displayed the exhibits on the over heads and reviewed the staff analysis of the request. He stated this request is for the Commission to consider an amendment to the Magic Valley Mall PUD Agreement to allow a modification to the sign criteria on property located at 1485 Pole Line Road East. The modification would allow future signage at the Magic Valley Mall to follow current and revised City Code 10-9; Sign Regulation standards. At the preliminary presentation there was a question from the Commissioners about the change this impact will have on sign for the property. The staff report tried to address the question but essentially there are too many variables to give a specific yes or no answer. The will have to comply with the current city sign code and without a plan with dimensions or locations there is no way of knowing the answer.

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

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1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Magic Valley Mall, LLC PUD Agreement #215; 2014 Amendment, as approved by the City Council, prior to development of this site.

**PZ Questions/Comments:**

- Commissioner Tatum asked if this is approved will this set precedence for other PUD Agreements to change their sign criteria and would that open things up for detracting from the development.
- Planner I Spendlove stated an applicant can always come in and request a PUD Amendment as fro detraction is they wanted to come through and change the construction design if it is removed they would have to comply with city code if there are deficiencies in the city code that might be a place to asked whether or not the amendment is adequate.
- Commissioner Sharp clarified that this will bring their requirements into alignment with the City Sign Code.
- Commissioner Woods asked if a sign could be built along the Bridgeview corridor with bright lights next to sleeping quarters.
- Planner I Spendlove stated that if he is referring to message center signs there are provisions for how bright those can be specifically, it does not preclude any certain areas where they can or can't be except for in commercially zone properties. There are size requirements and conditions that have to be met.
- Commissioner Woods states so message center signs would be allowed.
- Planner I Spendlove stated if he saw a plan he could be more specific but Bridgeview could also be able to have the same type of sign pointed towards the mall property, it is a possibility both properties are commercially zoned.
- Commissioner Woods asked if there are lighting considerations when the sign is next to sleeping quarters.
- Commissioner Frank asked if the current PUD Agreement prohibited message center signs.
- Planner I Spendlove stated he is not sure but he does know that the City Sign Code addresses message center signs and has provisions to address the brightness of the sign, frequency of messages; there are conditions that have to be met.
- Commissioner Woods stated we are here to protect the adjacent properties and while Bridgeview may be commercial it is still somewhat residential and people may be trying to sleep.
- Planner I Spendlove explained if the sign code is deficient in addressing this situation maybe that needs to be discussed.
- Zoning & Development Manager Carraway stated the City has not heard any concerns from the adjacent property owners. Bridgeview was notified through this process if they had concerns she believes they would have been here.

**Public Hearing: [Open](#)**

**Public Hearing: [Closed](#)**

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**Deliberations Followed:**

- Commissioner Munoz stated that he reviewed the sign code and what is allowed currently. The sign code makes enforcement easier and rather than studying a massive PUD to make sure it meets the PUD Agreement criteria. The current sign code is much more restrictive than what is in the PUD Agreement. It won't fix signs that are not in currently in compliance but it will be much easier to enforce in the future.

**Motion:**

Commissioner Tatum made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

**RECOMMENDED FOR APPROVAL, AS PRESENTED, WITH STAFF RECOMMENDATIONS**

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Magic Valley Mall, LLC PUD Agreement #215; 2014 Amendment, as approved by the City Council, prior to development of this site.

**SCHEDULE FOR PUBLIC HEARING WITH CITY COUNCIL MARCH 10, 2014**

2. Request for the Commission's recommendation on a request for a PUD Agreement Amendment to amend the WS&V PUD Agreement #263 to allow a mixed use development; consisting of professional office and residential uses, on the remaining undeveloped lots within the WS&V First Amended Subdivision-A PUD, consisting of lots 2-5 Block 1 and totaling 16 (+/-) acres, located west of the 1000 block of Field Stream Way and southwest of Cheney Drive West, extended c/o John O Fitzgerald, II on behalf of WS&V, LLC (app. 2614)

**Applicant Presentation:**

John Fitzgerald, II, representing the applicant, stated they are here to request an amendment that will help to move the process forward with some clarification. He reviewed the area on the overhead and what is surrounding the property. The property to the east of this development has been rezoned to R-4 PRO through a PUD Agreement. The first amendment is a clarification making

Dr. Office's an allowed use without a Special Use Permit process. The second amendment is a clarification that detached accessory buildings be allowed without a Special Use Permit if less than 1000 sq. ft in size. The next amendment is an amendment to the land use regulations the PUD is written presently it provides for 6 units per building. The applicant is asking that this be amended to allow for 8 units per building as a permitted use. This is in line with the concept initially presented; the Devon Senior Housing project would be the concept that they have for the development. Part of the problem with this project in and of itself is that it is conceptual in nature. This is not a typical PUD in which a master development plan is presented. What they are looking for is to provide a list of permitted uses and special uses consistent with the concept of how the property would be marketed and developed. To be consistent with that concept is amending the PUD Agreement allowing 8 units which would be consistent with the Devon Senior Housing project. The next amendment #4 is a clarification associated with detached accessory building larger than 1000 sq. ft. associated with residential carports and clubhouses. The next item in conjunction with taking 6 units up to 8 units they would like to allow anything about 8 units to a maximum of 12 units be allowed by Special Use Permit. In the previous hearings there has been objection associated with

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this process and it has been misrepresented. It has been implied that the developer is seeking carte blanche approval in other words this is our concept give us permitted uses and let us go; thereby eliminating governmental oversight and public input. Part of the amendment is to seek a process by which this is a less cumbersome process to go through rather than each time a project comes up a concept comes up that they have to come back and seek amendments to the PUD Agreement. What they have done in this amendment is make seeking a Special Use Permit part of the process which allows for governmental oversight and public input. For example if there is a concept or project that would fall under the Special Use list then they would come back and request approval through the Special Use Permit process providing for input and oversight. That is the item that is listed as number 6 in the staff report. They are looking for a mechanism by which this PUD Agreement and the projects and conceptual development as it progresses into the future it is more amenable and less burdensome process but fulfill the need for governmental oversight and public input. One of the other amendments was the land use regulation associated with access. They included in the statement “or by recorded easement” the applicant is willing to withdraw that from the amendment. The next two items numbered 8 & 9 were previously approved and included them in the amendment to show it was part of the previous amendment. That was via a separate document he was trying to keep all the changes together to make it all part of one document. These items were approved in October of 2013. With respect to conclusions as it relates to the condition that a new water and sewer model be completed, WS&V, LLC is more than happy to cooperate if it was found to be necessary however with respect to the properties in the area and the owners they are working together and in fact have an agreement with respect to the water and sewer systems out in the area and Mr. Gerald Martens one of the owners of the land in this area and he can speak more specifically to that concern. In conclusion with respect to condition #2 it is being worked out amongst the property owners.

**PZ Questions/Comments:**

- Commissioner Frank asked for clarification of what is being withdrawn.
- Mr. Fitzgerald stated items #7 related to the statement “or by recorded easement” will be removed.

**Staff Analysis:**

Planner I Spendlove displayed exhibits on the overhead and review the staff analysis of the request. He stated this property has a long history on this property and in summary 2006 was when the property was annexed with an R-2 zone. The applicant is correct in that the property to the ease was approved for the rezone, and the rezone the map shows R-2 is because the ordinance has been adopted, once adopted the map will be updated to R-4 PRO PUD. There have been developments surrounding the property Xavier Charter School and the LDS Church that is under construction. There have been various rezones and PUD amendments from approximately 2009-2012. Progressively these have come through the public hearing process with different items detailed throughout. As for the analysis the applicant’s representative has reviewed each amendment item includes so the staff presentation will be about the possible impacts this amendment may have on the development and surrounding area.

Possible Impacts of the PUD Amendment as listed above:

**#1:** Staff does not feel this amendment has a significant impact on the development in terms of design and use of the property. The changes being made are consistent with Current City Code and the overall design of surrounding neighborhoods and existing zoning districts.

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**#2 & #4:** Although City Code does identify detached accessory and accessory buildings differently in our definitions, this amendment will clarify any discrepancy that may have existed. Staff does not feel this amendment will have a significant impact on the surrounding area in terms of overall design or use of the property.

**#3, #5, & #6:** In 8 years this area has been up-zoned to include a dramatic increase in available dwelling units and density. In 2006 the area was annexed as an R-2 zoning designation that requires separate lots for each building, and a maximum of 2 dwelling units per building, and no commercial aspect to the development. In 2009, a portion of that area was zoned R-4, which still requires separate lots for buildings, and a maximum of 4 dwelling units in one building (per special use permit). This rezone also brought an inclusion of some commercial/office aspect into a portion of the property. In 2010 the entirety (both R-2 and R-4 PRO areas) was again rezoned to R-6 PRO, this too required each building to be on its own lot, and put a permitted maximum of 6 dwelling units per building. In 2012, a PUD Amendment was approved for a +/- 5 acre portion of the project that allowed multiple buildings on one lot, with a maximum of 6 units per building. This current amendment is asking to increase the permitted number of units per building as well as allow multiple buildings on one lot through a Special Use Permit Process.

The allowance of multiple buildings on one lot is a type of design language not found in any Residential Zone in the Twin Falls City Code. This language is found in the Commercial and Industrial zoning code sections. The Devon Senior Housing project mentioned by the applicant in their letter is found in the C-1: Commercial Highway zoning district.

The amendment to allow 8 dwelling units per building is significantly different from the total allowable units that were possible in 2006 when this area was annexed under the R-2 Zoning district, as well as the subsequent rezone to R-4 PRO that took place in 2009. The approved R-6 PRO PUD currently in effect does place a maximum of 6 dwelling units per building. The base R-6 Zoning District does not have a maximum dwelling unit built into the current code. However, the increase in available density from 6 to 8 units will have an impact on the current uses in the area as well as the potential surrounding uses if approved. Per **City Code 10-6-1.3(A)**: "In residential zoning subdistricts, the number of units per building shall be determined by commission and council action."

The potential for an increase in the amount of possible dwelling units will have an impact on water and sewer services in the area. The recorded subdivision and its lots were calculated at a certain rate of usage for water and sewer. We are unable to determine the actual impacts that may occur due to the conceptual nature of the submitted development plan. Typically, we would be able to ascertain the impacts of these types of developments on a case by case basis when they went through the subdivision process. If the amendment to allow multiple buildings on a lot is approved, we do not have a mechanism that provides for this modeling to be required prior to development of the land. Therefore the extent of the impacts on the surrounding area cannot be determined at this time. We

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need a new infrastructure model of the water and sewer systems to take place prior to any development on Lots 2-5 of the WS&V Subdivision First Amended, due to the changes in capacity being proposed, because there is no way to responsibly size the infrastructure. The flexibility sought by the applicant means the infrastructure size is likely to be too big or too small.

**#7:** This amendment will have an impact on the design and use of this development. This amendment will change the requirement for roadways built within the PUD. They roadways will no longer have the requirement to build to City of Twin Falls Standards. The roadways will be private, not maintained or accepted by the City. The development plan does not contain any internal roadways, conceptual or otherwise. The impacts of allowing roadways to be designated via easement could lead to issues with the connectivity to surrounding City Streets. The impacts cannot be determined at this point due to the lack of designated access points on dedicated City Streets. Has been withdrawn by the applicant

**#8:** Staff does not feel this amendment has a significant impact on the development in terms of design and use of the property. The changes being made are consistent with Current City code and the overall design of surrounding neighborhoods and existing zoning districts.

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

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards and the WS&V PUD #263; a R-6 PRO Planned Unit Development.
2. Subject to a new infrastructure model for sewer and water systems, and corresponding construction plans, being approved by the City prior to any development occurring on Lots 2-5 of the WS&V Subdivision First Amended.
3. ~~Subject to a development plan showing private roadway easements, and access points onto dedicated public roadways, being approved by the City prior to any development on Lots 2-5 of the WS&V Subdivision First Amended; or proposed amendment "Land Use Regulations — (D) Property Development Standards: 7 — Access: ...or by a recorded easement" being removed from the Amended PUD Agreement.~~ **Withdrawn By Applicant**

**PZ Questions/Comments:**

- Commissioner Frank asked Mr. Martens to address the modeling condition listed in the staff recommendations.
- Mr. Martens stated that he is the property owner to the north of this property; he is the Engineer for this project as well as the Fieldstone Professional development. He stated they have a new water model dated November 26, 2013 he is not opposed to review of the model and believes it meets all of the requirements.

**Public Hearing: Open**

- Gerald Martens state he is here to represent the property owner to the north there have been some concerns related to the density and the ability to serve the area. They have worked with

this applicant on design. The water will serve both properties and they are working to get Cheney Drive West, extended which has taken a long time. There will be additional traffic relief concerns addressed in future plans for the area, and from the neighbor's standpoint the requested amendments will no compromise their property.

- Megan Humble, 931 Misty Meadows Trail stated she has a couple of concerns with this request. In 2006 this was R-2 zoned, then rezoned to R-4 then to R-6 PRO, then 5 acres was allowed to be rezoned to allow for 60 apartment units. The request to increase the density is concerning as a home owner in the Fieldstone Subdivision to the east of this property. She believes the comprehensive plan this is listed as an urban village mixed use designation. There was already an approval for apartment buildings project on the southeast boundary of this property. She realizes this is a conceptual plan so nobody has any idea what the development will look like; with the requested amendments it could conceptually become a big sea of apartments and this type of development has already been approved on the other portion of the property. We need a different mix of uses in this urban village designation. She understands the need for rental units in the City it seems there are a lot of other properties that could be used for apartment buildings, some on the east side of town that looks great for apartments. There is not a need for all of these apartments on this side of town in this location. Xavier Charter School generates a lot of traffic and this will just increase the congestion especially during peak travel times. In conclusion a similar request was denied by Planning & Zoning and City Council not long ago nothing has really changed, she asked that they Commission not recommend approval of the increased density and multiple apartment buildings on a single lot.
- Steven Dixon, 1006 Cobble Creek Road, in the Fieldstone Subdivision he would like to echo Megan's comments and add that he has issues with adding another level of complexity to the process for someone to request a special use permit every time someone thinks of something new. We will be coming back over and over again because there isn't a plan.
- City Engineer Fields stated she would like to explain why a water and sewer model is necessary. When there is generally known quantity of units being proposed something like with traditional subdivision the staff can gain an understanding of whether or not there will be sufficient fire flow for the neighborhood and to try and avoid any unintended consequences downstream at the sewer and water treatment plant. The issue tonight isn't whether or not the sewage will get merely across Pole Line Road the request to be able to look at any proposal that comes out the request is to be able to ask that if it looks different that is be modeled to verify that it is or isn't different so that we don't have an unintended consequence. It is not known to her at this point and time how the surrounding neighborhoods are going to develop and what type of fire flow needs will have to be met. If the model done in November 2013 is sufficient staff will accept the document if it is not sufficient then another model will be requested. If the model will meet the needs and it matches the needs of the request the staff will work with that information. If she doesn't understand what the plan is for the large lots then she has to make assumption. This has been done in other places around town, and staff has said once the market has been found for the property staff will review the plan and figure out what needs to be done to move forward. That is the sole purpose for the provision listed in the staff recommendations.
- Monica Rojas, 1017 Cobble Creek Rd, a Fieldstone resident. She would like to ask that the Commission recommend denial.

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- Kristina Hill, 932 Starlight Loop, stated she is opposed to this request and agrees with previous testimony. One thought she had is that by amending this document it makes it easier in the future for them to not have to go through a process to approve a project; there shouldn't be projects that don't fit into this agreement because the agreement outlines what was agreed upon at the time of approval. This agreement has changed and the increase density is not what we won't in this area. Her children attend the Xavier School and this is her home, she is concerned with property values, the feeling that exists currently in the neighborhood, and she asks that this request be denied.
- Brad Wills, owner of the property to the east of this property stated he has been involved with planning out this area and trying to keep in mind the traffic and construction of Cheney Drive West, He thinks there is a need for more rentals and there are other uses that will probably happen in this area also. He requested that the Commission recommend approval of the request. He believes that part of the confusion was that the change involved all of the property and it really applied to one lot. He thinks this is a good way to go.
- Michelle Downard, 933 Rice Circle stated she would encourage the Commission to consider carefully what makes it better in the eyes of all of the home owners in the area when you increase the density. Who is this benefiting, that is probably the key issue and to go from 6 to possibly 12 is a huge jump with existing traffic problems, and apartment buildings can impact the home values in the area. Consider carefully the little guys instead of the big guys and what is best for them and what is best for the neighborhood.
- Tara Packham, 966 Rice Circle, stated she lives south of this and was not aware of this request previously and she would like to echo what Ms. Humble said what really concerns her is that plans are being discussed by the developers for property even further west and she hopes that she is made aware of those plans. She would request that this be denied.
- Erika Willsey, 1242 Silver Creek Way, Sunterra Subdivision, she is opposed to this request. There was not confusion about the changes that were approved for the 1 lot, it was clear. She is concerned that she has to keep coming back to defend her neighborhood; because these developers want more and more and more slicing more off for their piece of the pie. She would request that the public notice signs be posted in more visible locations. The neighborhood has given enough and they are done.
- Clint Hales, 213 Edwards, stated he is building a house in this area and had he known this was the plan he is not sure he would have built in this location. There are a lot of problems with that kind of density.

**Closing Statement:**

- Mr. Fitzgerald stated the applicant respects the neighbors they are asking for an amendment to the process and they would like to make the process less cumbersome. They are seeking to move the 6 units to 8 units and anything above 8 units up to 12 has to go through the SUP process. It is not carte blanche; they just want to make the process less cumbersome.
- Commissioner Frank asked if there is anything that could increase the maximum allowable density with this requested zoning.
- Planner I Spendlove stated until a design is available there is no way of knowing. The amount would be based on the design of the project to determine the amount of land needed for each building, if the buildings are going to be upstairs and downstairs or below ground. There is a base number for lot sizes in the R-6 zone and until staff knows what is going to be there it is not possible to calculate the density.

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- Commissioner Grey the R-6 Zone takes it from a maximum of six they are requesting a maximum of eight.
- Planner I Spendlove stated that amount would be per lot under the R-6 Zone, what they are requesting is to allow multiple units per building and multiple buildings on a single lot which makes it even more complicated to determine density calculations along with all the other requirements. In summary this change if approved would increase the number of units in a building and allow multiple buildings on one lot.
- City Attorney Wonderlich stated he and Planner I Spendlove had a long conversation regarding this request and how difficult this is and he is not able to say how dense the project will be with all of the additional requirements that have to be met. What is known is that apartment complex developments only have so much room because of parking and landscaping requirements. This can't be calculated without seeing a design for the project.
- Commissioner Grey wanted to clarify to the audience that until there is a plan there is not a way to know what the density will be for the development.
- City Attorney Wonderlich stated with regards to Mr. Fitzgerald's presentation he is correct, this with the exception of 6-8 it is primarily a process issue. Currently the way it stands is when they choose to develop each lot and decide on a design plan they have to come through the Planning & Zoning Commission & City Council for a PUD Agreement Amendment. This change would require them to come to the Planning & Zoning Commission through a Special Use Permit process. It would not go to the City Council unless there is an appeal.
- Commissioner Munoz clarified as the PUD Agreement stands now a 6-plex is allowed on one lot. This change if approved would allow multiple 6-plexes on a single lot and if they want more than 6 units and multiple units on one lot they would come through a Special Use Permit process.
- Planner I Spendlove explained in the current PUD without these changes a 6-plex can go on one lot they would like to raise the number to an 8-plex and allow multiple buildings on a lot.
- Commissioner Derricott stated there would still be some restrictions because of the parking and landscaping requirements.
- Commissioner Woods stated he sees a gradual degradation in a process that the City has used for years and only for the convenience of the developer. He would see this change making it very difficult for staff to plan for traffic and other development because there is not an existing plan. He also thinks this would set precedence if approved and other developers are going to want the same thing, and the City loses control over transitioning from single family to multi-family.
- Commissioner Sharp stated his big issue is that the home owners in this area were not aware of this plan and was not told that this was going to be the plan and it keeps changing.
- Commissioner Munoz stated he agrees with the transitioning issue and this is allowing a commercial design in a residential zone. This change is changing the nature of how the property will be developed the MV Mall PUD Amendment was not going to change the development it was going to make their process for sign approval less cumbersome.

**Public Hearing: [Closed](#)**

**Discussion Followed:**

- Commissioner Boyd stated progress can be messy and there was once upon a time where home owners were building next to a golf course and now it's a church. We need to look at what is happening in the area and what is good for the neighbors. She asked for ownership clarification.

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- Planner Spendlove explained the applicant owns lots 2-5 they do not own lot 1 it was sold and it has its own PUD Agreement with a development plan for that parcel to look like what is shown on the exhibit.
- Commissioner Munoz stated having to change the plan over and over again without a plan is not good practice because the planning gets lost in the process.
- Commissioner Frank stated he appreciates the need for flexibility to be able to market the property but there are too many unknowns.
- Commissioner Tatum asked if there could a motion to approve some of the changes without approving all of the changes.
- Commissioner Grey stated for example the portion regarding Dr. Offices and detached accessory those changes were just clarifications and he understands that part of the request but the multiple units and density related portion he is not sure about.

**Motion:**

Commissioner Tatum made a motion to approve the request, as presented, with the following amendments: to allow Dwellings-multiple household with a maximum of 6 units as a permitted use, and to remove the Dwellings-multiple household allowing more than 8 units to a maximum of 12 units as allowed through Special Use Permit. Commissioners Boyd, Derricott, Frank, Grey, Munoz, Sharp, Tatum & DeVore voted in favor of the motion and Commissioner Woods voted against the motion.

**RECOMMEND APPROVAL OF THE REQUEST, AS AMENDED BY THE PLANNING & ZONING COMMISSION, AND AS PRESENTED, WITH STAFF RECOMMENDATIONS**

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 WS&V PUD #263; a R-6 PRO Planned Unit Development.
2. Subject to a new infrastructure model for sewer and water systems, and corresponding construction plans, being approved by the City prior to any development occurring on Lots 2-5 of the WS&V Subdivision First Amended.

**SCHEDULE FOR PUBLIC HEARING WITH CITY COUNCIL MARCH 10, 2014**

**10 Minute Break**

3. **WITHDRAWN** Request for a Special Use Permit to allow an impound yard, wrecking yard, automobile salvage and junkyard on property located at 198 Gem Street South **c/o Mark Gordoski DBA Marky's Super Tow** (app. 2616)
4. Request for a Special Use Permit to allow parking of two pieces of heavy equipment in conjunction with an excavation business operating as a home occupation on property located at 911 Rice Circle, **c/o Jim & Juline Crandall** (app. 2617)

**Applicant Presentation:**

Jim Crandall, the applicant stated they own an acre lot located at 911 Rice Circle in Twin Falls and are requesting a Special Use Permit to operate a home occupation for Crandall excavation. They moved into the home in November of 2000 have operated their business from this location and have never had any complaints from surrounding neighbors. The business has not additional

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employees and it does not generate any customers that would come to the home. He can keep an eye on his equipment and there have been no hazardous uses of the property, no odor, fumes or vibrations from the business. There are no plans to change anything and they intend to continue to operate as they have. He accesses the drive way from Rice Circle and when not at work the equipment is parked next to the garage. The other equipment shown is a spare backhoe and dump truck when not in use they are parked neatly square with the road and 60 ft. from the asphalt along Falls Avenue. There is a large 50' entrance at this location and it does not interfere with the traffic on Falls Avenue West. They have been at this location for 13 years without complaints and they ask this to be considered when making the decision.

**Staff Analysis:**

Zoning & Development Manager Carraway stated this is a request allow parking of two pieces of heavy equipment in conjunction with an excavation business operating as a home occupation on property located at 911 Rice Circle. She stated in January 1996 City Council rezoned approximately 10 acres from RR to R-1 43,000 to allow the site to be developed into a residential subdivision. Bradshaw Subdivision was recorded in October 1998. As the property is located in the Area of Impact the road Falls Avenue West is under the maintenance/development jurisdiction of the Twin Falls Highway District who have reviewed and signed the plat, as presented. The applicants built their home in 2000 and began operating their excavation business from this location at 911 Rice Circle. In 2004 the City and County updated the Area of Impact Agreement as part of the update this area was changed from an R-1 4300 Zoning Designation to SUI; Suburban Urban Interface. The basic uses and development standards did not change in this zone. In 2005 The Crandall's received a building permit for a 952 sf garage. The garage was issued a final inspection in 2006. As stated, the applicant began operating an excavation business from this location at 911 Rice Circle in 2000. The City has had no complaints regarding the operation of a home operated excavation business until last year. Upon investigation it was discovered that there were two pieces of heavy equipment being parked in the driveway. When the property owner was asked about the complaint he indicated they did use a room in the house for bookwork but no customers or employees come to the home. He bids jobs at home and drives his equipment to the job site. The two to three pieces of heavy equipment are vehicles which would not normally be found incidental to a residential use; therefore staff requested that the applicant apply for a Special Use Permit to include the use of the heavy equipment in conjunction with the operation of their home occupation. Staff received two letters from adjacent property owners that Chairman Frank will read into the record.

The location of the home occupation is within a platted subdivision. The lot is zoned SUI within the area of impact. A Special Use Permit is required prior to operating a home occupation in order to mitigate possible adverse effects on adjoining property owners. The total area allowed for an approved home occupation is four-hundred (400 sf) square feet and there cannot be any exterior indication of the home occupation. Approval of a home occupation is specific to the applicant at the approved location.

City Code 10-10-2(c): parking layout states- direct private residential driveway access to arterial streets creates a traffic hazard. No development plan or plat creating lots which require direct residential driveway access to an arterial street shall be approved (Ord. 2347, 9-3-1991). City Code 10-11-4; states all parking and maneuvering areas shall be hard surfaced adopted in 1997. This site is

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located on Lot 1, Block 1 of the Bradshaw Subdivision that was platted and recorded 1998. On the plat there is a note that states ..."direct lot access to Falls Avenue West from Lots 1 and 8, Block 1 shall be prohibited". Falls Avenue West is a street with heavy traffic which is why this condition was placed on the plat. The applicants have indicated they park their equipment in a dirt parking area accessed off Falls Avenue West. They use Rice Circle to access their residence. At this time the Falls Avenue West road maintenance in this area is by the Twin Falls County Highway District although jurisdiction for enforcement falls on the City. The Twin Falls County Highway District would have been required to review and approve this subdivision plat and the notes in 1998 as it was and still is located with the Area of Impact.

If the Special Use Permit is granted, as presented and with any conditions, City Staff will conduct a full review of the site and plans to ensure compliance with all applicable City Codes, including zoning and engineering requirements prior to issuing the special use permit.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject To The Site Plan Amendments As Required By Engineering And Zoning Officials To Ensure Compliance With Applicable City Code Requirements And Standards.
2. Subject To Site Plan Amendments As Required Ensuring Compliance With Applicable Twin Falls City & County Highway District Code Requirements And Standards.

**PZ Questions/Comments:**

- Commissioner Munoz asked if he does any type of maintenance to the equipment.
- Mr. Crandall stated that he does minor things like oil changes but nothing major.
- Commissioner Frank asked if the bulk fuel tank shown in the photo is an issue.
- Zoning & Development Manager Carraway stated if it was put on the property when it is was built, the Fire Department would have reviewed the tank. If not then the Commission could add that it be checked as a condition of approval.

**Public Hearing: Open**

- Chairman Frank read into the record two letters from citizens in support of the request these letters have been filed with the application file.
- Tara Packham, 966 Rice Circle stated they are great neighbors and are good stewards of their property; she has no concerns with this request being approved.
- Michelle Downard, 933 Rice Circle, is in support of the request.
- Rob Hendrickson, 934 Rice Circle, would recommend approval of the Special Use Permit.
- Penny Vance, 867 Rim View Lane would recommend approval of the Special Use Permit.
  
- Gary Cook, 912 Rice Circle, stated the property is in the direct line of site their property is always kept neat and clean and asked that the request be approved.
- Shane Memmott, 965 Rice Circle stated they have been there for approximately seven years keep their yard immaculate and he would recommend the request be approved.

**Planning & Zoning Commission Minutes  
February 11, 2014**

- Tammy King, 981 Rice Circle, seconded all of the testimony given and stated they have been very conscientious about the neighborhood and would recommend approval.

**Public Hearing: Closed**

**Deliberations Followed:**

- Commissioner Sharp asked how they bring the access issue into compliance.
- Zoning & Development Manager Carraway stated that staff will work with the applicant.

**Motion:**

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

**APPROVED, AS PRESENTED, WITH STAFF RECOMMENDATIONS**

1. Subject to the site plan amendments as required by Engineering and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to site plan amendments as required ensuring compliance with applicable Twin Falls County Highway District Code Requirements and Standards.
5. Request for a Special Use Permit to allow development and operation of a Tourist Information Center on property located at 3591 Blue Lakes Boulevard North **c/o Shawn Barigar on behalf of Twin Falls Chamber of Commerce** (app. 2618)

**Applicant Presentation:**

Shawn Barigar, the applicant stated the request is for a Special Use Permit for a Tourist Information Center. The existing center has operated there since 1989, and they are at a point in planning to construct a new modern facility to better serve the area. The new center would operate year round, 8am to 8pm seven days a week. There are approximately 25-27,000 visitors per year currently, calculated by who signed the guest book between March and October each year. The property is owned by the Idaho Transportation Department, the land has been leased to City of Twin Falls for years, the building is owned by the Chamber of Commerce and the City owns the restrooms. If this request is approved a draft lease has been created that would lease the property directly to the Chamber of Commerce and take the City out of the agreement. Along with a new building the site will be altered slightly to align the exhibits up geometrically on the lot, landscape the area with more manageable materials and improve the appearance of the site.

**Staff Analysis:**

Planner I Spendlove displayed the exhibits on the overhead and reviewed the staff analysis of the request. He stated there is little known zoning history on this particular site. Records show the Open Space Zone was established in the City Code in 1981. It is believed the area where the Tourist Information Center now resides was zoned Open Space at that time. The structure was reportedly built in 1989. The restrooms located on the site were built in 1991-92 in a joint venture between the City and State of Idaho. The latest lease was signed in 2010 between the City and the State of Idaho. The allowance of the City to sign the application had to go through City Council and they allowed Community Development Director Humble to sign the application.

**Planning & Zoning Commission Minutes  
February 11, 2014**

This is a request for a special use permit to allow development and operation of a Tourist Information Center in the Open Space Zone. The applicant has submitted a general overview of the proposed building and its operation. The new building will be approximately 5000 square feet. The building would be open year round, with hours of operation generally being 8:00 AM to 8:00 PM; earlier closing times will be in effect during the winter months. The final employee numbers are unknown at this point; they anticipate using volunteers as well as some paid employees to supplement staffing needs. The new building will include some site improvements, including additional paved parking areas, new/replaced sidewalk, more appropriate landscaping, and some other new elements. The applicant has stated that the Chamber will work closely with the Centennial Commission and the Parks Department on final design of the area to ensure the integrity of the current improvements and the level public access are maintained.

**Per City Code 10-4-11.2: Open Space Zone:** a Special Use Permit is required to establish and operate a Tourist Information Center within the Open Space Zone. The current Tourist Information Center has been in operation since 1989, it has been an asset to the community for many years. The City has been the lease holder for a number of years. As of this date, there has been no known code violations associated with this property.

**Per City Code 10-10: Parking:** The parking requirements for this potential building are 1 space per 300 square feet of floor area. With this being a tourist attraction, additional parking should be planned for, especially during the peak season. A full review of the parking requirements will be conducted at the time of building permit submittal. It is believed the site plan provided has accounted for the required parking per City Code, as well as additional spaces.

**Per City Code 10-11-1 thru 8: Required Improvements:** All required improvements will be reviewed at the time of building permit submittal. These requirements include landscaping, parking areas, drainage, and other applicable City Codes. It is believed the site plan submitted is in substantial compliance with currently applicable City Codes.

**Possible Impacts:** The current tourist information center is open on a seasonal basis; this also includes the bathrooms on site. Although the peak season for tourist traffic is during the summer months, a substantial amount of tourists visit the Snake River Canyon during the off-peak times as well. Approval of this special use permit will allow the Chamber of Commerce to remove the existing buildings, replace them with a year round staffed visitor center, while maintaining the public access to the City maintained trail. This also alleviates the City of Twin Falls of the responsibility to maintain the facilities as well as the lease of the land. Staff feels the integrity and purpose of the Open Space zone will be maintained while providing for an improved experience for visitors to the Canyon Rim Trail system.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented, staff recommends the following conditions.

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

**Planning & Zoning Commission Minutes  
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**PZ Questions/Comments:**

- Commissioner Frank asked if the items like the bricks will be preserved.
- Mr. Barigar stated yes the intent is to preserve all of the amenities that are on site but to improve the appearance. The one item that may move is the water feature that doesn't function well so they will try and find a better home for that item. The current lease with the City requires the Idaho Transportation Department to approve any changes to the property. The plans have been submitted to ITD and they have comfortable with the changes.
- Commissioner Woods asked about maintenance of the parking lot and snow removal.
- Mr. Barigar stated the lease outlines responsibility for maintenance of the property.
- Commissioner Derricott asked about motorhome and RV parking spaces.
- Mr. Barigar stated this has been discussed and the plan is to allow for good traffic flow and parking for large vehicles.
- Commissioner Woods asked if there will be space provided for rolling their shoots up for the base jumping.
- Mr. Barigar stated they have worked with the base jumpers and they will be maintaining the existing areas and expanding the grass areas that are currently used.
- 

**Public Hearing: Open**

- Mark Lopshire, 221 Selway Street, Volunteer Chairman of the Board for the Chamber of Commerce. He thinks this will present a first class image of a Visitor Center. There are approximately 850 business affiliated with the Twin Falls Chamber of Commerce and this will provide a meeting place for those affiliates and it will provide an opportunity to introduce people to the community and educational history of the area. He requests that the Commission approve the request.
- Debbie Dane, Executive Director for Southern Idaho Tourism, this facility will provide a gateway opportunity to the area. In 2013 the Southern Idaho Tourism Board voted unanimously to co-locate with the Chamber of Commerce at the New Visitor Center. This facility will prove and opportunity to interface with visitors and highlight recreation, archeology and cultural opportunities in the Southern Idaho area.
- Kelly Trober, representing the Twin Falls Hotel Management Group, stated the three questions she gets asked by visitors most often are: 1) Where is Shoshone Falls, 2) Where is the Evil Knievel Jump Site & 3) Where is the visitor center. She thinks this will be a great facility the Community can be proud of and enjoy year round. She asked that the Commission approve the request.

**Closing Statement:**

- Mr. Barigar stated he loves the facility they have now but as the City grows and recognition grows it should be a first class facility that will highlight the community and the amenities it has to offer.

**Public Hearing: Closed**

**Deliberations Followed: Without Concerns**

**Planning & Zoning Commission Minutes  
February 11, 2014**

**Motion:**

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

**APPROVED, AS PRESENTED, WITH STAFF RECOMMENDATIONS**

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

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

Zoning & Development Manager Carraway reviewed the results of the requests that went to City Council on Feb 10, 2014. An informed the Commission that the February 25, 2014 will be a full agenda as well and she asked that they all attend.

**VI. UPCOMING PUBLIC MEETINGS:** (held at the City Council Chamber)

1. Public Hearing-**February 25, 2014 6:00 PM**
2. Work Session-**March 5, 2014 12:00PM-1:00PM**

**VII. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 9:21 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department

# TWIN FALLS HOUSING AUTHORITY

200 NORTH ELM ♦ PHONE 208/733-5765 - 733-5878 TDD  
TWIN FALLS, IDAHO  
83301

March 27, 2014

Honorable Mayor and City Council:

In accordance with procedures, we are submitting the recommendation Dennis Sonius be appointed as a commissioner for the Twin Falls Housing Authority for a five year term.

Board members are volunteers and are not paid to serve. They gain and give a lot of knowledge, direction and expertise to the Authority. Board members work and vote on issues vital to furthering the Agency's mission. Board members come from all sectors of the community and lend diversity and strength to our effort. We feel that Dennis would be a great addition to the Board.

Dennis feels that serving as a board member of the Housing Authority will be a rewarding experience and looks forward to being a part of the board and has expressed an interest in completing a 5 year term. Dennis realizes how valuable the service is that the Housing Authority provides to the people we serve. Dennis is an advocate for the provision of adequate and affordable housing and strong viable communities for those with low and moderate incomes.

Mr. Sonius graduated from the University of Idaho with a BS in Elementary Education and received a Masters in School Administration at Idaho State University. He taught for eight years for the Twin Falls School District and was an Elementary Principal for thirty one years. He is now retired but continues to serve the community, he presently serves on the Twin Falls Library Foundation Board, is a National membership chairman for the American Austin Bantam Society and a volunteer director of the Twin Falls battle of the Books for students. He is a long time resident of Twin Falls.

Thank you for your consideration,



Penny Earl, Executive Director  
Twin Falls Housing Authority Board of Directors

OATH OF COMMISSIONER OF  
TWIN FALLS HOUSING AUTHORITY  
TWIN FALLS, IDAHO

I, Dennis Sonius, do solemnly swear that, I will support the Constitution of the United States, and the Constitution and Laws of this State; that I will faithfully discharge all of the duties of the Office of Commissioner of the Twin Falls Housing Authority of Twin Falls, Idaho according to the best of my ability, SO HELP ME GOD.

Dennis Sonius

STATE OF IDAHO  
COUNTY OF TWIN FALLS, SS

I, Kathy Ewing, Notary Public in and for the County of Twin Falls, State of Idaho, hereby certify that Dennis Sonius, to me personally known and by me known to be one of the Commissioners of the Twin Falls Housing Authority of Twin Falls, Idaho, appeared before me on the 27 day of March, 2014. And made the above oath.

Kathy B. Ewing  
Notary Public  
Residing in Twin Falls, Idaho

My Commission expires 4-4-2014



CERTIFICATE OF APPOINTMENT OF  
COMMISSIONER DENNIS SONIUS  
TERM EXPIRES February 12, 2019

WHEREAS, THE TERM OF Lori Edson, one of the members of the Board of Commissioners of the Twin Falls Housing Authority expired February 12, 2014.

NOW THEREFORE, pursuant to the provisions of Section 5 of the Housing Authorities Law of the State of Idaho, and by virtue of my office as Mayor of the City of Twin Falls, Idaho I hereby appoint Dennis Sonius to serve five years, from the 8<sup>th</sup> day of April, 2014.

IN WITNESS WHEREOF, I have hereunto signed my name as Mayor of the City of Twin Falls, Idaho and caused the official seal of said City to be attached hereto.

\_\_\_\_\_  
Mayor

Date \_\_\_\_\_, 2014

ATTEST:

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

I, \_\_\_\_\_, Mayor of the City of Twin Falls, Idaho do hereby certify that the foregoing certificate was duly filed in the office of the Clerk of the City of Twin Falls, Idaho on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor of the City of Twin Falls, Idaho

Date \_\_\_\_\_, 2014

SEAL:



**MONDAY** April 7, 2014

**To:** Honorable Mayor and City Council

**From:** Melinda Anderson, Economic Development Director

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**Request:**

Presentation by TFURA's Old Town/Downtown Infrastructure Subcommittee for an update on progress on OT/DT infrastructure improvements.

**Time Estimate:**

Melinda Anderson will introduce this topic and TFURA Subcommittee Chairman Leon Smith will make the presentation. Estimated time is about 15 minutes. Time may be needed for Council discussion and questions.

**Background:**

Under the Prosperous Community Focus Area of the City's 2030 Strategic Plan, Goal PC1 is "Revitalize the downtown". Initiative PC1.1A specifically states "*Develop and implement a program for revitalization of downtown.*" As adequate infrastructure is essential to revitalization and redevelopment opportunities in OT/DT, TFURA hired JUB Engineering to assess the state of the infrastructure which included the water/sewer condition/capacity, streets, curb/gutter/sidewalks, landscaping, traffic, irrigation, etc. The report quantified what people generally knew: the infrastructure is in need of replacing or updating to enable new or redevelopment downtown and in Old Town.

TFURA created an OT/DT infrastructure committee in January 2014 which consists of TFURA board members, City Council members, City staff, and community members. It held two public meetings in March to review the report, review Engineering's project recommendations, review projects costs and revenue estimates, and developed recommendations for TFURA to review at a special noon meeting on April 7.

Leon Smith, chair of this subcommittee and Vice-Chair of TFURA, will present TFURA's expected program in moving forward to implement the recommendations. He will also talk about possibilities as to how TFURA and the City could partner to accomplish this Strategic Plan goal and initiative..

**Process:**

As this is a presentation, there is no expected action to be taken by City Council at this time.

**Budget Impact:**

No budget impact.

**Regulatory Impact:**

None.

**Conclusion:**

TFURA appreciates this opportunity to update the City Council on Downtown revitalization efforts.



Date: Monday, April 7, 2014

To: Mayor and City Council

From: Sharon Bryan, Deputy City Clerk

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**Request:**

Consideration of a request to destroy semi permanent and temporary records

**Background:**

Destruction of semi permanent and temporary records.

**Budget Impact:**

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

**Regulatory Impact:**

The Council's approval of this request will ... Comply with Idaho State Code 50-907 requiring that before the City can destroy any semipermanent or temporary records we need to get City Attorney and City Council approval as well as notify the Idaho State Historical Society before destruction of any records. This needs to be done by resolution. (See attached)

State Code 50-907

Semipermanent records shall be kept for not less than five (5) years after the date of issuance or completion of the matter contained within the record.

(3) "Temporary records" shall consist of:

- (a) Building applications, plans, and specifications for noncommercial and nongovernment projects after the structure or project receives final inspection and approval;
- (b) Cash receipts subject to audit;
- (c) Election ballots and duplicate poll books; and
- (d) Other documents or records as may be deemed of temporary nature by the city council.

Temporary records shall be retained for not less than two (2) years, but in no event shall financial records be destroyed until completion of the city's financial audit as provided in section 67-450B, Idaho Code.

(4) Semipermanent and temporary records may only be destroyed by resolution of the city council, and upon the advice of the city attorney. Such disposition shall be under the direction and supervision of the city clerk.

The resolution ordering destruction shall list in detail records to be destroyed. Prior to destruction of semipermanent records, the city clerk shall provide written notice, including a detailed list of the semipermanent records proposed for destruction, to the Idaho state historical society thirty (30) days prior to the destruction of any records.

**Conclusion:**

Staff recommends that the Council pass the resolution.

**Attachments: Resolution**

**RESOLUTION NO. \_\_\_\_\_**

**Authorizing Destruction of Records.**

Whereas, Idaho Code 50-907 (4) requires the City Council to authorize destruction of public records no longer required by law or for city business, and

Whereas, the Deputy City Clerk of the City of Twin Falls, Idaho have requested that certain records be authorized for destruction in order to dispose of them,

NOW, THEREFORE, BE IT RESOLVED by the city council of the City of Twin Falls, Idaho as follows:

**FINANCE DEPT.**

- AP invoices 2007/2008
- Old United Oil Gas Cards
- Beer, Wine and liquor License Applications 2005-2008
- Food Concessions & Commercial Display Permits 2007-2008
- Pawn & Second Hand License Applications 2007-2008
- Alcohol Catering Permits 1997-2008

**POLICE DEPT.**

- 2003 Case reports (excluding NCIC files; homicide reports, sexual abuse reports; officer involved shooting reports; fatal traffic accidents; and all death reports.
- No trespass orders that are expired or past one year (2012)
- 2008 Accident Reports
- 2008 Citations
- 2008 Pawns
- 2008 Travel & Training Requests
- 2008 Overtime Slips/Leave Requests
- 2008 Towed Vehicle Slips
- 2008 False Alarm Reports
- 2012 FI Cards
- 2008 House Check Forms
- 2008 Parking tickets
- 2008 Cash receipt books
- 2012 Criminal History Logs (NCIC)

**FIRE DEPT.**

- Run Reports from 1950-1999.
- Duplicate Examine/Copy Public Records all of 2012.
- Duplicate Claims from January 2008 back.
- Burn Permits from 2011.
- Monthly Training Reports from 2002, 2003.
- Calendar Of Events Logs 2010, 2011.
- Carbon Monoxide Detector Activation and Checklist for Carbon Monoxide 2007-2012.
- Inventory of Station Supplies 2010-2012.
- Monthly Truck Logs from 2012.

## **WATER DEPT.**

- Lead & Copper Reports – 1996
- Backflow Reports – 2009-2010
- Bid Documents/Contracts – 1998 & older, 2008-2009
- Budget Prep work – 2007-2009
- Diglines – 2009
- Lawn Taps 2008
- Meter Installs – 2009
- Copies of Payable Invoices – 2008-2009
- Service Calls - 2009

## **UTILITY SERVICES**

- 2008 – Sept, Oct, Nov – Over the counter and mail payment stubs from billing statements for utility bills.
- 2009 – Feb, Sept, Nov, Dec – Over the counter and mail payment stubs from billing statements for utility bills.
- 2010 – March, May, June, July, August, Sept, Oct, Nov, Dec
- 2011 – Jan, Feb, March, April, May, June, July, Aug, Sept, Oct, Nov, Dec Over the counter and mail payment stubs from billing statements for utility bills.
- 2012 – Jan Over the counter and mail payment stubs from billing statements for utility bills.

## **DOWNTOWN HISTORIC OLD TOWNE AND BUSINESS IMPROVEMENT DISTRICT**

- Downtown Assessments/Property 2005-2006
- Statewide Collections Contract 10/2005
- PSI Waste Contract 2006 & 2004
- Police Reports: 2006 Historic Downtown stolen files
  - 2005 Historic Downtown water tank/trailer
- Flood Loss info 2005
- Chamber/BID Contract 2007
- County Property Listing 2005 & 2007
- BID Lawsuit/Disestablish 1984-85
- Old Towne Petition to Establish BID
- Gift Certificate Receipt Books 2004-06
- Historic Old Towne Assessment Collection 4/2004
- Mike Pepper Survey 5/2003
- Historic Old Towne Surveys 5/2003
- Flower Pot Connection Irrigation System 2003
- Street Name changes 2003
- Landscape Lighting Downtown 1985
- 1<sup>st</sup> Sec Bank Sprinkler Proposal 2000
- BID Landscape 1986
- BID Cleanup 1995-97
- Misc Agreements for BID landscape & cleanup 1999
- Downtown/Old Towne BID & Schallert & Assoc. 10/1998
- Old Towne Landscape Standards (Prelim Draft) 7/1999
- Historic Downtown BID Unification 1999

- Historic Old Towne Email consent forms 2003
- Historic Old Towne FAX consent forms 2003
- Magic Capitol, Inc. (Lot C) 2003
- Project 97UCF-3 Grant 1997-98
- Historic Old Towne Insurance Policy 2006
- Historic Old Towne Board Member Pkg 2002
- Computer generated reports 2008-09-10 (AR & GL lists)
- Invoices – Paid 2008-09
- Parking (misc) 7/2008 parking issues; 1/2009 Parking rpt staff mtg
- Downtown Assoc. Strategic Plan (1999-2001)
- Jayco Expansion Project – closed 5-29-08 (*file labels have dark blue line*)
- (*Jayco had note on box to keep for 4 years from 5-28-08*)
- BID paid invoices 2007-2010
- BID Assessment Invoices 3/2009
- FY 2012 Parking AR & GL Lists and Invoices
- BID Assessment Invoices/Parking Lease copies 2009-10
- W-9 copies
- Sold Properties/Previous Owners 2008-09
- Subcontractors and Vendors 2010
- Oktoberfest 2009 Vendor Agreement
- BID Streetscape Design Guidelines 5/2008
- Farmers/Open Air Market 1998-99
- KMVT Advertising Proposal 1999
- Convention Center Task Team notes 1999
- URA - Twin Falls Ice Development Proposal 1998
- Historic Downtown Block Grant Ap 1996 - 1997
- BID North Main Project 1996-2000
- Community Dev Blk Grant draft 1999
- Baseball Committee 1999
- Auditorium District Idaho Statutes copies
- Hummel Architects brochure
- Grants (listing of property owners) 1997
- Historic Downtown Development 2008
  - Agenda items II-5 4/2008
  - Accountants Compilations 9/2007
  - Draft – Strategic Report for Downtown Twin 8/2007
- BID general ledger chart of account list 6/2009
- BID website agreement 7/2009
- BID event coordinator agreement 6/2009
- Twin Falls Tonight Sponsorships & cash box receipts 2008
- Twin Falls Tonight Sponsorships & cash box receipts 2009
- BID correspondence (2008-09-10)
- BID Christmas Décor 2008
- Spray Sponsorships FY 2008-2009
- BID General Legal info (copies of ordinances)
- Quilt Walk 2010
- Real Estate Appraisal Rpt - 725 Shoshone St So - 9/1994
- Real Estate Appraisal Rpt - 409 Shoshone St So (office bldg. & land) - 7/1998
- Real Estate Appraisal Rpt - 156 4<sup>th</sup> Ave S (commercial bldg. & land) - 4/1998
- Real Estate Appraisal Rpt - 356 Eastland Dr. S (warehouse/office bldg.) - 11/1998
- Real Estate Appraisal Rpt - 151 Maxwell Ave (commercial bldg.) – 6/2005
- Real Estate Appraisal Rpt - 341 Hansen St (Larry McElliott Commercial land) - 6/2005
- Appraisal & Rent Analysis - Dell Parking Lot - 11/2002

- Appraisal & Analysis - Clements Oil Facility - 7/1999
- Appraisal & Analysis - Everton Showroom - 4/2001
- Appraisal & Analysis - Everton Mattress Factory - 4/2001
- Appraisal & Analysis - NW Trading Property - 10/2000
- Appraisal & Analysis - Salvation Army - 10/2000
- The Canyon Rims Plan 8/1994
- A Field Notebook for Oral History 2009
- Strategic Regeneration Plan for Old Towne 2/1994
- Email address update requests 2009-11
- BID Assessments (AR) FY 2010
- GL BID Adjustments 2009
- Spray Sponsorships FY 2010
- BID Refunds FY 2010
- BID Petitions 2009
- Historic Old Towne CD's 2010 cashed
- Physical Inventory List – Hunt Bros. Auction Receipts 2010
- BID Board Letters of Interest 2010
- BID Assessment contact info 2008
- BID Assessment (Darren's spreadsheet) 2008-09
- BID Adjustments 2009
- BID Match Funds Program (estab 3/2011)
- Floppy disks
- ZIP disks (some containing Quickbooks)
- CD's
- Historic Downtown Assessment payments 2008-09
- Historic Downtown Assessment invoices May/June/July/Oct 2008
- Twin Falls Tonight Performance Agreements 2008
- Twin Falls Tonight Vendor Agreements 2008
- Property Owners and General Ledger 1/2009
- Copies of letters to Owners Regarding "Update of Contact Info" 6/2008
- Parking – copies of invoices 6/2008 and 1/2009
- Springbrook – copies of invoices 8-9/2008
- Parking – copies of invoices 8/2008
- Parking – copies of invoices 3/2009
- E-Myth Flyer 2009
- BID Assessment Arrears 2008
- Site Visit Action Plan (Factory Outlet Consultants) 7/2001
- Needs Assessment – City of TF Public works Park – 3/2006

The administrative staff of the City is authorized to take all necessary steps to carry out the authorization provided by this Resolution.

PASSED BY THE CITY COUNCIL  
SIGNED BY THE MAYOR

, 2014  
, 2014

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Mayor Don Hall

Attest:

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Sharon Bryan, Deputy City Clerk



Date: MONDAY, April 7, 2014  
To: Honorable Mayor and City Council  
From: Nancy Taylor, Historic Preservation Vice-Chairman

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**Request:**

Consideration of a request to exempt the Historic Preservation Commission's school and civic education programs from being considered open meetings per Resolution #1912.

**Background:**

The past several years, the Historic Preservation Commission (HPC) has conducted educational programs to the school and civic groups. An educational program was put together by three of the HPC commissioners on the history of the Twin Falls Schools. This program has been put together in such a way that it takes two to three people to do the presentation. The three commissioners would go to the Middle Schools and do a presentation. The presentation has been very well received by the students and a huge success. The students got really excited and participated in the discussion about the history of the schools.

On December 2, 2013, the Council adopted Resolution #1912. The purpose of the Resolution is to "...declare a policy of transparency and openness in City Government in order to promote accountability, to enhance dissemination of public information, and to encourage citizen participation in city government."

"Section 3: The Idaho Open Meeting Law applies only to meetings of the governing board of a public agency or subagency which is created by statute, ordinance, or other legislative act, with the authority to make decisions for or recommendations to a public agency regarding any matter. The Idaho Attorney General, in the Idaho Open Meeting Law Manual, states that "the Open Meeting Law does not apply to voluntary, internal staff meetings *if the group is not created by or pursuant to statute, ordinance or other legislative act*, even though the discussions may lead to recommendations to the governing body." A subcommittee is a creation of, and is responsible to, the agency that created it.

In order to provide more transparency in City government, neither the Twin Falls City Council nor any of its commissions will permit the formation of ad hoc volunteer groups intended to report back to the City Council or commission, unless that group is formed as a committee or commission, created by a vote of the City Council or commission. No more than two elected City Council persons may serve on any committee, including ad hoc groups and subcommittees created by statute, ordinance or other legislative act. The City Council, and its committees and commissions, shall always comply with all requirements of the Idaho Open Meeting Law."

The HPC is asking the City Council to consider the educational presentations to be exempt from Transparency in City Government Resolution #1912. The educational program has been developed in such a way that it takes more than one person to do the presentation. The resolution states that if there are two or more then the meeting has to be posted as an open meeting. The Commission would have to advertise these presentations as open meetings to comply with Resolution #1912. An open meeting in a school classroom could pose an increased security risk to the children at the schools. This could possibly cause a very valuable history education opportunity to be discontinued.

**Budget Impact:**

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

**Regulatory Impact:**

Approval of this request will allow the Historic Preservation Commission to conduct educational programs in the schools without having to comply with Resolution #1912.

**Conclusion:**

The Historic Preservation Commission recommends that the Council approve the request to allow the Historic Preservation Commission to conduct their educational program without having to comply with Resolution #1912.

**Attachments: None**



Date: April 7, 2014, City Council Meeting

To: Honorable Mayor and City Council

From: Jon Caton, Public Works Director

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Request:

Consideration of a request to approve a revised Water Rate Resolution.

Time Estimate:

The staff presentation will take approximately 10 minutes, a member of the Developers Council will also be available for questions.

Background:

The proposed revision streamlines the process of permitting and construction of a water service line. Currently, the city requires all services to be partially constructed by the city and partially the contractor and materials are partially furnished by both parties. It is confusing, especially when new subdivision construction is booming. The proposed resolution will actually reduce fees for developers, because now they will be responsible for all materials and the installation of said service lines. Fees will remain the same for individual lot owners and urban infill projects adjacent to live mains.

This proposal was presented by staff to the Builder & Developers Council and has garnered their full support. The change is win-win in that it will allow city staff to focus its resources on maintaining infrastructure rather than installing new infrastructure. It is agreeable to the developer because it streamlines their construction process.

Approval Process:

Requires Council Approval

Budget Impact: NA

Regulatory Impact: NA

Conclusion:

Staff recommends Council approve this Resolution.

Attachments:

Water Rate Resolution

**RESOLUTION NO.**

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

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

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

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

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

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

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

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

Single Family Residence	\$453.00
Duplexes, per dwelling unit	\$361.00
Mobile Home Parks, per dwelling unit	\$268.00
Apartments, per dwelling unit	\$361.00

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

Flow, per 1,000 gallons	\$3.018
Biological Oxygen Demand (BOD), per pound	\$1.200
Total Suspended Solids (TSS), per pound	\$1.218

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

A. Group I - Residential (User Code 100): This class of users includes all single-family dwelling units. The monthly fee for this class of users shall be \$20.236 for the use of the collection and treatment system, and \$.532 per thousand gallons of metered water usage for the first 8,000 gallons used each month.

B. Group I - Residential (User Code 102): This class of users includes all multi-family dwelling units including duplexes, apartments, and mobile home parks. The monthly fee for this class of users shall be \$16.405 for each dwelling unit, for the use of the collection and treatment system, and there shall be added to each user account a capital construction fee of \$1.977 per month.

C. Group II - Commercial (User Code 200): This class of user includes office buildings, hotels/motels (without restaurants), retail and wholesale (non-food), warehousing and light manufacturing, bars (without restaurants), car washes, laundromats, repair shops and gas stations. The monthly fee for this class of users shall be \$20.236 for use of the collection and treatment system, and \$1.307 per 1,000 gallons of metered water used each month.

D. Group III - Commercial (User Code 300): This class of users includes hotels/motels (with restaurants), markets (including meat and produce), restaurants, bakeries (wholesale) and mortuaries. The monthly fee for this class of user shall be \$20.236 for use of the collection and treatment system, and \$2.873 per 1,000 gallons of metered water used each month.

E. Group IV - Institutional: This class of users includes churches, hospitals, convalescent hospitals, elementary schools, high schools and colleges. With the exception of elementary and other public schools, the monthly fee for this class of users shall be \$20.236 for use of the collection and treatment systems, and \$1.339 per 1,000 gallons of metered water used each month.

Elementary schools shall pay \$.319 per pupil per month during the school year, but not less than \$20.236 per month. Other schools shall pay \$0.578 per pupil per month during the school year, but not less than \$20.236. For billing purposes, the student enrollment on the first day of the school year shall be used to calculate the bill for the ensuing school year.

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

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

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

The monthly fee for this class of user shall be \$20.236 for the use of the collection and treatment system, and a metered flow and measured strength charge determined using the following rate table:

Flow, per 1,000 gallons	\$ .532
Biological Oxygen Demand (BOD), per pound	\$ .236
Total Suspended Solids (TSS), per pound	\$ .231

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

The monthly fee for this class of user shall be \$20.236 for the use of the collection and treatment system, and a metered flow and measured strength charge determined using the following rate table, plus a capital recovery charge of \$920.37:

Flow, per 1,000 gallons	\$ .532
Biological Oxygen Demand (BOD), per pound	\$ .236
Total Suspended Solids (TSS), per pound	\$ .231

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

A. Permit Tap Fee: These are only connections to dry lines. These fees are for all services in any subdivision platted after 7-1-14. The standard size tapping connections and the fee for processing the application shall be as follows:

Service Size	Permit Tap Fee
1 inch	\$50.00
1 ½ inch	\$50.00
2 inch	\$50.00
Greater than 2 inch	See "F"

B. Main Line Connection Fee: These are connections to live water mains, tapping is done by City crew and owner provides materials. The standard sizes and the fee for processing the application and tapping the public water main shall be as follows:

Connection Size	Main Line Connection Fee
4 inch	\$1,118.00
6 inch	\$1,265.00
8 inch	\$1,689.00
10 inch	\$2,388.00
12 inch	\$3,688.00

C. Service Line Installation Fee: These are connections to live water mains and intended for the single dwelling home owner, not for developers of multiple lot subdivisions. Tapping is done by City crew and City provides the materials for service line installation from the mainline tap up to and including the meter. The standard size tapping connections and the fee for the City to construct all or any portion of a standard connection size service line, fifty (50) foot or less in length shall be as follows:

Service Size	Service Line & Meter Installation Fee
1 inch	\$1,240.00
1 ½ inch	\$1,601.00
2 inch	\$1,691.00
Greater than 2 inch	See "G"

D. Meter Fee: These are fees for the meter and meter placement by City crew. Meter fees are to be paid at the time of building permit. The standard size meter and meter set fees shall be as follows:

Meter Size	Meter & Installation Fee
1 inch	\$290.00
1 ½ inch	\$552.00
2 inch	\$738.00
Greater than 2 inch	See "G"

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

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

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

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

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

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

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

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

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

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

The base fee shall be \$10.526, which includes up to the first 2,000 gallons of water. The charges per thousand (1,000) gallons of water supplied over 2,000 gallons shall be as follows:

<b>Gallons Supplied</b>	<b>Additional Charge per 1,000 gallons</b>
3,000 to 150,000	\$1.671
151,000 to 10,000,000	\$.755
10,001,000 and above	\$.574

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

C. Each active water user shall pay each month an additional fee of \$10.75 for the annual debt service payment for the revenue bonds which financed the federally mandated arsenic compliance project.

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

A. Processing Fee: There is no additional processing fee for utility customers with potable water service, but an additional monthly processing fee of \$6.12 will be assessed to any customer with only pressurized irrigation service.

B. Residential property: The monthly fee for residential property shall be computed based upon the full platted lot size, in square feet, at the rate of \$0.001940710 per square foot. This fee represents the total annual cost of service, divided into twelve monthly payments. The monthly fee for residential properties no longer receiving "shoulder water" shall be computed based upon the full platted lot size, in square feet, at the rate of \$0.001649603 per square foot. This fee represents the total annual cost of service, divided into twelve monthly payments.

C. Commercial property: The monthly fee for commercial property shall be computed based upon twenty percent (20%) of the full platted lot size, in square feet, at the established rate of \$0.001940710 per square foot. This fee represents the total annual cost of service, divided into twelve monthly payments.

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

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

A. Single Family Residential: The collection rate for each single-family residential dwelling shall be \$16.99 per month, unless qualified for the "one-can" rate, which shall be \$9.10 per month. Effective October 1, 2005 the "one-can" rate will not be offered to any additional customer; however, the 76 customers currently qualified and using this rate may continue at this rate so long as they remain qualified.

B. Multi-Dwellings: The collection rate for multi-dwellings (IE: duplexes, triplexes, four-plexus, etc.) shall be \$16.99 per month for each residential unit in said multi-dwelling.

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

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

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

SECTION 10. RETURNED CHECK FEES: The service fee for returned checks, non-sufficient funds debit cards, non-sufficient funds automatic withdrawals, etc, shall be the maximum prescribed by law at \$20.00 per occurrence.

SECTION 11. EFFECTIVE DATE: This resolution shall be effective April 7, 2014. Industrial and municipal wastewater user charges that are established by separate agreements shall remain as specified in said agreements.

SECTION 12. REPEAL OF PRIOR RESOLUTIONS: All prior resolutions establishing utility rates or portions thereof, inconsistent with the provisions of this resolution are hereby repealed.

PASSED BY THE CITY COUNCIL,  
SIGNED BY THE MAYOR,

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Mayor Don Hall

ATTEST:

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Deputy City Clerk



Date: April 7, 2014  
To: Honorable Mayor and City Council  
From: Mitch Humble, Community Development Director

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#### **Request:**

Consideration of a request to approve the 2014 Heritage Trust Grant to restore the historic street lights along Lincoln Street between Addison Avenue and Heyburn Street.

#### **Time Estimate:**

Staff presentation may take up to ten (10) Minutes.

#### **Background:**

The residents living on the 100 & 200 blocks of Lincoln Street have partnered with the Twin Falls City Historic Preservation Commission (HPC) in applying for a Grant from the Idaho Heritage Trust. This Grant is for the restoration of the historic street lights to include removal, cleaning, repainting, and replacement of broken/missing globes. The grant is \$4,000.00. The funds are to be matched with cash match. The cash match is being provided by the HPC's Certified Local Government (CLG) grant.

The total project cost to have the ten (10) historic street lights restored is \$11,574.85. The amount requested from the Idaho Heritage Trust was \$5,787.42. The grant awarded from Idaho Heritage Trust is \$4,000.00. The \$7,574.85 needed to complete the project will be provided by the CLG grant applied for by the HPC. The CLG grant is matched with volunteer time.

The Idaho Heritage Trust grant is contingent upon an agreement between the property owners and the City of Twin Falls to ensure the City of Twin Falls will be responsible for all future maintenance of the light fixtures. The maintenance of the lights means that the improvement will not be allowed to deteriorate from the condition at the time of the completion of the project and that no demolition, removal or waste of the premises will be allowed.

This is the first phase of the restoration of the Historic Street Lights on Lincoln Street. The next phase of the project is to get the lights illuminated on a common meter. The City provided electricity and maintained the lights until 1978. At that time the City took the lights off a common meter. Some of the residents wired the lights to their homes. At this time about one half of the lights are connected to electricity. A careful study with all stakeholders, homeowners, city officials and HPC members will be sought to determine the best course to achieve the illumination of all the street lights. This project will be accomplished as much as possible with grant moneys. The historic street lights will be retrofit for energy efficiency without compromising their historical integrity.

#### **Approval Process:**

Request is to authorize the Mayor to sign the Grant Award Agreement from the Idaho Heritage Trust.

**Budget Impact:**

There is no significant or immediate budget impact associated with the Council's approval of this request. Accepting the grant will mean that the City will be responsible for future maintenance of the lights. However, as they are public infrastructure within the City's right-of-way, the City is already responsible for their future maintenance. The Idaho Heritage Trust grant is matched with the CLG grant money. The CLG grant is matched with HPC volunteer time.

**Regulatory Impact:**

Approval of this request will allow the Residents of the 100 and 200 blocks of Lincoln Street and the HPC to proceed to restore the historical street lights.

**Conclusion:**

The Historic Preservation Commission recommends that the Council approve and authorize the Mayor to sign the Idaho Heritage Trust Grant Award Agreement.

**Attachments:**

1. Idaho Heritage Trust Grant Award Agreement
2. Idaho Heritage Trust Grant Application



City of Twin Falls, Idaho  
Historic Preservation Commission  
324 Hansen St. E.  
Twin Falls, ID 83301

October 23, 2013

State Historic Preservation Office  
Grants Operations Analyst  
210 Main St.  
Boise, Idaho 83702

RE: 2014 CLG Grant Application from Twin Falls, Idaho

Greetings:

The preservation of the historical character of the City of Twin Falls has received valuable assistance as a result of the CLG grants received in the past. For FY 2014 our five year historical preservation plan for the city has two objectives that we are requesting CLG grant funds to support.

I. First Priority:

Our first priority is the rehabilitation of the Lincoln Street streetlights in Twin Falls Idaho. There are ten (10) historic street lights listed on the National Register of Historic Places that are in danger of deterioration beyond saving. This grant will make repairs to the lights that will allow for the implementation of a preventive maintenance program to preserve them for many years. **The requested grant funding for this project is \$5,788.**

II. Second Priority:

Our second priority is the development of design guidelines for the Historic City Park District. The guidelines will be used when this district becomes a codified overlay district. Currently, this district is listed on the National Register of Historic Places but not on the local zoning plans as an overlay district. **The requested grant funding for this project is \$6,000.**

The project director for these projects is Mr. Randall Watson, Chair of the Historic Preservation Commission.

*Randall Watson*  
(208) 733-6693  
e-mail [rwillywatson@msn.com](mailto:rwillywatson@msn.com)

Sincerely,

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Mayor, Twin Falls, Idaho

CITY OF TWIN FALLS, IDAHO  
FY 2014  
CLG GRANT APPLICATION

Contact Person: Randall Watson, Chair of the Twin Falls City Historical Preservation Commission. Phone (208) 733-6693

## **Project I (First Priority)**

A. Project Description:

The Twin Falls Historic Preservation Commission is respectfully requesting funds of \$5,788 for the rehabilitation of the Lincoln Street streetlights in Twin Falls Idaho. Our commission is working with current residents of Lincoln Street, who supports this grant application. The Twin Falls Historic Preservation Commission recognized rehabilitation of the Lincoln Street lights as a priority by including this project in the 5-year plan.

The Lincoln Street lights are listed on the National Register of Historic Places, "*Lincoln Street Electric Streetlights, 92000413 - 105, 120, 147, 174, 189, 210, 217, 242, 275 and 290 Lincoln St., Twin Falls, Idaho, HPS Record Number 417975*".

The lights are in an advanced state of deterioration, and will continue to decline without measures to preserve them. No previous funding has been received or requested for this preservation project. If there is no action taken, the Lincoln Street lights are likely to continue to degenerate and are at risk of being removed permanently if they detract from the property values of the area.

The scope of this project is:

1. Removal of the lights for gentle abrasive cleaning and recoating
2. Pruning of trees that obscure the streetlights
3. Replacement of broken and missing globes
4. Replacement and aligning the streetlights to the street
5. Setting of conduit under the lights, within the concrete bases to facilitate lighting of all lights on the street.
6. Preparation of educational materials to Lincoln Street residents

The Idaho State Historic Preservation Office has offered assistance and professional recommendations, including an on-site visit May 17<sup>th</sup>, 2013 by Katherine Kirk. The Idaho State Historic Preservation Office has provided consultation during this grant-writing period, including invaluable recommendations from Frederick Walters, Historical Architect to commission member Windy Rice.

Ann Swanson from the Idaho State Historic Preservation Office also met with members of the TFHPC on Lincoln Street July 18<sup>th</sup>, 2013. Ann Swanson recommended a Certified Local Government (CLG) grant through the National Park Service be applied for the matching funds for the required fifty percent match to a grant from the Idaho Heritage Trust.

B. Goals and Objectives:

1. Organize property owners and interested citizens to help with some of the physical labor.
2. Contract professional firms to complete the technical work.
3. Develop a preventive maintenance program to care for the lights after repair work is completed.
4. Hold monthly HPC meetings and provide staff support.

C. Final Product:

1. This is the legacy we hope to leave for the residents and visitors to Twin Falls, to preserve and protect the Lincoln Street electric streetlights, to connect future generations to the past by preserving these important symbols of our past.
2. The lights will be preserved and in a condition that a preventive maintenance program will preserve them for many years in the future.

3. Minutes for HPC meetings.
- D. The renovation work will meet the Secretary of the Interior's Standards for Rehabilitation and will preserve an important part of the Twin Falls City history.
  - E. Timetables:
    1. January, 2014 Prepare and issue bids for the project.
    2. March, 2014 Start work on the project.
    3. April 15, 2014 Submit mid-project report to SHPO
    4. August 31, 2014 Project complete and bills submitted to SHPO
    5. HPC meetings will be held monthly.
  - F. All documents for the project will be maintained in the Community Planning Office of the City of Twin Falls.

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Mayor, Twin Falls, Idaho

TY OF TWIN FALLS, IDAHO  
 FY 2014  
 CLG GRANT APPLICATION BUDGET

Expenses	Description	Project Cost	Heritage Trust Match	CLG Grant Funds
Contract labor	Removal & transport of light posts to/from painter	\$2,268	\$1,134	\$1,134
	Cleaning & paint labor	\$2,510	\$1,255	\$1,255
	Pruning of Trees on 2 properties	\$200	\$100	\$100
	Replacement & realignment of light posts	\$4,500	\$2,250	\$2,250
Supplies & materials	Cleaning & paint supplies	\$1,200	\$600	\$600
	15 globes of uniform size, shape & color, includes shipping, 5 intended for replacement	\$1,196.85	\$598.43	\$598.44
Other costs	Donation from 'Triple C' concrete for resetting posts	Donation valued at \$300	(\$150)	(\$150)
	Preparation of educational materials for residents of Lincoln Street	Volunteer		
	Education of residents on Lincoln Street	Volunteer		
	Update to city historical walking tour agenda	Volunteer		
Total project cost		<b>\$11,575</b>		
<b>Amount requested from CLG</b>		Historic Trust Match \$5787.50		<i>\$5,787.44</i> Rounded to <b>\$5,788</b>
Other donations	Inclusion in city historical walking tours	Volunteer		

No federal funds are used to pay City Staff time and their time is not used to match other grants.

## **Project II (Second Priority)**

### A. Project Description

The Twin Falls City Park Historic District located 2nd N., 2nd E., and Shoshone Sts., and 4th and 6th Aves., in Twin Falls is listed on the National Register of Historic Places. It is the goal of the Twin Falls City Historic Preservation Commission to have this district listed by City Code as the Twin Falls City Park Historic Overlay District where it can be protected by code-enforced protective guidelines.

Thanks to a 2011 CLG grant, design guidelines were developed for the Twin Falls Historic Warehouse Overlay District that have been a significant help for building owners and the City to guide exterior work to meet preservation standards.

These design guidelines will be dedicated to the structures in the City Park Historic District and will be used to preserve the historic character of that area. This grant is requesting \$6,000 to be matched by the City of Twin Falls.

### B. Goals and Objectives:

1. Hire a professional to prepare the design guidelines for the Twin Falls City Park Historic District.
2. Receive input from property owners, economic development interests, State Historic Preservation Office professionals, and general public.
3. Have the City Park Historic District codified as an Overlay District.
4. Have the plan codified by the City Council.
5. Conduct monthly HPC meetings during term of the grant.

### C. Final Product:

1. The City Park Historic District is recorded on the National Register of Historic Places. The district contains several large contributing buildings and structures that present “the ever continuing past” (Paul Goldberger 2009, *Why Architecture Matters*).
2. These buildings and structures qualify for CLG assistance to help in the protection of their valuable cultural history. This protection will come from listing this district as a Historical Overlay District and the development and codification of design guidelines that will help property owners and developers understand the historical architectural nature of their property in the district and provide guidance to the HPC in evaluating requested projects.
3. The HPC and property owners do not have a set of guidelines to follow which allows questionable preservation work to be completed.
4. The final project will be a detailed guideline of the quality that will be accepted by the City Council of the City of Twin Falls, Idaho and placed into the City Code upon the listing of this area as a Historic Overlay. The guidelines will contain detailed architectural standards with enough detail so the HPC can review and approve acceptable variances when necessary.
5. Minutes for HPC meetings.

### D. The final guidelines will meet the standards set by the Secretary of the Interior for Historical Preservation.

E. Timetables:

1. January, 2014 Prepare and issue bids for the project.
2. March, 2014 Start work on the project.
3. April 15, 2014 Submit mid-project report to SHPO
4. August 31, 2014 Project complete and bills submitted to SHPO
5. HPC meetings will be held monthly.

F. The repository for project materials will be the Twin Falls City Planning and Zoning Office.

CITY OF TWIN FALLS, IDAHO  
FY 2014  
CLG GRANT APPLICATION BUDGET

Expenses	CLG Grant Dollars	Local Match
<b>Personnel:</b>		
City Staff and Seven (7) HPC Members		\$6,000
<b>Activity:</b>		
Professional Consultant and printed materials for hearings and final project	\$6,000	
<b>Total:</b>	\$6,000	\$6,000
<b>Total Project:</b>	\$12,000	

Note: The match will come from City Staff and HPC time spent directly on the development of the design guidelines. Time will be spent in public hearings and scheduled meetings along with all necessary work to complete the project

No federal funds are used to pay City Staff time and their time is not used to match other grants.

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Mayor, Twin Falls, Idaho



**Date:** Monday, April 7, 2014  
**To:** Honorable Mayor and City Council  
**From:** Troy Vitek, Assistant City Engineer

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**Request:**

Consideration of a request to award a Contract to I. Kruger Inc. in the amount of \$1,245,500.00 for Procurement Package A of the WWTP upgrades.

**Time Estimate:**

The staff presentation will take approximately 5 minutes.

**Background:**

The City of Twin Falls received four bids for the Procurement Package A of the WWTP expansion. Procurement Package A is for the IFAS equipment which had a pre-qualification requirement which all four bidders qualified. The IFAS equipment has a very long lead time in the schedule and depending upon the vendor selected their proprietary design needs to be incorporated into the final build. CH2M Hill has reviewed the bids which were found to be acceptable and is recommending the City award the project to the apparent low bidder, I. Kruger Inc.

**Approval Process:**

City Council authorizes the Mayor to sign the contract.

**Budget Impact:**

Work package A of the WWTP expansion would impact the bond in the amount of \$1,245,500.00.

**Conclusion:**

Staff recommends that the Council approve the request as presented.

**Attachments:**

1. Bid Tabulation
  2. WWTP Cost Control Report
  3. Consulting Engineer Recommendation
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OWNER: City of Twin Falls  
 PROJECT: Phase 2 Expansion - Pkg A - IFAS Procurement  
 BID OPENING: March 24, 2014, 3:00 pm  
 ENGINEER: CH2M HILL

	Engineer's Estimate of Cost	Bidder	Bidder	Bidder	Bidder
	CH2M HILL	Biowater Technology US, LLC	I. Kruger Inc.	Infilco Degremont Inc.	World Water Works, Inc.
1	Addendums Acknowledged	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Bid Security	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3	Bid Signed	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Prequalified	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
	\$ 1,664,571.00	1,350,500.00	1,245,500.00	2,985.00	1,669,500.00
5.2 Lump Sum Bid Price					

# City of Twin Falls - WWTP Improvements Project

## Cost Control Report

For Period Ending: **24-Sep-13**  
Report Date: **2-Apr-14**

### Waste Water Treatment Plant Upgrade 2013 Cost Control Report

Projects	60% Design Development	Engineers Estimate	Actual Bid	Executed Change Orders	Total	Previously Invoiced
Belt Filter Press 3	\$1,300,000.00	\$1,300,000.00				
Idaho Power Feeder Replacement	\$250,000.00		\$156,771.00			\$1,500
WPA - IFAS	\$1,664,571.00	\$1,664,571.00	\$1,245,500.00	\$0.00	\$1,245,500.00	
WPD - Gates	\$289,214.00	\$289,214.00	\$345,821.00	\$0.00	\$345,821.00	
CP1 - Earthwork	\$2,154,657.00	\$2,218,593.00	\$2,093,189.00	\$0.00	\$2,093,189.00	
CP2 - Construction	\$20,439,980.00				\$0.00	
CP2 - Alternatives	\$1,877,036.00				\$0.00	
Contract Change Order Reserve	\$2,250,000.00		\$2,250,000.00			*
Permitting	\$200,000.00				\$0.00	
Engineering	\$3,170,000.00					
Services During Construction	\$1,500,000.00		\$3,170,956.00		\$3,170,956.00	\$1,897,721
Commissioning and Startup	\$1,500,000.00				\$0.00	
Financial Services	\$27,500.00				\$0.00	
	<b>\$36,622,958.00</b>		<b>\$27,500.00</b>		<b>\$27,500.00</b>	<b>\$12,808</b>
<b>w/o Bid Alternatives</b>	<b>\$34,745,922.00</b>		<b>\$9,262,237.00</b>			
Alternatives	Cost for alternatives					
Filtrate Pump Station	320000					
W3 Pump Improvements	177000					
Aeration Basing Modifications	940000					
Additional Blower	440036					



CH2M HILL  
322 E Front Street  
Suite 200  
Boise, ID  
83702  
Tel 208.345.5310  
Fax 208.345.5315

March 25, 2014

475881

Troy Vitek  
City of Twin Falls  
324 Hansen St. E  
Twin Falls, ID 83303

RE: CITY OF TWIN FALLS – Supply and Delivery of INTEGRATED FIXED FILM ACTIVATED SLUDGE (IFAS)  
EQUIPMENT PROCUREMENT PACKAGE A of TWIN FALLS WWTP PHASE 2 EXPANSION

Dear Troy,

CH2M HILL has reviewed the bids in response to the Invitation to Bid. Bids were received from all four prequalified companies.

We have reviewed the bids submitted and recommend award to the apparent low bidder, I. Kruger Inc.

Sincerely,

CH2M HILL

A handwritten signature in blue ink that reads "Gregg Vail Thompson".

Gregg Thompson, P.E.  
Project Manager



**Date:** Monday, April 7, 2014 City Council Meeting

**To:** Honorable Mayor and City Council

**From:** Travis Rothweiler, City Manager

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**Request:**

Consideration of a request to award a contract to International Mountain Bicycling Association (IMBA) to provide construction assistance on the Twin Falls Youth Advisory Council's BMX Track.

**Time Estimate:**

The staff presentation will take approximately 5 minutes. Following the presentations, we expect some time for questions and answers. Bob Seastrom of Cycle Therapy will be available for questions also.

**Background:**

Four years ago this month, the City Council gave approval to the Twin Falls Youth Advisory Council to construct a BMX dirt-bike park on City property located on Blake Street South adjacent to Rock Creek canyon. Later that summer four years ago, dirt was hauled in and some jumps and ramps were formed. The lead organizer from the Youth Council moved away to attend college and no one else could take the lead in finishing the project.

Since 2011, no one has maintained the area. In 2011, Bob and Robin Seastrom of Cycle Therapy volunteered their services to help the Twin Falls Youth Advisory Council to expand and enhance the existing BMX park. Cycle Therapy hired IMBA to design a complete BMX park at this site. The design is attached.

The next step is to bring in IMBA to provide assistance in the construction of the BMX Park. The Seastrom have secured local contractors to assist in the construction of the park. The cost for their construction assistance is approximately \$6,600. The representative of IMBA will be on site for up to 40 hours overseeing the construction of the park.

**Budget Impact:**

The City Council has been very supportive of the Twin Falls Youth Advisory Council with their endeavors to make our community a better place. Staff is recommending to the City Council to use contingency funds to pay for this contract.

**Regulatory Impact:**

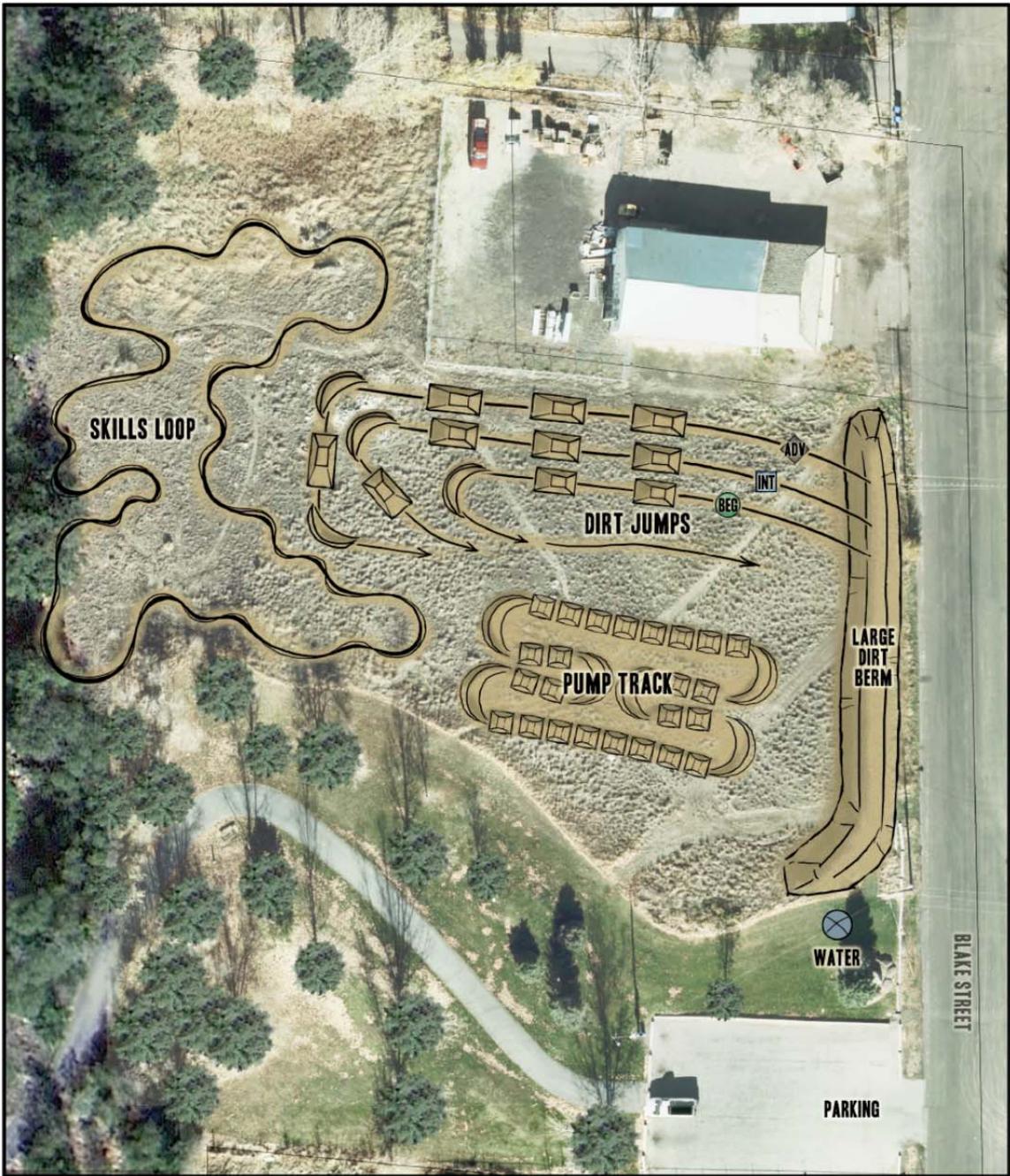
Approval of this request will allow the City to enter into a contract with International Mountain Bicycling Association (IMBA) to provide construction assistance in the building of the BMX Park.

**Conclusion:**

Staff recommends that the City Council award the construction assistance contract to IMBA bid in the amount of not to exceed \$7,000.

**Attachments:**

1. Proposed Design of BMX Park



**TWIN FALLS BIKE PARK**  
**CONCEPT PLAN**





Date: Monday, April 7, 2014  
To: Honorable Mayor and City Council  
From: Travis Rothweiler, City Manager

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**Request:**

Consideration of possible amendments to Twin Falls City Resolution 1912.

**Time Estimate:**

The presentation will take approximately 5 minutes in addition to time needed for answering questions.

**Background:**

On December 2, 2013, the City Council of the City of Twin Falls adopted Resolution 1912. The purpose of the Resolution is to "...declare a policy of transparency and openness in City Government in order to promote accountability, to enhance dissemination of public information, and to encourage citizen participation in city government."

Currently, Section 3 of Resolution 1912 states:

Section 3: The Idaho Open Meeting Law applies only to meetings of the governing board of a public agency or sub-agency which is created by statute, ordinance, or other legislative act, with the authority to make decisions for or recommendations to a public agency regarding any matter. The Idaho Attorney General, in the Idaho Open Meeting Law Manual, states that "the Open Meeting Law does not apply to voluntary, internal staff meetings *if the group is not created by or pursuant to statute, ordinance or other legislative act*, even though the discussions may lead to recommendations to the governing body." A subcommittee is a creation of, and is responsible to, the agency that created it.

In order to provide more transparency in City government, neither the Twin Falls City Council nor any of its commissions will permit the formation of ad hoc volunteer groups intended to report back to the City Council or commission, unless that group is formed as a committee or commission, created by a vote of the City Council or commission. No more than two elected City Council persons may serve on any committee, including ad hoc groups and subcommittees created by statute, ordinance, or other legislative act. The City Council, and its committees and commissions, shall always comply with all requirements of the Idaho Open Meeting Law.

The following is a proposed amendment to the second paragraph of Section of Resolution 1912.

In order to provide more transparency in City government, neither the Twin Falls City Council nor any of its commissions will permit the formation of ad hoc volunteer groups intended to report back to the City Council or commission, unless that group is formed as a committee or commission, created by a vote of the City Council or commission. *Notwithstanding the foregoing, the Mayor may request the Council Liaison, commission chairman, department head, and/or such other persons deemed appropriate, to participate in the interviews for commission vacancies, without posting notices or agendas, and without opening such interviews to the public.* No more than two elected City Council persons may serve on any committee, including ad hoc groups and subcommittees created by statute, ordinance, or other legislative act. The City Council, and its committees and commissions, shall always comply with all requirements of the Idaho Open Meeting Law.

**Approval Process:**

Approval requires a simple majority vote of the City Council members present on the direction to be taken.

**Budget Impact:**

There is no budget impact associated with this request.

**Regulatory Impact:**

There are no regulatory impacts associated with this request.

**Attachments**

1. Resolution 1912
2. Amended Resolution 1912

RESOLUTION NO. 1912

TRANSPARENCY IN CITY GOVERNMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING A POLICY OF TRANSPARENCY AND OPENNESS IN CITY GOVERNMENT IN ORDER TO PROMOTE ACCOUNTABILITY, TO ENHANCE DISSEMINATION OF PUBLIC INFORMATION, AND TO ENCOURAGE CITIZEN PARTICIPATION IN CITY GOVERNMENT.

WHEREAS, The Twin Falls City Council finds that transparency in government promotes accountability and provides information to its citizens regarding the business of the City; and,

WHEREAS, The Twin Falls City Council finds that information regarding the activities of City government must be widely dispersed in order to encourage public engagement and to improve the quality of its decisions; and,

WHEREAS, The Twin Falls City Council finds that collaboration and communication between City government and its citizens is enhanced through the use of well-designed web technologies; and

WHEREAS, The policy consideration underlying the Idaho Open Meeting Law is to ensure transparency of the legislative and administrative process within state and local governments (Idaho Open Meeting Law Manual, p. 3); and,

WHEREAS, The Idaho Code sets forth only minimum requirements for all local governments in order to promote transparency and openness in government, including the Idaho Open Meeting Law, the Idaho Public Records Law, and other statutes; and,

WHEREAS, The City Council acknowledges that, in the past, ad hoc volunteer groups have formed without the authority of statute, ordinance, or other legislative act, and without authorization to make decisions or recommendations. The Idaho Supreme Court in *Safe Air for Everyone v. Idaho Dept. Agriculture*, 145 Idaho 164, 177 P.3d 378 (Idaho 2008), in interpreting the requirements of the Idaho Open Meeting Law, held that, where there is no statute, ordinance or other legislative act creating a subagency and granting the authority to make decisions for or recommendations to a public agency regarding a matter, the Idaho Open Meeting Law requirements are inapplicable. The City Council finds that the existence of these groups may create the feeling by some that they are being excluded from public participation in City government; and,

WHEREAS, The Twin Falls City Council finds that the minimum requirements of the Idaho Open Meeting Law, the Idaho Public Records Law, and other statutes, are inadequate to provide the transparency and openness that it finds should be provided to its citizens in order to permit them to constructively engage with City government; and,

WHEREAS, The Twin Falls City Council intends, with this resolution, to establish a policy of additional government transparency and openness, over and above the minimum requirements of the Idaho Open Meeting Law, the Idaho Public Records Law, and other

applicable statutes, to encourage and enhance information, participation and collaboration between City government and the citizens of the City of Twin Falls.

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

Section 1: The City Council of the City of Twin Falls, and all commissions and committees created by statute, ordinance or other legislative act shall always comply with all requirements of the Idaho Open Meeting Law, the Public Records Law, and all other applicable statutes.

Section 2: The Idaho Open Meeting Law requires only physical posting of the notice and agenda for public meetings in a prominent place at the City's principal place of business. This notice is insufficient to provide full transparency to the citizens of the legislative and administrative processes of the City. The City will include a hyperlinked calendar showing Council and commission meetings as well as community events on the main page of its website ([www.tfid.org](http://www.tfid.org)), in order to provide not only more accessible notice of public meetings, but also hyperlinks to agendas and staff reports, in order to provide a much more useful and meaningful notification to its citizens regarding the City's business.

Section 3: The Idaho Open Meeting Law applies only to meetings of the governing board of a public agency or subagency which is created by statute, ordinance, or other legislative act, with the authority to make decisions for or recommendations to a public agency regarding any matter. The Idaho Attorney General, in the Idaho Open Meeting Law Manual, states that "the Open Meeting Law does not apply to voluntary, internal staff meetings *if the group is not created by or pursuant to statute, ordinance or other legislative act*, even though the discussions may lead to recommendations to the governing body." A subcommittee is a creation of, and is responsible to, the agency that created it.

In order to provide more transparency in City government, neither the Twin Falls City Council nor any of its commissions will permit the formation of ad hoc volunteer groups intended to report back to the City Council or commission, unless that group is formed as a committee or commission, created by a vote of the City Council or commission. No more than two elected City Council persons may serve on any committee, including ad hoc groups and subcommittees created by statute, ordinance, or other legislative act. The City Council, and its committees and commissions, shall always comply with all requirements of the Idaho Open Meeting Law.

Section 4: The Idaho Open Meeting Law requires only the keeping of summary minutes of the City Council and commission meetings. This information is insufficient to provide full transparency and openness to the citizens of the legislative and administrative process of the City. The City will stream and video record all Council and commission meetings (excepting Council executive sessions, Airport Advisory Commission meetings, which meets at the Airport, and the Youth Council), with hyperlinks to agendas and staff reports for the next upcoming meetings, as well as agendas, staff reports and minutes of past meetings, on the City's website ([www.tfid.org](http://www.tfid.org)). This will provide real time as well as recorded access to public meetings by those citizens who are unable to attend in person, or who would prefer to view the meeting at a later time.

Section 5: The Idaho Public Records Law requires only that the City make public records available for inspection and copying at the location of the custodian of those public records. This

access to public records is insufficient to provide full transparency and openness to the citizens of the legislative and administrative process of the City. The City will provide access to the annual budget, monthly financial reports, accounts payable, financial dashboard, the Comprehensive Plan and Future Land Use Map, the Transportation Plan, the Water Plan, the Strategic Plan, the Twin Falls City Code, the Zoning Map, the Subdivision Map, the Pressure Irrigation Map, the Garbage Pickup and Recycling Map, the Flood Plain Map, and such other documents as the Council or City Manager deems important for public dissemination, on the City's website (www.tfid.org).

Section 6: The Idaho statutes have no requirements for contact information for public officials. This access is insufficient to provide full transparency to the citizens of the legislative and administrative process of the City. The City will provide hyperlinked email addresses for all City Council members, the City Manager, and all City departments, as well as mailing addresses, telephone numbers, fax numbers, on the City's website (www.tfid.org).

Section 7: The Idaho Statutes have no requirement for the posting of information on job opportunities, and requires only newspaper publication for public bidding projects. This notification is totally insufficient to provide adequate notice to potential employees and bidders of the job and project opportunities in the City. The City will post current bidding and job opportunities on the City's website (www.tfid.org) so that this information is available to its citizens as well as those potential job applicants and project bidders, wherever they may be.

Section 8: The Idaho Open Meeting Law does not require that citizens have the opportunity to be notified automatically of legislative and administrative matters of the City, on a regular and ongoing basis. The City will provide, on its website at (www.tfid.org), the opportunity for citizens to subscribe to notifications, alerts, job openings, news, and meetings, so that the information is emailed or sent via text message directly to the subscriber on a regular basis.

Section 9: The City Council finds that the Idaho statutes relating to the conduct of the business of local government have fallen far behind the technology currently available to provide greater transparency and openness to the legislative and administrative process of local government. The City will endeavor to work with its legislative representatives, the Association of Idaho Cities, and other interested parties, to update those statutes affecting the conduct of local government, in order to provide greater transparency and openness to all citizens in this state.

PASSED BY THE CITY COUNCIL

12-02 , 2013.

SIGNED BY THE MAYOR

12-04 , 2013.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
DEPUTY CITY CLERK

AMENDED RESOLUTION NO. 1912

TRANSPARENCY IN CITY GOVERNMENT

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PASSED BY THE CITY COUNCIL , 2014.

SIGNED BY THE MAYOR , 2014.

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MAYOR

ATTEST:

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DEPUTY CITY CLERK