

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, June 30, 2014
City Council Chambers

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
 PROCLAMATION: None

GENERAL PUBLIC INPUT

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the Accounts Payable for June 24, 2014 – June 30, 2014, total: \$377,658.28 and Prepay for June 24, 2014, total: \$288.15.
2. Consideration of a request to approve the June 23, 2014, City Council Minutes.
3. Consideration of a request to approve the Third Annual Magic Valley Beer Festival to be held in the Twin Falls City Park on Saturday, August 2, 2014.
4. Consideration of a request to approve the Fourth Annual Parktacular event to be held at the Twin Falls City Park on Sunday, August 17, 2014.

Purpose:
Action

By:
Sharon Bryan

Action

Leila A. Sanchez

Action

Staff Sgt. Dennis Pullin

Action

Staff Sgt. Dennis Pullin

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to confirm the appointments of Dexter Ball, Perri Gardner, and Bob Richards to the Twin Falls Urban Renewal Agency Board.
2. Consideration of a request to adopt a Resolution that approves participation in a State Local Agreement for Construction to illuminate the intersection or curve of Poleline Road and Eastland Drive; and, to authorize the Mayor to sign the agreement.
3. Update on the Auger Falls Wetland construction.
4. Update on the Zoning Ordinance amendment progress.
5. Public input and/or items from the City Manager and City Council.

Purpose:
Action

By:
Don Hall

Action

Jacqueline Fields

Update

Lee Glaesemann

Update

Mitchel Humble

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. – NONE

V. ADJOURNMENT:

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.



Date: Monday, June 30, 2014, Council Meeting

To: Honorable Mayor and City Council

From: Staff Sergeant Dennis Pullin, Twin Falls Police Department

Request:

Consideration of a request to approve the Third Annual Magic Valley Beer Festival to be held in the Twin Falls City Park on Saturday, August 2, 2014, from 1:00 p.m. through 6:00 p.m.

Time Estimate:

Where this will be the Third Annual Magic Valley Beer Festival and no police calls for service were generated last year, Staff requests that this item be placed on the Consent Calendar.

Background:

Shayne Carpenter has submitted a Special Events Application requesting to hold the Magic Valley Beer Festival on Saturday, August 2, 2014. The festival is a charitable event to raise money for the Blue Lakes Rotary Club and the Twin Falls Veterans Council. Watkins Distributing, Magic Valley Distributing, Hayden Distributing and Nouveaux Distributing will be providing the beer. Several other brewers will be supplying beer, which will be provided through the above-listed brewers. Tickets for the event will be \$25.00 in advance, \$30.00 the day of the event, and a \$10.00 fee will be charged for a designated driver. Those purchasing tickets will receive 20 tokens and a 12-ounce plastic beer mug. One (1) token will be necessary for a two (2)-ounce sample and five (5) tokens for a full mug of beer. Additional tokens may be purchased for \$1.00 each.

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

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

Jazz, bluegrass and folk/classic rock music will be provided from 1:00 p.m. to 6:00 p.m.

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

Approval Process:

Consent of the Council

Agenda Item for June 30, 2014
From Staff Sergeant Dennis Pullin
Page Two

Budget Impact:

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

Regulatory Impact:

N/A

Conclusion:

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

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

Attachments:

None

DP:aed



Date: Monday, June 30, 2014, Council Meeting

To: Honorable Mayor and City Council

From: Staff Sergeant Dennis Pullin, Twin Falls Police Department

Request:

Consideration of a request by Robert Forbes, representing a non-profit Christian Radio Station, to approve the Fourth Annual Parktacular event to be held at the Twin Falls City Park on Sunday, August 17, 2014.

Time Estimate:

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

Background:

On April 16, 2014, Robert Forbes submitted a Special Events Application for the Fourth Annual Parktacular Event to be held in the Twin Falls City Park on Sunday, August 17, 2014. The event will begin at 12:15 p.m. and will conclude at 6:00 p.m. This event is a family friendly summer event. No alcoholic beverages will be served. There will be live Christian music played from the band shell. Local food vendors will be on hand, as well as local business booths, bouncy houses for children, train rides, and face painting.

The event organizers will be responsible for a clean-up plan within the park and other areas affected by the event. Should electrical issues arise within the City Park, the event organizers will be responsible for any billing due to call outs for electrical service.

While it is possible that the live band may become a noise disturbance issue for the residential neighborhood near the City Park, we had no complaints last year. Should the amplified sound become an issue, the Patrol Supervisor will be advised to contact Robert Forbes regarding noise complaints. 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 service during the 2013 Parktacular event.

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

Approval Process:

Consent of the Council

Agenda Item for June 30, 2014
From Staff Sergeant Dennis Pullin
Page Two

Budget Impact:

Because no alcohol will be served at this event and there have been no calls for Police service at past events, Twin Falls Police Staff does not feel there is a need for Twins Falls Police to provide security.

Regulatory Impact:

N/A

Conclusion:

Staff recommends that the City Council approve the Special Events Application submitted for the Fourth Annual Parktacular event based on the information provided.

Attachments:

None

DP:aed



Monday June 30, 2014
To: City Council
From: Mayor Don Hall

Request:

Consideration of a request to confirm the appointments of Dexter Ball, Perri Gardner, and Bob Richards to the Twin Falls Urban Renewal Agency board.

Time Estimate:

The presentation will take approximately 2 minutes. Following the presentation, additional time may be necessary for questions.

Background:

Dexter Ball and Perri Gardner were appointed in November 2012 to complete partial terms for two former board members. Both are eligible and have requested to be reappointed. Both have had great attendance and are very active on the board. In addition, Cindy Bond has completed 2 full terms and is thus stepping down from the board. She has served with distinction as Secretary, Vice-Chairman, and Chairman.

City staff posted a request for applications from people interested in serving on the TFURA board. Staff received applications from three individuals. An interview panel consisting of TFURA Vice-Chairman Leon Smith, TFURA Executive Director Melinda Anderson, and I interviewed these individuals. The panel recommends that Bob Richards be appointed, and that Dexter Ball and Perri Gardner be reappointed to the TFURA board. All three appointments will be for three years beginning on July 1, 2014 and ending June 30, 2017.

Approval Process:

Members of the TFURA board are appointed by the Mayor and confirmed by the Council and can serve two full 3-year terms.

Budget Impact:

None

Regulatory Impact:

Approval of this request will maintain full membership on the TFURA board.

Conclusion:

I request that the Council confirm the appointment of Bob Richards, and the reappointment of Dexter Ball and Perri Gardner to 3-year terms on the Twin Falls Urban Renewal Agency board.

Attachment:

Commission Application from Bob Richards

April 5, 2014

Melinda Anderson
Economic Development Director
City of Twin Falls, Idaho

Dear Melinda:

As I have a great interest in the future of our Twin Falls community, I wish to apply for membership on the Urban Renewal Association Board.

I have been involved in economic development in Magic Valley for almost 30 years, serving as Economic Development Director for the City and County of Jerome on 2 different occasions, as well as SIEDO executive director during Jan Rogers's illness. Further, I served on the Twin Falls Urban Renewal Board for a period of 4 years, ending October 2012. My background prior to entry into the economic development arena was in banking and finance.

Already being familiar with the Twin Falls URA would allow me to "hit the ground running" without having to go through the educational process required to make me an effective member of the board.

Your consideration of my application will be greatly appreciated.

Bob Richards
660 Mae Drive
Twin Falls, ID 83301
Phone 208 731 1474



Date: Monday, June 9, 2014
To: Honorable Mayor and City Council
From: Jacqueline D. Fields, City Engineer

Request:

Consideration of a request to adopt a Resolution that approves participation in a State Local Agreement ((for) Construction) to illuminate the intersection, or curve, of Poleline Road and Eastland Drive and to authorize the Mayor to sign the agreement.

Time Estimate: 5 minutes

Background:

On June 11, 2013, staff visited with the Council regarding a funding opportunity for safety projects on City Streets. ITD has some funding for local safety projects. All 3 proposals were approved. This project, Key 13545, is placement of illumination along the curve at Poleline Road and Eastland Drive.

The project is ready to advertise for construction. Prior to advertisement, the City and ITD enter into an agreement for construction. The estimated additional match from the City is \$348.

Approval Process:

The Council adopts the Resolution that approves participation in these projects and authorizes the Mayor to sign the Agreements.

Budget Impact:

The match requested in this agenda item is \$384 which can be funded from Street Construction.

Attachments:

1. State Local Agreement (Construction), Project A013(545), Poleline Rd & Eastland Dr., Twin Falls, Key No 13545, and Resolution

**STATE/LOCAL AGREEMENT
(CONSTRUCTION)
PROJECT NO. A013(545)
POLELINE RD & EASTLAND DR, TWIN FALLS
TWIN FALLS COUNTY
KEY NO. 13545**

PARTIES

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the **IDAHO TRANSPORTATION BOARD** by and through the **IDAHO TRANSPORTATION DEPARTMENT**, hereafter called the State, and the **CITY OF TWIN FALLS**, acting by and through its Mayor and Council, hereafter called the Sponsor.

PURPOSE

The Sponsor has requested federal participation in the costs of installing illumination at Poleline Rd & Eastland Ave, which has been designated as Project No. A013(545). This Agreement sets out the responsibilities of the parties in the construction and maintenance of the project.

Authority for this Agreement is established by Section 40-317 of the Idaho Code.

The Parties agree as follows:

SECTION I. GENERAL

1. This Agreement is entered into for the purpose of complying with certain provisions of the Federal-Aid Highway Act in obtaining federal participation in the construction of the project.
2. Federal participation in the costs of the project will be governed by the applicable sections of Title 23, U.S. Code (Highways) and rules and regulations prescribed or promulgated by the Federal Highway Administration.
3. Checks for funds owed by the Sponsor shall be made payable to the "Idaho Transportation Department", and mailed to Jennifer Miller, Financial Services, PO Box 7129, Boise, ID 83707-1129.

4. All information, regulatory and warning signs, pavement or other markings, and traffic signals, the cost of which is not provided for in the plans and estimates, must be erected at the sole expense of the Sponsor upon the completion of the project.
5. The location, form and character of all signs, markings and signals installed on the project, initially or in the future, shall be in conformity with the Manual of Uniform Traffic Control Devices as adopted by the State.
6. This State/Local Agreement (Construction) upon its execution by both Parties, supplements the State/Local Agreement (Project Development) by and between the same parties, dated April 22, 2013.
7. Sufficient Appropriation. It is understood and agreed that the State is a governmental agency, and this Agreement shall in no way be construed so as to bind or obligate the State beyond the term of any particular appropriation of funds by the Federal Government or the State Legislature as may exist from time to time. The State reserves the right to terminate this Agreement if, in its sole judgment, the Federal Government or the legislature of the State of Idaho fails, neglects or refuses to appropriate sufficient funds as may be required for the State to continue payments. Any such termination shall take effect immediately upon notice and be otherwise effective as provided in this Agreement.

SECTION II. That the State shall:

1. Enter into an Agreement with the Federal Highway Administration covering the federal government's pro rata share of construction costs.
2. Advertise, open bids, prepare a contract estimate of cost based on the successful low bid and notify the Sponsor thereof.
3. Award a contract for construction of the project, based on the successful low bid, if it does not exceed the State's estimate of cost of construction by more

than ten (10) percent. If the low bid exceeds the estimate by more than 10%, the bid will be evaluated, and if justified, the contract will be awarded and the Sponsor will be notified.

4. Obtain concurrence of the Sponsor before awarding the contract if the Sponsor's share of the low bid amount exceeds the amount set forth in Section III, Paragraph 1 by more than ten (10) percent.
5. Provide to the Sponsor sufficient copies of the Contract Proposal, Notice to Contractors, and approved construction plans.
6. Designate a resident engineer and other personnel, as the State deems necessary, to supervise and inspect construction of the project in accordance with the plans and specifications in the manner required by applicable state and federal regulations. This engineer, or his authorized representatives, will prepare all monthly and final contract estimates and change orders, and submit all change orders to the Sponsor for their concurrence. If the Sponsor's share of any change order exceeds \$1,000.00, the State will submit a statement to the Sponsor indicating the amount owed by the Sponsor.
7. Appoint the Local Highway Technical Assistance Council as the contract administrator for the State.
8. Notify the Sponsor when construction engineering and inspection (CE&I) costs have reached approximately 85% of the estimated cost for CE&I.
9. Maintain complete accounts of all project funds received and disbursed, which accounting will determine the final project costs.
10. Upon completion of the project, after all costs have been accumulated and the final voucher paid by the Federal Highway Administration, provide a statement to the Sponsor summarizing the estimated and actual costs, indicating an adjustment for or against the Sponsor. Any excess funds transmitted by the Sponsor and not required for the project will be applied to any outstanding balance the Sponsor may have on a

previously completed project. If no such outstanding balance exists, the excess funds will be returned to the Sponsor.

11. Subject to the limitations hereinafter set forth, State shall indemnify, defend and save harmless Sponsor from and against any and all demands, claims or liabilities caused by or arising out of any negligent acts by State, or State's officers, agents, and employees while acting within the course and scope of their employment, which arise from this project. Any such indemnification hereunder by State is subject to the limitations of the Idaho Tort Claims Act (currently codified at chapter 9, title 6, Idaho Code). Such indemnification hereunder by State shall in no event cause the liability of State for any such negligent act to exceed the liability limits set forth in the Idaho Tort Claims Act. Such indemnification shall in no event exceed the amount of loss, damages, expenses or attorney fees attributable to such negligent act, and shall not apply to loss, damages, expenses or attorney fees attributable to the negligence of Sponsor.

SECTION III. That the Sponsor shall:

1. Pay to the State before the advertisement for bids, the amount of **THREE HUNDRED FORTY-EIGHT DOLLARS (\$348)**, which is the Sponsor's estimated share of the cost for construction plus preliminary engineering, and construction engineering & inspection (CE&I), and after deducting credit for the Sponsor's previous deposit as applies to Preliminary Engineering and the Sponsor's match for the consulting agreement. These costs and the Sponsor's match are detailed in the attached *Worksheet for State/Local Construction Agreements* marked Exhibit A. The actual cost to the Sponsor will be determined from the total quantities obtained by measurement plus the actual cost of engineering and contingencies required to complete the work. Construction engineering and contingencies will be approximately 12.5% of the total construction cost.
2. Upon approval of the lowest qualified bid received, if the Sponsor's share exceeds the amount set forth in Section III, Paragraph 1, transmit to the State the Sponsor's portion of such excess cost.

3. Authorize the State to administer the project and make any necessary changes and decisions within the general scope of the plans and specifications. Prior approval of the Sponsor will be obtained if it is necessary, during the life of the construction contract, to deviate from the plans and specifications to such a degree that the costs will be increased or the nature of the completed work will be significantly changed.
4. Designate an authorized representative to act on the Sponsor's behalf regarding action on change orders. That authorized representative's name is _____, Phone No. _____.
5. When change orders are submitted by the State for approval pursuant to Section II, Paragraph 6, the Sponsor or its authorized representative shall give approval of same as soon as possible, but no later than ten (10) calendar days after receipt of the change order. If approval is delayed, any claims due to that delay shall be the responsibility of the Sponsor.
6. Upon receipt of any statement referred to in Section II, Paragraphs 6 and 10, indicating an adjustment in cost against the Sponsor, promptly remit to the State a check or warrant in that amount.
7. Maintain the project upon completion to the satisfaction of the State. Such maintenance includes, but is not limited to, preservation of the entire roadway surface, shoulders, roadside cut and fill slopes, drainage structures, and such traffic control devices as are necessary for its safe and efficient utilization. Failure to maintain the project in a satisfactory manner will jeopardize the future allotment of federal-aid highway funds for projects within the Sponsor's jurisdiction.
8. Indemnify, save harmless, and defend, regardless of outcome the State from expenses of, and against suits, actions, claims, or losses of every kind, nature, and description, including costs, expenses, and attorney fees that may be incurred by reason of any negligence of the Sponsor in the work which is the subject of this Agreement.

EXECUTION

This Agreement is executed for the State by its Engineering Services Division Administrator, and executed for the Sponsor by the Mayor, attested to by the City Clerk, with the imprinted corporate seal of the City of Twin Falls.

IDAHO TRANSPORTATION DEPARTMENT

APPROVED BY:

Engineering Services
Division Administrator

ATTEST:

CITY OF TWIN FALLS

City Clerk

Mayor

(SEAL)

By regular/special meeting
on _____.

Reviewed by FS: ld

hm:13545 SLAConst.docx

RESOLUTION

WHEREAS, the Idaho Transportation Department, hereafter called the **STATE**, has submitted an Agreement stating obligations of the **STATE** and the **CITY OF TWIN FALLS**, hereafter called the **CITY**, for construction of illumination at Poleline Rd & Eastland Ave; and

WHEREAS, the **STATE** is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System when there is federal participation in the costs; and

WHEREAS, certain functions to be performed by the **STATE** involve the expenditure of funds as set forth in the Agreement; and

WHEREAS, The **STATE** can only pay for work associated with the State Highway system; and

WHEREAS, the **CITY** is fully responsible for its share of project costs; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal Aid Highway Project A013(545) is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY**.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a *regular, duly* called special (X-out non-applicable term) meeting of the City Council, City of Twin Falls, held on _____, _____.

(Seal)

City Clerk

WORKSHEET FOR STATE / LOCAL CONSTRUCTION AGREEMENTS

Key No: 13545
 Project No: A013(545)
 Project Name: Poleline Road & Eastland Ave Illumination
 Sponsor: City of Twin Falls
 Description of work: Local Highway Safety Improvement Project - Install Illumination
 Provide street lighting for curve.

Date of State/Local Agreement for Project Development: 4/22/2013

	FEDERAL	LOCAL
TOTAL ESTIMATED COST OF CONSTRUCTION <i>Includes E&C</i>		
CONSTRUCTION <i>Includes E&C</i>		
APPROVED FORCE ACCOUNT WORK		
PLUS PE BY STATE <i>(from 2101)</i>		
PLUS PC BY LHTAC <i>(from 2101)</i>		
PLUS PC <i>(from PC Agreements)</i>		
MINUS ALL NON-PARTICIPATING PARTICIPATING TOTAL		
MATCH PERCENTAGES	92.66%	7.34%
PERCENTAGE AMOUNTS	\$231,879.80	\$18,368.20
MINUS FEDERAL MAXIMUM	\$0	
ADD OVERAGE <i>(If Any To Local)</i>	231,880	\$0
LOCAL SHARE OF CONSTRUCTION AMOUNT		\$18,368

ADJUSTMENTS

PLUS ALL NON-PARTICIPATING *(From above if work by contract)* \$0
MINUS FUNDS ADVANCED BY THE SPONSOR FOR STATE PE *(from PD Agreement)* \$16,000
MINUS APPROVED FORCE ACCOUNT WORK *(From above)* \$0
MINUS PRELIMINARY ENGINEERING PAID BY LOCAL \$2,020
(If LPA has not rec'd reimbursement, use actual PC dollars paid by LPA)
(If LPA has rec'd reimbursement, use local match % of actual PC dollars paid by LPA)
(Amounts must be supported by District Records Inspector Audit)

CONSTRUCTION AMOUNT REQUIRED FROM SPONSOR AFTER ADJUSTMENTS \$348

Comments:

PREPARED BY: | Scott Ellsworth | Date: 6/16/2010



Date: Monday, June 30, 2014
To: Honorable Mayor and City Council
From: Lee Glaesemann, Staff Engineer

Presentation:

Auger Falls Wetland Construction update.

Time Estimate:

The staff presentation will take approximately 10 minutes plus time for Council Q&A

Background:

The development of wetlands and habitat at Auger Falls through the reuse of recycled water delivered from the City's treatment plant has been an ongoing effort for several years. The process has included public input and planning, environmental clearances, multi-agency permitting, securing public access, and the design and construction of improvements including the road, pipeline, and wetland ponds.

This presentation is intended to briefly cover elements leading to project construction with additional focus on constructed improvements, current activities, and a look ahead at things to come.



MONDAY June 30, 2014
To: Honorable Mayor and City Council
From: Mitchel Humble, Community Development Director

Request:

An update on the Zoning Ordinance amendment progress.

Background:

In September of 2012, the City Council reviewed and initiated several potential amendments to City Code, Title 10, the Zoning Ordinance. At that time, the Mayor also appointed two Council members to work with staff and four other City residents on a committee to prepare the amendments. That committee began to refer to themselves as the Zoning Ordinance Amendment Committee, or the ZOAC. The ZOAC worked for 14 months on several different amendments. Some were completed, some were examined and determined to be unnecessary, some were worked on and not yet completed, and others were not begun by the ZOAC. Attached is a list of the amendments that were initiated by the Council in September 2012 and their current status.

In December 2013, the Council began discussing City transparency. The actions of the ZOAC were one particular area of focus in those discussions. At the end of that process, the Council adopted a resolution establishing some specific transparency regulations for City activities. The ZOAC could no longer operate as it had been operating. The ZOAC has not met since the Council's transparency discussions began.

Following the adoption of the transparency resolution, the Council adopted another resolution officially creating the ZOAC as a recommending body to the Council. Two Council members were then appointed to the newly created ZOAC. However, no further members have been appointed yet. The newly created ZOAC has yet to start meeting.

In the absence of the regular ZOAC meetings, staff continued to put some finishing touches on some of the Code amendments that had progressed far enough to continue without regular ZOAC input. Staff also began working on these amendments with the entire Planning & Zoning Commission (P&Z) at several of their regular monthly work sessions. The P&Z has provided some valuable input on these amendments that has allowed staff to finish two of them. Those two are now scheduled for hearing by the P&Z at their upcoming 7/8/14 meeting. One additional amendment will be scheduled for hearings soon, following one or two more work sessions with the P&Z.

Members of the P&Z have expressed gratitude to staff for involving them in the amendment process in their work sessions. Some Commissioners felt like they were being excluded from the process when the ZOAC was working on the amendments. The Commission preferred to work on the amendments as a Commission rather than just one or two members of the Commission being appointed to the ZOAC.

I have provided this feedback to the Mayor. Under the new transparency regulations, ZOAC meetings will have to be held as public meetings. Also, not more than two of the Commissioners would be permitted to serve on the ZOAC. Some of the Commissioners have suggested that if the meetings have to be public meetings anyway, then why not use the P&Z to draft Code amendments. That way all of them could be included in the process. The Mayor has asked that I provide this update to the Council so that the Council can discuss and provide feedback on how we proceed to prepare Zoning Ordinance amendments.

Approval Process:

There is no action requested with this item.

Budget Impact:

There is no significant impact associated with this discussion item.

Regulatory Impact:

There is no regulatory impact associated with this discussion item.

Conclusion:

No action is necessary. The Council may want to discuss and provide feedback regarding the process for continued drafting of Zoning Ordinance amendments.

Attachments:

List of Initiated Zoning Ordinance amendments and their current status

LIST OF AMENDMENT TOPICS:

Following is a list of amendment topics already authorized by the Council. They are presented in no particular order and are followed by a brief description of the potential need for change. **Status updates are added below each item in red.**

1. **Xeriscaping** – review landscape requirements to determine if the Code should be amended to support, encourage, or require xeriscaping landscaping.
2. **Gateway Arterial Landscaping** – review the gateway arterial landscaping requirements. Some developers have suggested that they are too restrictive for in-fill or redevelopment projects.
3. **Urban Village/Urban Infill** – the Comp Plan contains this future land use designation, but there is no zoning district that matches it. Create a mixed-use development zoning district.
4. **Open Space Residential/Cluster Development** – the Comp Plan encourages alternate housing design through open space or clustering. Create a Code section that allows/encourages alternate housing design.
5. **Neighborhood Center Development** – the Comp Plan recommends that we review and possibly amend our Neighborhood Center Code content.
6. **Office District** – review and possibly create a full Office zoning district rather than the current overlay.
7. **New Residential District(s)** – review and possibly create residential zoning districts for single family between R-1 and R-2, duplex, and fourplex.
8. **Downtown Zoning District(s)** – the Comp Plan suggests that we review and possibly amend the Code regarding our downtown to create a mixed use district, a downtown residential district, and maybe downtown architectural requirements.
9. **Land Uses** – our permitted use regulations are extremely dated. They need to be reviewed and updated. Consider creating several conditional uses and reduce the number of special uses. Create definitions for all uses. Reorganize the structure of the use regulations into a matrix that is easier to understand and cross reference. **This topic was started by the ZOAC and discussed at 2-3 meetings in Fall 2013. The Council then began discussing open meetings and transparency. That process led to the ZOAC as it was functioning to no longer comply with City policy. This topic has been put on hold until committee meetings begin again or some alternate process is agreed upon.**
10. **Planned Unit Developments** – our PUD process is complicated and difficult to understand. We need to review and possibly amend it to stream line the process, but also to make it clearer. **We The ZOAC group has finished its work on this update. The proposal has been shared with the public in two different open house meetings. This section includes a fairly significant change its title. We're proposing to rename these Zoning Development Agreements (ZDA) instead of PUD to more closely align with Statute regarding PUDs and development agreements. Staff is currently reviewing the entire Title 10 to identify other Code sections with references to PUDs that we will need to adjust. This is a tedious and time consuming task. Once complete, staff will schedule this amendment for public hearings.**
11. **Building Heights** – following a recent request for additional height, the Council directed staff to begin working on an amendment regarding increasing maximum building heights. **The ZOAC has completed its work on this topic for the second time. A public hearing at the Planning & Zoning Commission for its adoption has been scheduled for July 8th.**
12. **Parking Lot Sales** – ~~due to concerns expressed by a local small businessman, the council recently directed staff to prepare an amendment that would create some kind of process to allow limited parking lot sale events.~~ **The amendment has been adopted by the Council.**
13. **Canyon Rim Overlay** – ~~The Council was asked by a group of concerned citizens to initiate amendments to the City's Canyon Rim Overlay District. The group feels like the rims (Snake River and Rock Creek) need greater protection in the Code.~~ **The ZOAC voted that no change was needed to this code section at their**

8/28/13 meeting. The Council has heard and accepted the report. No further action on this item is necessary.

14. **Parking** – we need to review our parking requirements for various uses to determine if they are adequate, too weak, or too strong. There has been concerns raised that uses such as medical offices or Starbucks have too little parking available, yet other uses like Target, Wal-Mart, or the Mall have too much. Bicycle parking should also be reviewed along with vehicle parking. The ZOAC is has finished this topic. A public hearing at the Planning & Zoning Commission for its adoption has been scheduled for July 8th.
15. **Sign Code** – the current Sign Code was adopted in 2009. Since its adoption, we've identified some loop-holes in the Sign Code that should be reviewed and potential fixed. The Council has approved an amendment that was applied for by the Realtors' Association to amend the Sign Code to relax regulations for off-site real estate signs, specifically to allow those to be located in the ROW. Further amendments may be necessary after more review.
16. **Public Hearing Notice** – a recent zoning hearing before the City Council identified a potential flaw in our public hearing notice requirement, that perhaps notifying property owners within 300 feet may not always be adequate. The Council directed us to review this Code Section as well. The ZOAC completed its work on this topic and recommended no changes to the Code to the City Council. That recommendation was given to, and accepted by the Council.