

COUNCIL MEMBERS:

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



AGENDA

Meeting of the Twin Falls City Council
Monday, September 15, 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: None		
GENERAL PUBLIC INPUT		
AGENDA ITEMS		
I. <u>CONSENT CALENDAR:</u> 1. Request to approve the Accounts Payable for September 9, 2014 to September 15, 2014. 2. Request to approve a Sidewalk Deferral for Lengfeld Subdivision. 3. Request to approve the August 18, 2014, City Council Minutes.	<u>Purpose:</u> Action Action Action	<u>By:</u> Sharon Bryan Troy Vitek Leila A. Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Request to consider the purchase of a Graco 390 Grind Lazer for the Street Department. 2. Request to approve the scope of work and contract with J-U-B Engineers to develop a Master Plan for Parks and Recreation. 3. Presentation of a six-month update regarding compliance of the Open House Real Estate Sign code amendment and the On Street Large-Truck Parking code amendment. 4. Public input and/or items from the City Manager and City Council.	<u>Purpose:</u> Action Action Presentation	<u>By:</u> Jon Caton Dennis J. Bowyer Rene'e V. Johnson
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M.		
V. <u>ADJOURNMENT:</u>		

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, September 15, 2014
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

To approve a Sidewalk Deferral for Lengfeld Subdivision.

Time Estimate:

The presentation will take approximately 5 minutes.

Background:

Lengfeld Subdivision, a 2 lot subdivision, was approved by the City Council on 6/23/2014. City Code requires construction of Curb, Gutter and Sidewalk as part of the subdivision process. The owners of the subdivision request a deferral of Sidewalk on Galena Drive due to trees adjacent to the curb and gutter would be harmed and require removal for installation of the sidewalk. The requirement for sidewalk is to provide a path for pedestrians along a route that is ADA accessible. In discussions with the owners they agree in lieu of installing the sidewalk across the property they would be in favor of installing two ADA ramps at both ends of the property which could be used to transfer people to the other side of the street where there exists a sidewalk that could be used by the public. While this is not common it provides access for the public until such time the sidewalk is installed. The owner has indicated that the neighborhood is in favor of the trees remaining and the neighbor directly across the street has written an email to the City stating: "I understand that City Code obligates them to build a sidewalk that may fatally damage or require the removal of some 20 plus mature elm trees on the backside of this property and across the street from mine.. That would be a sad event. Yes a sidewalk should be built at some point, but I'd hate to see the view we currently enjoy destroyed for a sidewalk that the neighborhood can live without for the foreseeable future and wanted to make my voice known."

Approval Process:

City Code 10-11-5 (B) states the City Engineer may defer construction if the improvement would create a traffic hazard or unusual drainage problem. Staff believes an alternative can be constructed with installation of two ADA ramps and the sidewalk may be deferred until the trees die.

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 owner to construct ADA ramps at both ends of his property to provide an ADA route around his parcel and defer construction of the sidewalk until the tree's die.

Conclusion:

Staff recommends that the Council approve the request as presented.

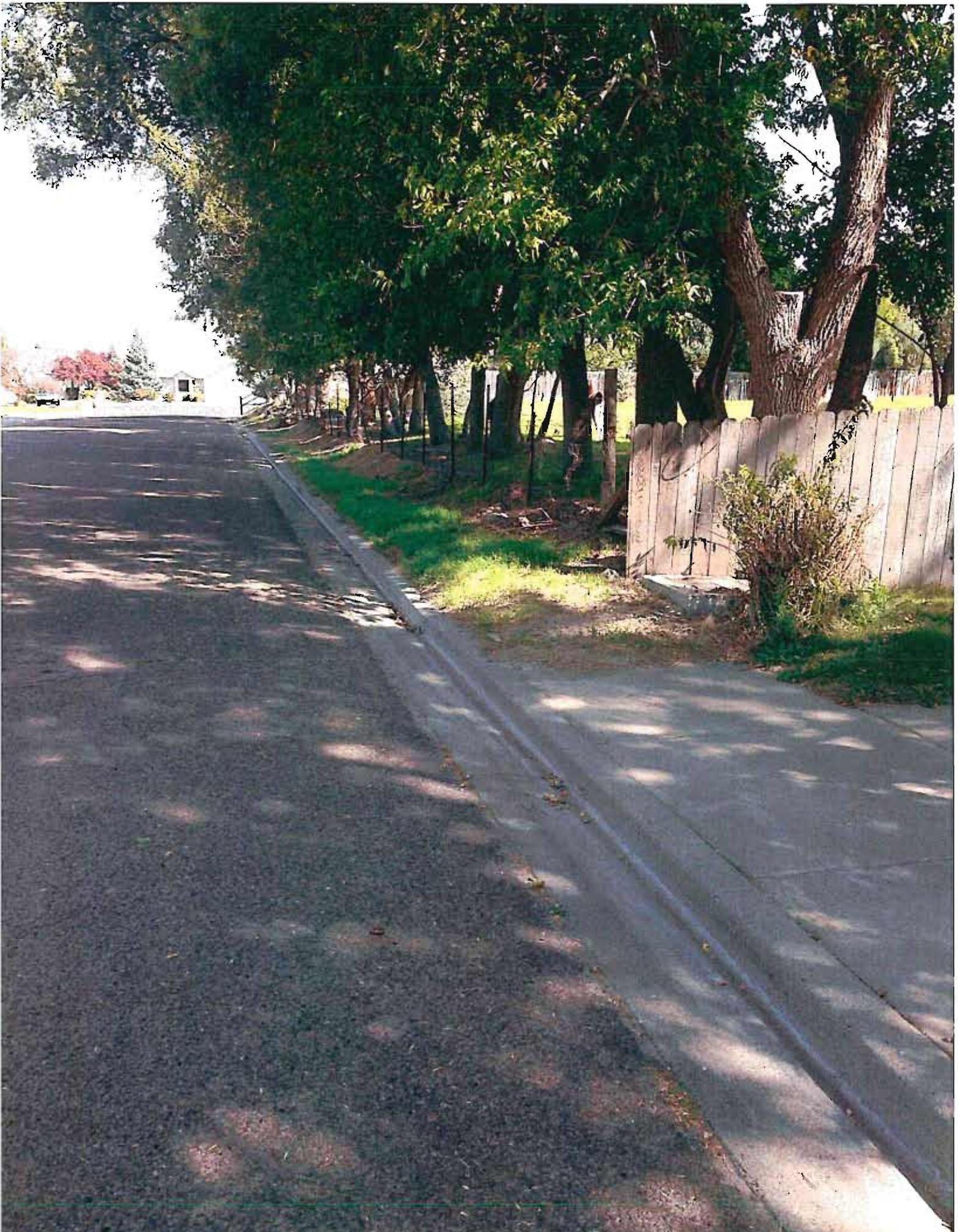
Attachments:

1. Location maps
2. Site Photos
3. Sidewalk Deferral Agreement.
4. Letter from Moffatts' as reason for request.



Google earth









SIDEWALK IMPROVEMENT DEFERRAL AGREEMENT

This Agreement made and entered into this _____ day of September, 2014, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City", and Mitchell J. and Brittany L. Moffitt, hereinafter called "Developer", for the purpose of constructing certain improvements on property sought to be developed at 1267 Madrona Street North, Twin Falls, ID 83301.

WHEREAS, Developer certifies that he is the owner in fee simple or the authorized agent of the owner in fee simple of the real property described on the attached Exhibit "A"; and,

WHEREAS, there is attached hereto and incorporated herein as if the same were set out in full, a certified copy of the deed to the above described real property, marked Exhibit "A", showing ownership of said real property to be in Developer, or, as the case may be, there is attached hereto and incorporated herein as if the same were set out in full, a copy of the deed to the above described real property showing ownership in fee simple in someone other than Developer together with a notarized authorization, signed by the real property owner, authorizing Developer to act on behalf of said real property owner; and,

WHEREAS, Developer desires to develop said real property in the following manner: single home construction on the 3.5 acre lot; and,

WHEREAS, the Developer is obligated to construct certain improvements, namely sidewalk, pursuant to Title 10, Chapter 11 of the Twin Falls City Code; and,

WHEREAS, the City is authorized, pursuant to Twin Falls City Code Section 10-11-5(B)(2) to defer said improvements; and,

WHEREAS, the City Council on _____ agreed to defer construction of the aforementioned improvements,

WITNESSETH, that for and in consideration of the mutual promises, conditions and covenants contained herein, the parties agree as follows:

I.

City agrees: 1) to defer construction of the required sidewalk until the mature trees whose root systems interfere with the construction of the proposed sidewalk along Galena Drive die or are no longer healthy and require removal or until such time as the obligation of sidewalk construction on adjacent property or properties allows the City Engineer to require construction under the conditions specified in City Code Section 10-11-5(B)(2).

II.

Developer agrees to: 1) complete construction of sidewalk on the real property described above when required by the City Council.

III.

Developer further agrees that in the event the Developer fails to complete the aforementioned construction, the City may complete the construction at the City's expense and may file a lien against the aforementioned property for expenses incurred by the City in said construction.

IV.

Developer agrees to pay the total actual cost of all materials, labor and equipment necessary to completely construct all of the improvements required herein and to construct or contract for the construction of all such improvements.

V.

Developer agrees to request in writing that the City Engineer and any other required department of the City make the following inspections and to not proceed with construction until the required inspection is complete and the work has been approved in

writing by the City Engineer or his authorized inspector. All such inspections shall be scheduled fifteen (15) days prior to beginning work and the request for an inspection shall be made one working day before the required inspection. Developer agrees to apply all costs resulting from his failure to properly schedule and request a required inspection or from proceeding with work before receiving approval to proceed. Developer agrees to remove or correct any rejected, unapproved or defective work or materials all as required by the City Engineer.

Required inspections shall include: 1) approval of all materials before inspection; 2) approval of forms and gravel base before pouring any concrete sidewalk; and 3) approval of finished sidewalk.

VI.

The Developer agrees to: 1) allow the City full and complete access to the construction; 2) provide all materials necessary to conduct all tests; and 3) provide the equipment and perform or have performed any testing of manufactured materials required by the City Engineer.

VII.

Developer agrees to obtain any necessary permits from the Twin Falls Highway District or the State of Idaho Department of Highways prior to construction improvements on their respective rights-of-way if said permits are required by the aforementioned agencies. A certified copy of said permit or the original of said permit shall be submitted to the City prior to beginning construction thereon.

This Agreement shall be recorded and shall bind the parties hereto, their heirs, successors in interest, and lawful assigns.

In the event of a breach of this Agreement, or should legal action of any kind be taken to enforce the provisions hereof, the prevailing party shall be entitled to reasonable attorney fees and cost awarded by the Court.

CITY OF TWIN FALLS, IDAHO

BY _____
Mayor

DEVELOPER

Mitchell J. and Brittany L. Moffitt

<p>STATE OF IDAHO On this ___ day of _____, 20___, before me a notary public in and for said State, personally appeared _____</p> <p>known to me to be the person who name subscribed to the within instrument, and acknowledged to me that _____ executed the same.</p> <p>_____ Notary Public Residing in _____ Expires _____</p>	<p>STATE OF IDAHO On this ___ day of _____, 20___, before me a notary public in and for said State, personally appeared _____</p> <p>known to me to be the person who name subscribed to the within instrument, and acknowledged to me that _____ executed the same.</p> <p>_____ Notary Public Residing in _____ Expires _____</p>
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Mitchell J. Moffitt and Brittany L. Moffitt
1710 Brookfield Court
Twin Falls, ID 83301
September 1, 2014

City of Twin Falls
City Council
305 Third Ave. E.
Twin Falls, ID 83301

Dear Twin Falls City Council:

Since December of 2012, my wife, Brittany, and I have been the owners of a 3.5 acre parcel of land located at 1267 Madrona Street North here in Twin Falls. This historic piece of ground with its existing 12-stall horse barn and wooden corrals was a working horse property and farm until the late 1980's when Helen McCallie sold it to John and Judie Reeder. The original owners transformed the barren desert ground into a shaded green space by planting countless trees on and around the property and providing irrigation water to nourish them.

As residential development has gradually swallowed up all of the wheat and alfalfa fields that used to surround this farm on all sides, this property with its border of mature trees has survived the encroachment of paved streets and curbing. Over the last 21 months, we, the newest owners, have spent significant amounts of money and effort to ensure the survival of this verdant property and to improve it. We have changed the grading to beautify the land and to prevent future flooding, have installed a pressurized irrigation system, have planted pasture grass, have removed sick or dying trees, and have paid professional arborists to maintain the healthy ones. Our neighbors have expressed their approval and gratitude for these improvements and often stop in the shade of those trees to admire the llamas and alpacas silently grazing nearby.

Our goal all along has been to build a single-family home in the center of this property, all the while maintaining the barn, outbuildings, and our tree-lined pasture around the periphery of the our land. As we apply for a building permit, Title 10, Chapter 11 of the Twin Falls City Code obligates us to construct sidewalk and curbing along all street-lined borders of our property. Such improvements along Madrona Street North were constructed years ago by the previous owners, but only concrete curbing was installed along Galena Drive. We assume that the sidewalk installation was avoided in the past out of concern for the health of the old-growth trees, whose nearly-exposed root systems descend somewhat steeply from the higher elevation of our land to the much lower street level and curbing.

Both our builder and our arborist have expressed concern that the excavation necessary to install the sidewalk along Galena Drive would disrupt the root systems of most of the mature trees and would either require their removal or result in their death. Although we agree that completing the sidewalk along the border of our property is our obligation and would be good for the neighborhood, we feel that eliminating 210 feet of 60 year-old mature trees just to install that sidewalk is not in the best interest of our neighbors and community.

Twin Falls City Code Section 10-11-5(B)(2) authorizes the City Council to defer these improvements if they feel it is justified. We are thus requesting that a Sidewalk Improvement Deferral Agreement be considered. We fully agree to the responsibility of installing the sidewalk, but request that it be deferred until a later date when these beautiful old trees are no longer healthy and need to be removed. This will allow the neighbors and us to enjoy their beauty and shade while the new trees we are planting immediately to the east are growing and maturing.

Our beautiful city of Twin Falls has prided itself on its designation of being a "Tree City USA" for the last 16 years. We humbly ask the City Council to show its support for the preservation of old growth trees and green spaces in our neighborhoods by granting this deferral agreement.

Sincerely,

Mitchell J. Moffitt, M.D.

Brittany L. Moffitt

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, August 18, 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: None

GENERAL PUBLIC INPUT

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Request to approve the Accounts Payable for August 12 – 18, 2014, total:\$7,535,623.79
 Prepay, August 19, 2014, total: \$65
 Prepay – August 15, 2014, total: \$122,363.55
 Prepay, August 12, 2014, total: \$144,000
2. Request to approve the 7th Annual South Central Community Action Partnership (SCCAP) Event to be held in the Twin Falls City Park on Saturday, September 20, 2014.

Purpose:
Action

By:
Sharon Bryan

Action

Dennis Pullin

II. ITEMS FOR CONSIDERATION:

1. Request from Thunder Auto Sales to approve a deferral request for site improvements required with their building permit request at 438 Addison Avenue West
2. Request for a partnership between the Twin Falls County Youth Baseball Trust (The Trust) and the City of Twin Falls to install safety netting and the replacement of two scoreboards at the Oregon Trail Youth Complex (OTYC).
3. Request for approval of a recommendation from the Parks and Recreation Commission to negotiate a contract with J-U-B to develop a Master Plan for Parks and Recreation.
4. Request to award the 2014 ConAgra Pretreatment Facility Sludge Storage Tank Replacement to Performance Systems Inc. (PSI) of Meridian Idaho, in the amount of \$296,808.57.
5. Request to award the 2014 Hankins Water Storage Tank Project to Performance Systems, Inc. of Meridian, Idaho, in the amount of \$3,790,026.00.
6. Request to award the contract for the 2014 Lateral 33 Relocation project to Staker Parsons Co. dba Idaho Sand and Gravel of Jerome, Idaho, in the amount of \$559,756.00.
7. Public input and/or items from the City Manager and City Council.

Purpose:
Action

By:
Mitchel Humble

Action

Stacy McClintock

Action

Dennis J. Bowyer

Action

Troy Vitek

Action

Lee Glaesemann

Action

Jason Brown

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. A public hearing on the FY 2015 Budget for the City of Twin Falls.

Public Hearing/
Action

Travis Rothweiler
Lorie Race

V. ADJOURNMENT:

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

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.

Present: Suzanne Hawkins, Jim Munn, Shawn Barigar, Chris Talkington, Greg Lanting (5:24 p.m.), Don Hall, Rebecca Mills Sojka

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Chief Finance Officer Lorie Race, Deputy City Attorney Shayne Nope, Community Development Director Mitchel Humble, Staff Sergeant Dennis Pullin, Recreation Supervisor Stacy McClintock, Assistant City Engineer Troy Vitek, Staff Engineer Lee Glaesemann, Environmental Engineer Jason Brown, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Hall reconvened the meeting at 5:00 p.m. He then invited all present, who wished to, to recite the Pledge of Allegiance to the Flag.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATION: None

GENERAL PUBLIC INPUT

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Request to approve the Accounts Payable for August 12 – 18, 2014, total:\$7,535,623.79
Prepay, August 19, 2014, total: \$65
Prepay – August 15, 2014, total: \$122,363.55
Prepay, August 12, 2014, total: \$144,000
2. Request to approve the 7th Annual South Central Community Action Partnership (SCCAP) Event to be held in the Twin Falls City Park on Saturday, September 20, 2014.

MOTION:

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

II. ITEMS FOR CONSIDERATION:

1. Request from Thunder Auto Sales to approve a deferral request for site improvements required with their building permit request at 438 Addison Avenue West

Doug Mason, Thunder Auto Sales, explained the request. He explained that he is unable to proceed with the project if paving is required. The request is for a deferral.

Discussion followed.

Community Development Director Humble reviewed the request.

The plan is to build the new office, move into the new office, then demolish the existing office.

City Code 10-11 contains several improvements that are required whenever a building is constructed. These improvements include landscaping, screening, parking, streets, sanitation facilities, water & sewer, and storm water retention. In 2010, City Code 10-11-1 was amended to include the opportunity for a building permit applicant to request a deferral in cases of "exceptional hardship." City Code 10-11-1 now says, "...Whenever a building is constructed, placed, erected or enlarged and that building is in an isolated or undeveloped area, or in cases of exceptional hardship, improvements may be deferred by the council in cases where a deferral would otherwise be unavailable..."

The City has never had a request for an exceptional hardship deferral from a for profit business. The amendment also does not define "exceptional hardship." In the two cases where a request was made and approved, both were from non-profit organizations and both were due to the additional cost of the improvements being required.

There is a difference between a waiver and a deferral. A waiver would remove the requirements altogether, where a deferral would only delay the timing of the improvements to a later date. City Code 10-11-1 specifically provides for a deferral and not a waiver.

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In addition, per City Code 10-7-12, the property is also subject to the Gateway Arterial landscaping requirements. Addison Avenue West is defined as a Gateway Arterial. As this project is an existing developed property that is being improved, the property is required to provide a 10-foot landscape strip along the roadway. The Gateway Arterial landscape strip is required in addition to the landscaping required in City Code 10-11. The deferral allowance provided in City Code 10-11-1 only applies to those required improvements found in city Code 10-11. Since the Gateway Arterial landscaping requirements are found outside of 10-11, they will still be required if the Council approves this request for a deferral. The attached site plan does not show the 10-foot landscape buffer and will need to be amended prior to the issuance of a building permit to construct the new building.

Approval of this request will allow Thunder Auto Sales to construct a new sales office and remove the existing sales office while deferring the completion of the required improvements, such as paving and landscaping, found in City Code 10-11. Staff recommends that the Council review Mr. Nye's request and provide direction on whether or not to prepare a deferral agreement and, if so, the terms of the deferral agreement.

Discussion followed:

- Improvements and impact of a deferral agreement
- Use of other types of surface
- Storm water retention
- Arterial gateway requirements

Community Development Director Humble explained that City Code 10-11-1 requires paving of all parking and maneuvering areas which is essentially the lot with the exception of the building and gateway arterial. Once paved this would increase the impervious surface requiring retention.

Doug Mason discussed the placement of concrete aprons at the two entrances and landscaping plans.

- Structuring a deferral agreement addressing Phase II of the NPDES Storm Water Management requirement.

Community Development Director Humble explained that if the request is approved a condition can be placed addressing a mandated Phase II of the NPDES Storm Water Management requirement.

5:24 P.M. Greg Lanting took his seat on the Council.

City Manager Rothweiler explained that the mandated Phase II of the NPDES Storm Water requirement becomes effective when the City of Twin Falls exceeds a population of 50,000. The City will enter an agreement with EPA to insure a proper storm water treatment program is in place.

City Attorney Wonderlich explained that a waiver is not an option.

MOTION:

Councilperson Talkington moved to approve the Thunder Auto Sales at 430 Addison West, the deferral for the site improvements subject to the following five conditions (whichever comes first):

1. Maximum of five years
2. Phase II of the NPDES Storm Water Management requirement
3. Change in ownership or business type for the business at that location
4. Adjacent property improvements require similar improvements
5. Improvements or changes on adjacent Addison Avenue West property require changes to that property

The motion was seconded by Councilperson Mills Sojka.

Council discussion followed.

City Manager Rothweiler stated that based upon the knowledge of the NPDES permit, a trigger may not occur until the next census in 2022. The mandate will not impact specific properties. The City will be required to insure the integrity of the storm water going into the system.

Councilmember Munn asked Doug Mason that in the event that Phase II of the NPDES Storm Water Management implementation takes place in seven years will the required improvements put them out of business.

Doug Mason stated the owners have a desire to pave but this is a matter of cost. In past projects, he has proven that wastewater runoff and debris matter has not impacted the requirement for federal regulations.

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Councilmember Mills Sojka explained a berm landscaping deferral agreement was granted to a business on Washington Street North and a few months later landscaping was removed and the owner paved the parking lot. She supports a five year deferral agreement in which improvements are to be made within the next five years.

Councilmember Lanting stated that deferral agreements have been granted to nonprofits and in one instance a deferral agreement was not granted for a car lot on Washington Street and now one half of the lot is paved and the other one half is not. He is in support of a five year deferral agreement.

Mayor Hall stated that he would likely vote on a ten year deferral agreement.

Councilmember Munn stated that he would be in favor of a 50 year deferral agreement.

Councilmember Hawkins agreed that the cost of improvements is a large cost to the business owner but fair to everybody in the business community and is in favor of a five year deferral agreement.

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

2. Request for a partnership between the Twin Falls County Youth Baseball Trust (The Trust) and the City of Twin Falls to install safety netting and the replacement of two scoreboards at the Oregon Trail Youth Complex (OTYC).

Recreation Supervisor McClintock explained the request and gave a background. Staff is requesting for the City Council to reallocate \$10,000 of the \$45,000 budgeted for the community garden and use it for this joint project at the Oregon Trail Youth Complex.

The Oregon Trail Youth Complex was purchased from the Church of Jesus Christ of Latter-day Saints in November 2008 after leasing the complex for over a decade. The complex is used primarily for youth from City leagues and from the Twin Falls County Youth Baseball leagues commonly referred to as Cal Ripken and the Babe Ruth leagues. The Cal Ripken program has been using these fields for their league and tournaments for several years; they play their regular season games in the spring and finish their season before the City's youth baseball/softball programs begins in May.

In addition to the netting the Twin Falls County Youth Baseball league and the Trust would also like to see the replacement of the two scoreboards at the complex. City staff has budgeted \$10,000 for this project. The total cost of the new scoreboards and installation is \$13,000.

The Twin Falls County Youth Baseball Trust has offered to enter into a partnership and help with the cost of the netting and the scoreboards. The Trust is willing to fund these two projects up to \$22,930.

The total for both projects is \$67,930. With the budgeted amount at \$25,000 and \$10,000 added to the partnership with the Trust of \$22,930, there is a \$10,000 deficit that needs to be addressed.

The community garden project has not proceeded in this fiscal year due to no interest expressed from the general public and city staff has spent any spare time in developing the dog park, making it a realization for the residents of Twin Falls.

Trust Board Members Brent Jussel, Debbie Hall, and Mitch Hawkins are available to answer questions.

Discussion followed.

- Scoreboards are 18 years old and not legible
- Scoreboard controllers are obsolete
- Life of scoreboards 10 to 15 years
- Baseball Cal Ripken pays \$25 prep fee

Brent Jussel explained that the Twin Falls County Youth Baseball Inc. is a nonprofit corporation and administers to Cal Ripken and Babe Ruth programs for both baseball and softball. The Trust was formed approximately ten years ago. The Trust is designed to take those excess funds that come out of the program and put those aside and administer those for the long term benefit of the program. The funds have historically gone back to the facility. Cash spent from Trust for improvements is about \$ 100,000. Both the Trust and Corporation are administered by volunteer efforts. The Trust is exclusively designed for facility improvements.

Discussion followed.

- Lack of community garden interest

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Parks & Recreation Director Bowyer stated that he has not received any interest in the establishment of a community garden since the implementation of the Community Garden Policy. The original groups from the Harrison Park area are no longer interested in a community garden.

MOTION:

Councilmember Lanting moved to approve the partnership between the Twin Falls County Youth Baseball Trust (The Trust) and the City of Twin Falls to install safety netting and the replacement of two scoreboards at the Oregon Trail Youth Complex (OTYC) and to approve the transfer of \$10,000 from the fund of the community garden to cover the difference. The motion was seconded by Councilmember Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Recess at 6:07 p.m.

Reconvened at 6:14 p.m.

3. Request for approval of a recommendation from the Parks and Recreation Commission to negotiate a contract with J-U-B to develop a Master Plan for Parks and Recreation.

Parks & Recreation Director Bowyer explained the request.

The City solicited requests for qualifications (RFQ) from qualified consulting firms to provide professional services to the City to develop a Parks and Recreation Master Plan. Proposals were due on Thursday June 12th. Staff sent out approximately 20 requests and received six.

A group reviewed the six proposals. This group narrowed the proposals down to four and these four made presentations to the Parks and Recreation Commission on Tuesday August 12th. Each firm was given 20 minutes to make a presentation and 5-10 minutes for questions and answers. Each Commissioner ranked the firms on the following criteria:

1. Firm History and Capability to Perform Project
2. Relevant Project Experience
3. Qualification of Project Team
4. Familiarity with Area and Project
5. Project Approach and Schedule

After some discussion by the Commission, each Commissioner ranked the firms one through four on the above criteria. Staff compiled the rankings.

Based on qualifications, the Parks and Recreation Commission has ranked the following consulting firms in preference of order for staff to start negotiations to develop a contract.

1. J-U-B
2. Green Play LLC
3. Conservation Technix
4. CTA

If approved, staff will start negotiations with J-U-B. If those negotiations fail, staff would begin negotiations with the number 2 ranked firm, continuing to the number 4 ranked firm if necessary. Staff is confident that negotiations with J-U-B will be successful.

Approval of this request will allow City staff to negotiate a contract with J-U-B to provide a master plan for the Parks and Recreation Department.

The Parks & Recreation Commission recommends to the City Council to allow staff to start negotiations with J-U-B to develop a contract and bring said contract back to City Council for their consideration.

Council discussion followed.

MOTION:

Councilmember Barigar moved approval of the recommendation from the Parks and Recreation Commission to negotiate a contract with J-U-B to develop a Master Plan for Parks and Recreation. The motion was seconded by Councilmember Munn. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Request to award the 2014 ConAgra Pretreatment Facility Sludge Storage Tank Replacement to Performance Systems Inc. (PSI) of Meridian Idaho, in the amount of \$296,808.57.

Assistant City Engineer Vitek explained the request.

There is a sludge holding tank at the ConAgra Pretreatment Facility which had been leaking and was taken out of service multiple years ago. As the sludge or "bugs" grow during shutdown periods of ConAgra there is a need to store the sludge in a holding tank separate from the UASB. Last year the City budgeted \$400,000 for replacement under Capital Expenditures. The City of Twin Falls bid the ConAgra Sludge Tank Replacement and received two Bids. PSI, from Meridian Idaho, submitted the low bid at \$296,808.57 and T Bailey Inc. out of Anacortes Washington in the amount of \$356,990.00. Staff has reviewed the bids and while PSI failed to include the Affidavit of Payment or Securement of All Taxes form as required in the Instructions to Bidders, the Instructions to Bidders paragraph 21.2 clearly states that the City of Twin Falls "reserves the right to waive all informalities not involving price, time, or changes in the Work." Staff feels that the omission of this form may be considered a bid informality that does not involve price, time, or changes in the work and the City is currently employing PSI on a different construction contract, for which they had provided the same Affidavit during the bidding process (less than 4 months ago). Furthermore, upon request of CH2M Hill, PSI promptly supplied the signed Affidavit form.

Staff recommends that the Council approve the request as presented.

Council discussion followed.
-Work Schedule

MOTION:

Councilmember Talkington moved to award the 2014 ConAgra Pretreatment Facility Sludge Storage Tank Replacement to Performance Systems Inc. (PSI) of Meridian Idaho, in the amount not to exceed \$296,808.57.

-Engineer's estimate

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

5. Request to award the 2014 Hankins Water Storage Tank Project to Performance Systems, Inc. of Meridian Idaho, in the amount of \$3,790,026.00.

Assistant City Engineer Vitek explained the request. In October of 2013, the City of Twin Falls entered into a development agreement with the Urban Renewal Agency of the City of Twin Falls and Clif Bar. As part of the development agreement, the City is required to construct a five million gallon water tank to support water requirements for Clif Bar. The water storage tank will also provide water for additional growth on the southeast side of the City.

Mark Holtzen, JUB Engineers, explained that on August 7, 2014, bids were opened for the 2014 Hankins Storage Tank Project. The bids received ranged from \$3,790,026.00 to \$5,400,157.54 with the lowest bid coming from Performance Systems, Inc. of Meridian Idaho. Staff recommends that the Council award the 2014 Hankins Water Storage Tank Project to Performance Systems, Inc. of Meridian Idaho, in the amount of \$3,790,026.00.

City Manager Rothweiler stated this is associated with the Clif Bar Project and the City committed to provide its proportionate share in order to move forward using a total budget cost of \$7,300,000. JUB has been working on an overall facility master plan, and as part of that plan it calls for future water storage tanks. Locations need to be identified. He explained the City's cost.

Council discussion followed.
-Increase water storage

Councilmember Mills Sojka recommended using additional reserves budgeted to cover the Downtown Infrastructure Improvements and asked staff for options for the use of reserves.

City Manager Rothweiler explained the general location of the TIF Area 1 and the costs to be paid by URA, Clif Bar and the City.

MOTION:

Councilmember Talkington moved to award the 2014 Hankins Water Storage Tank Project to Performance Systems, Inc. of Meridian Idaho, in the amount not to exceed \$3,790,026.00. The motion was seconded by Councilmember Mills Sojka. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

6. Request to award the contract for the 2014 Lateral 33 Relocation project to Staker Parsons Co. dba Idaho Sand and Gravel of Jerome Idaho, in the amount of \$559,756.00.

Environmental Engineer Brown explained the request.

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The 2014 Lateral 33 Relocation project will construct 2,545' of 42" irrigation main, associated structures, tie-ins and roadway and utility crossings. Work will also involve removal of the existing pipe and structures and surface/roadway repair.

The project was bid and bids were opened on August 11, 2014. Six bids were received and the lowest bid came from Idaho Sand and Gravel in the amount of \$559,756. Staff recommends that the City Council approve the award of the contract to Idaho Sand and Gravel.

MOTION:

Councilmember Mills Sojka moved to award the for the 2014 Lateral 33 Relocation project to Staker Parsons Co. dba Idaho Sand and Gravel of Jerome Idaho, in the amount not to exceed \$559,756.00. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

City Manager Rothweiler explained that the next Council meeting will occur on September 2, 2014.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilmember Lanting reported on Glanbia's golf charity event that was held today. The charity raised over \$150,000 for community charities.

Parks & Recreation Director Bowyer reported on the Dog Park and a Ribbon Cutting to be held on Saturday, August 23, 2014, at 11:00 a.m. Ribbon Cutting will be held at Baxter Park.

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

1. A public hearing on the FY 2015 Budget for the City of Twin Falls.

Request to adopt the **Utility Rate Resolution for FY 2015**; and, the **Appropriations Ordinance** for the FY 2015 Fiscal Year, beginning on October 1, 2014 and ending on September 30, 2015.

City Manager Rothweiler gave a PowerPoint presentation that included the following:

- Budget Overview
- How much more will Twin Falls City Services Cost?
- Public Input and Transparency
- Property Tax Collections
- How does the City's Tax Rate compare to the other, large full-service Idaho cities?
- Use of Cash Reserves in the FY 2015 Recommended Budget
- Water Fund Sewer Fund Sanitation Fund

Mayor Hall opened the public testimony portion of the hearing.

Katie Breckenridge, Picabo, Idaho, asked if there is money in the budget allocated for the stabilization of the Canyon Springs wall above Canyon Spring Road.

City Manager Rothweiler explained that he has shared with Katie Breckenridge that \$600,000 is allocated directly for finding a right and appropriate solution to be able to move forward. This will be an involved public process. With the \$600,000 the City hopes to have a set of plans that will help guide the solution of the wall that the City and partners can move forward with. The stabilization of the Canyon wall is the responsibility of the owners of the asset.

Katie Breckenridge explained that they are here to be part of the solution and not part of the problem. They would like to open up the land to the public to see the sinkholes, which are larger than where the canyon rim trail disappeared. They are concerned of the danger and would like to do something about it. Somebody will be hurt, maimed or killed and are well aware that when this happens she and Rob Struthers will be part of the lawsuit. They have been excellent stewards of the land over 100 years. Their neighbors have changed the practices around the land and now they are in a position of danger and when this happens they will need to defend themselves and believes this is not fair because the people of Twin Falls wanted that road, all activities in the canyon, and things that go around it.

Closed the public testimony portion of the hearing.

- Details of the \$600,000 expenditure

City Manager Rothweiler explained that at this point funds are in the budget associated with finding an engineering solution. There are no other funds that have been placed into the budget. Part of the process is to have a good understanding of what the range of solutions are, how much those solutions cost, and to begin the process of identifying possible opportunities. He expressed various ways that the project may be funded.

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Councilperson Lanting commented that he proposed at the first budget meeting that the Council take the full 3% (\$397,000) for preparation of this problem coming forward. The foregone amount has grown to \$1.8 million which could be used for future years.

Closed the public hearing.

MOTION:

Councilmember Talkington moved adoption of Resolution 1930. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion.

MOTION:

Councilmember Lanting moved to suspend the rules and place Ordinance 3078 on third and final reading by title only. The motion was seconded by Councilmember Munn and roll call vote showed all members present voted in favor of the motion.

Deputy City Clerk Sanchez read the Ordinance title: AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO, APPROPRIATING \$57,082,189 FOR THE 2015 FISCAL YEAR TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF TWIN FALLS; PROVIDING FOR THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT APPROPRIATED FOR EACH OBJECT OR PURPOSE; LEVYING AD VALOREM TAXES IN THE AMOUNT OF \$17,662,301 FOR THE 2015 FISCAL YEAR; PROVIDING THAT A COPY OF THIS ORDINANCE SHALL BE FILED WITH THE COUNTY COMMISSIONERS OF TWIN FALLS COUNTY, IDAHO AND WITH THE SECRETARY OF STATE OF THE STATE OF IDAHO; PROVIDING FOR THIS ORDINANCE TO TAKE EFFECT UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN SUSPENDED.

MOTION:

Councilmember Lanting moved to adopt Ordinance 3078. The motion was seconded by Vice Mayor Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilmember Lanting reported that the Twin Falls Tonight concert will be held on August 19, 2014, at 6:00 p.m.

City Manager Rothweiler explained that a presentation on PSI will be held on September 2, 2014.

V. ADJOURNMENT:

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

MOTION:

Councilmember Munn moved to adjourn to Executive Session 67-2345(1) (b). The motion was seconded by Councilmember Lanting and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



DATE September 15, 2014 City Council Meeting

To: Honorable Mayor and City Council

From: Jon Caton, P.E., Public Works Director

Request:

Request Council to consider the purchase of a Graco 390 Grind Lazer for the Street Department.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background: As we've reconfigured lanes or intersections over the years, obliteration of old pavement markings, whether it be paint or thermo plastic has been a real challenge for the Street Department. In the past we've tried everything from sand blasting to various types of grinders or just resorted to unscheduled chip seals just to cover up the old pavement markings. And up until Sherwin Williams gave us the opportunity to demo a Graco 390 Grind Lazer we'd just about given up hope on finding anything that really fit our needs and at a reasonable price. We were very impressed with the performance and ease of operation of this walk behind grinder when removing painted white skip line and believe that with the proper cutting head we'll be able to just as easily remove thermo plastic. (Cutter heads are also available to do minor milling of concrete irregularities).

Approval Process:

This agenda item will require council approval.

Budget Impact: This is an unbudgeted item in the amount of \$10,275.08 to be purchased with left over funds from yearly seal coat, line item # 102 – 31 – 10 – 470 – 73

Regulatory Impact: NA

Conclusion: I recommend that Council approve this purchase from Sherwin Williams.

Attachments: Price Quotation from Sherwin Williams



**SHERWIN
WILLIAMS.**

PRICE QUOTATION

Account #: 8115-9452-2

06/27/2014
Quote #: 1658924

TWIN FALLS CITY OF
PO BOX 1907
TWIN FALLS, ID 833031907
(208) 735-7245

Project: GRACO 390 GRIND LAZER
Purchase Type: Annual Requirements

We are pleased to quote you as follows:

SALES NUMBER	SIZE	PRODUCT/REX NUMBER	DESCRIPTION	QTY	PRICE
579-3179	EACH	.05793179	GRINDLAZR390 10MILLR	1	\$7,960.97
595-8560	EACH	.05956560	10 COMPLETE FLAT DR	1	\$2,314.11

We thank you for your consideration of Sherwin-Williams products and look forward to supplying these products to you.

Note: All prices are per gallon/unit.

\$10,275.08

TERMS OF THE SALE

Quotation Expires: 08/26/2014
F.O.B. Location:
Freight Terms:
Terms: As Agreed

By: Shane Free

Store Address: 506 2ND AVENUE E
City: TWIN FALLS State: ID Zip: 83301
Store Number: 8555
Phone: (208) 733-8081
Territory #: Q161

NOTICE: Please take notice that the quotation set forth above is not a contract and is subject to and conditioned upon approval by SHERWIN-WILLIAMS. In the event such approval is not obtained, you will be provided with a revised quotation and the quotation set forth above shall be null, void and of no force or effect. The pricing and recommendations detailed in this proposal represent confidential information provided by SHERWIN-WILLIAMS. We request that it not be copied or shared with others outside your firm.



Date: Monday, September 15, 2014 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Consideration of a request to approve the scope of work and contract with J-U-B Engineers to develop a Master Plan for Parks and Recreation.

Time Estimate:

Staff will make the presentation. The anticipated total time for presentation and questions is estimated at 25 minutes. Mark Holtzen with JUB will be in the audience to answer any questions the Council might have for them.

Background:

Last month the City Council authorized staff to start negotiating with JUB Engineers on a scope of work and fee to develop a Master Plan for Parks & Recreation.

Staff and JUB held a meeting to cultivate a scope of work and fee for this project. JUB then presented to staff their scope of work and fee proposal, City staff review their proposal internally, then discuss some concerns we had on their proposal to JUB. JUB made some minor modifications to their proposal satisfying staff's concerns. This newest proposed scope of work and fee was presented to the Parks & Recreation Commission at their Tuesday September 9th meeting.

After a lengthy discussion, the Commission unanimously recommends that the City Council approve the proposed scope of work and fee from JUB with the addition of a project schedule in the proposal.

In addition to the scope and price, the Commission discussed the formation of a Steering Committee to work with JUB Engineers on the Master Plan. The Commission unanimously also recommends that the City Council form a Steering Committee of 9-12 members that consists of members from the Parks & Recreation Commission, City staff, and the public at large.

JUB is preparing a project schedule and will have it available before the meeting on Monday night.

Budget Impact:

There is \$50,000 budgeted for the Parks & Recreation Master Plan. The proposed fee from JUB Engineers is \$52,000. From the Parks & Recreation capital improvements budget from this year, there is enough savings to cover the additional \$2,000.

Regulatory Impact:

Approval of this request will allow the City to sign a contract with JUB to provide a master plan for the Parks and Recreation Department.

Conclusion:

The Parks & Recreation Commission recommends that the City Council approve the proposal scope of work and fee with the addition of a project schedule with JUB. Also the Parks &

Recreation Commission recommends that the City Council form a Steering Committee of 9-12 members to work with JUB in the formation of the Master Plan for Parks & Recreation. Staff concurs with the recommendations.

Attachments:

1. Proposed Scope of Work and Fee



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

CITY OF TWIN FALLS PARKS AND RECREATION MASTER PLAN

SCOPE OF WORK AND FEE

Per our Statement of Qualifications and subsequent scoping meeting, we have prepared a Scope of Work designed to achieve the goals and objectives of the City with respect to parks and recreation planning. A thorough and practicable approach is needed to assess the public's perception for recreation programs and supporting amenities. A true picture of where the City currently stands in providing for and satisfying those perceptions is also required. Collectively this information, properly assembled and evaluated, will provide a reliable guide as the City grows and more people look to use community resources for parks and recreation. The following work plan is intended to generate this guide: tell you where you are at, what the people want, where you need to be to meet the community's parks and recreation needs, and how to make it happen.

SCOPE OF WORK

Task 1. Kick-Off and Project Administration

- A. Kick-Off Meeting – Attend and lead one (1) meeting with Steering Committee (as previously designated by the City) to: review project goals and objectives; review data needs; identify key stakeholders; review public input methods and opportunities; assist in decision making; and ensure that the project is set to accomplish what it was intended to do.
- B. Regular Update Meetings – In addition to the Kick-Off Meeting, Planning and Zoning presentation, City Council presentation, and 2 other presentations to Steering Committee as identified below, attend up to four (4) monthly meetings of the Parks and Recreation Committee (i.e. Steering Committee) to keep the committee members apprised of the current status of the work, special issues, and next steps. Additional meetings will be billed separately on a time-plus-materials basis.
- C. Administrative Tasks – Project-related work such as phone, e-mail, memos, scheduling, invoices, etc. to keep the project moving forward on schedule and within budget.

Task 2. Inventory

- A. Identify existing City demographics and growth – Using the latest Census data, Chapter 9: Parks, Recreation and Trails of the Comprehensive Plan, historical growth patterns, committed developments, parcel maps, City zoning and land use maps, an evaluation will be made of the existing population demographics, growth potential, and future development trends. Much of this information and analysis has been completed for the City's recent Water and Sewer Facilities Plans and is anticipated to be used in the Parks and Recreation Master Plan for consistency. This tells us where growth will likely occur, how much growth to expect, and what ultimate demands on parks and recreation will be in the next 20 years.
- B. Identify existing parks, recreation facilities, open space and trails - To accomplish this task, GIS technology will be used to inventory, map, and present parks and recreation-related data. This data will be used to quantify both need and demand for facilities, and evaluate distribution equity. Other tasks include:

1. Inventory of existing condition of all City recreational amenities. J-U-B will provide a spreadsheet listing the required information for the City to provide about its amenities.
2. Identify the City's park classification system.
3. Identify existing City recreation programming and participation.

Much of this inventory information gathering will be accomplished by City staff, thus saving both time and money for the City. Specific tasks that will be performed by the City include: providing maps (in GIS format) of all parks, recreational facilities, open space and trails boundaries; inventory lists of all amenities within the parks and recreational facilities; conducting a condition assessment of all recreational amenities and facilities within the City boundaries; entering the gathered inventory data into a GIS-compatible format (i.e. Excel, etc.) that can be readily incorporated into the database; assist in the updating of the City's park classification system; provide recreation programming, enrollment, and participation information in electronic spreadsheet format. The City will also provide the most recent or up-to-date basemap data, including aerial photography, street centerlines, etc.

- C. Workshop – Conduct one (1) meeting with a group of selected community leaders (possibly elected or appointed officials, business leaders, school leaders, College of Southern Idaho representatives, the senior community, etc.) and City staff (possibly police, engineering, planning, public safety, etc.) not on the Steering Committee to share ideas, information and feedback that will lead to supported plans. The intent is to find the community's "pulse" with respect to parks and recreation, and get a better understanding of what's on the public mind.
- D. Identify Design/Planning Challenge - Determine what the major challenge(s) or significant opportunities will be in successfully developing the master plan. This step helps guide the questions to ask in the survey, and influences how we view the opportunities and solutions developed during the analysis phase of work.

Task 3. Survey and Interviews

- A. Prepare Parks and Recreation Master Plan Survey – In coordination with the City, develop a survey that will be used to collect citizen input regarding parks and recreation preferences, values, perceived needs and wants, willingness to pay for improvements, and strengths and weaknesses of existing recreation programs and amenities. This data will be gathered in a format compatible with our GIS database, be directly input into the system, and immediately incorporated with all other gathered data.
- B. Presentation to Steering Committee – One (1) meeting with the Steering Committee to present findings from the inventory, review the proposed survey, and gather pertinent input and direction regarding content and administration method. Review next steps in the master plan process.
- C. Administer Survey – Using SurveyMonkey, conduct an online survey about parks and recreation needs, wants, and preferences. A mailed survey will also be used, as well as hard copies picked up from the Parks and Recreation Department by interested citizens. The City will enter this data into to appropriate format for direct use in the GIS analysis. Provide appropriate website materials related to the survey for inclusion onto the City's website.
- D. Key Stakeholder Interviews – In conjunction with the survey, up to sixteen (16) one-on-one interviews will be held with key stakeholders (baseball, basketball, soccer, tennis teams and leagues; trails committees, YMCA; school district; home school groups; seniors; large businesses; minority groups; etc.) about the current status and future needs of the City's parks and recreation system.
- E. 3P Visual Evaluation - Using 3P Visual will enhance the overall quality of the Master Plan by incorporating public opinion directly into the analysis. 3P Visual is a unique process we

developed where public feedback is plotted on a map so it can be visualized. Viewing information this way allows us to not only hear what the public is saying, but also to see where they are saying it. This process helps to identify trends, patterns, and vocal minorities that may not have been otherwise apparent. We will use this technique in conjunction with the survey analysis, and other public input data to map findings.

Task 4. Analysis

- A. Park Classification System – Review and update (as necessary) the existing park classification system used by the City. This information will be incorporated into GIS and plotted on maps for inclusion in the Master Plan.
- B. Recreation Program Analysis – Based on survey, stakeholder, and public facilitation feedback, evaluate current programming and make recommendations that appropriately respond to the concerns, desires, and needs expressed.
- C. Calculate Current Level of Service - Analyze the inventory of existing parks and recreational facilities, review the analysis of existing City demographics and growth, and review any existing recreation master plans and capital facility improvement plans. From this information, we can then calculate the existing level of recreational service the City provides for its citizens. This metric is expressed in acres of park space per 1,000 population per park classification, and miles or trail per 1,000 population.
- D. Identify Deficiencies and/or Surpluses – Identify and plot service areas of existing types of park, trail, and open space locations to evaluate where City parks and recreation amenities are deficient (absent) and where they have been exceeded. Service coverage and spacing are the metrics measured.
- E. Develop Amenity Replacement Schedule – Analyze park amenity deficiencies and surpluses and, working with City Staff, create a list of recommended replacements and realistic timelines of when these improvements should be completed.
- F. Analyze Demands on Existing Parks and Recreation Facilities by New Development - Analysis of projected development and growth by use of appropriate database layers in GIS. Projected growth will be overlaid with GIS layers depicting existing facilities and levels of service. This information will be analyzed spatially in order to determine where the greatest demands will occur.
- G. Identify Capital Improvement Projects (CIP) – Based on previous analysis, recommend improvements and new facilities needed to accommodate projected growth.
- H. Strategic Funding Plan - Categorize the identified CIP into impact fee versus non-impact fee eligible projects, including a list of potential funding sources (gifts, grants, loans, matches, partnering, etc.) for each project. The plan will address a timeline of action, match requirements, and other necessary documents before application can be made for a particular fund. Also provided will be a recommendation regarding who should prepare the application (the City or J-U-B). A separate cost is associated with each application that requires J-U-B's assistance. Other tasks include:
 1. Provide preliminary opinion of probable costs for each CIP, including land/easement acquisition, construction, and planning, surveying, and engineering costs.
 2. Recommend a schedule for each CIP based on a prioritization of CIPs.
- I. Evaluate Stakeholder Input – Use stakeholder input from survey and key stakeholder interviews to identify patterns, themes and opportunities for recreational programs and related facilities. Focus will be on programming and citizen satisfaction with current offerings.

- J. Presentation to Steering Committee and Parks and Recreation Commission – One (1) joint meeting with the Steering Committee and Parks and Recreation Commission to present findings of analysis and survey. Review next steps to completion of the Master Plan.

Task 5. Master Plan

- A. Finalize Master Plan – Complete all GIS database information, and produce final mapping of findings.
- B. Master Plan Report - Generate a concise, organized, and effective report summarizing findings. It will be a logical companion/guide to the final illustrative maps and GIS data.
- C. Presentation to Planning and Zoning – Present Final Master Plan to Planning and Zoning.
- D. Presentation to City Council – Present Final Master Plan to City Council (with a public hearing).
- E. Master Plan Modifications – Based on feedback from City Council, Steering Committee and public, make minor adjustments and modifications to the Master Plan.
- F. Deliverables – Provide City with copy of the GIS databases, maps, and all other information to allow the City to assume control of the GIS master plan. Provide a three (3) hard copies and one (1) electronic copy of the master plan report.

FEE

The fee for providing the above described scope of work is a lump sum of **\$52,000.00**. With the addition of the Planning and Zoning presentation, it bumps our cost up by \$2,000.00 from the previous number. With our proposed budget being as tight as possible the first time, this additional meeting necessarily increases our final cost. The increase is primarily due to additional travel time. The lump sum fee includes all reimbursable costs (printing, copying, travel, etc.). Any tasks not specifically identified in this scope of work will be considered extra and billed separately on a time-plus-materials basis.

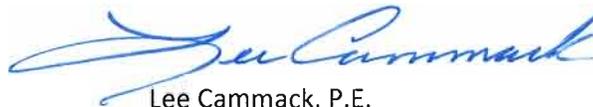
We look forward to working with the City of Twin Falls on this exciting project. If you have any questions or need additional information, please feel free to contact us.

Sincerely,

J-U-B ENGINEERS Inc.



Gregory H. Graves, PLA, A.S.L.A.
Project Manager



Lee Cammack, P.E.
President



MONDAY SEPTEMBER 15, 2014

To: Honorable Mayor Hall and City Council

From: Rene'e V. (Carraway) Johnson, Community Development Department

Request:

A six-month update regarding compliance of the Open House Real Estate Sign code amendment and the On Street Large-Truck Parking code amendment.

Background:

In March 2014 the City Council granted Ord #3066 to the Greater TF Association of Realtors for a Zoning Title Amendment to Title 10; Chapter 9; Section 9(k) to allow a Real Estate Open House sign to be placed in public right-of-way under limited conditions.

In March 2014 the City Council also granted Ord #3063 amending City Code 9-6-8 regarding the City's regulation of on-street large truck parking in the C-1 Zone.

The Council asked for the Code Enforcement Department to provide an update in six months regarding both code amendments.

Sean Standley, Code Enforcement Coordinator, will be present to provide the status of compliance with the two code 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.

Attachments:

- 1- CC minutes from March 3, 2014
- 2- CC minutes from March 10, 2014
- 3- Ord #3063
- 4- Ord #3066

COUNCIL MEMBERS:

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

Mayor



AMENDED MINUTES
Meeting of the Twin Falls City Council
Monday, March 3, 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: "Multiple Sclerosis Awareness Week" March 3-7, 2014

GENERAL PUBLIC INPUT

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>		
1. Consideration of a request to approve the Accounts Payable for February 25-March 3, 2014.	Action	Staff Report
2. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for a Zoning District Change and Zoning Map Amendment from R-4 to R-B for property located at the northwest corner of Filer Avenue and Adams Street.	Action	Sharon Bryan Mitchel Humble
3. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for .49 acres (+/-) for property located 840 Addison Avenue.	Action	Mitchel Humble
4. Consideration of a request to approve the final plat for the Westpark Commercial #8 Subdivision, A PUD consisting of 2.03 (+/-) acres with 2 lots and 1 tract for commercial development on property located north of Pole Line Road & west of Canyon Crest Drive.	Action	Mitch Humble
5. Consideration of a request to approve an acceptance of right-of-way for property located on 9th Avenue East containing 4,802 Square Feet.	Action	Troy Vitek
6. Consideration of a request to approve an acceptance of right-of-way for property located on 9th Avenue East containing 986 Square Feet.	Action	Troy Vitek
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Presentation by Rich Neu on Problem Solving Court in the Fifth Judicial District.	Presentation/ Possible Action	Rich Neu
2. Consideration of a request to confirm the reappointment of Gary Bond, Dan Brizee, and Darren Hall to the Building Inspection Department Advisory Committee.	Action	Don Hall
3. Consideration of a request to confirm the reappointment of Jack Jardine to the Golf Advisory Commission.	Action	Don Hall
4. Consideration of a request to terminate a temporary easement that was placed by platted right-of-way and terminating an easement for a temporary drainage retention basin area.	Action	Troy Vitek
5. Consideration of a request to award a bid to purchase approximately a 770± square foot portion of a City owned lot located at 2617 Paintbrush Drive.	Action	Mitchel Humble
6. Consideration of a request to adopt an ordinance amending City Code 9-6-8 regarding the City's regulation of on-street large truck parking (Second Reading).	Action	Mitchel Humble
7. Consideration of a request to adopt an ordinance to transfer Lots 9 & 10, Block 119 to the Twin Falls Urban Renewal Agency.	Action	Melinda Anderson
8. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M.		
1. Request for a Zoning Title Amendment 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
V. <u>ADJOURNMENT:</u>		

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.

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, Community Development Director Mitch Humble, Parks & Recreation Director Dennis Bowyer, Economic Development Director Melinda Anderson, Zoning & Development Manager Renee Carraway, Planner 1 Jon Spendlove, 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:

5. Consideration of a request to award a bid to purchase approximately a 770± square foot portion of a City owned lot located at 2617 Paintbrush Drive. **Withdrawn by Applicant**

PROCLAMATIONS: "Multiple Sclerosis Awareness Week" March 3-7, 2014

Mayor Hall read and presented the proclamation to John and Judy Fisher.

John Fisher reported on the statistics of Multiple Sclerosis. He reported on the upcoming fundraiser "Bed Racing for Multiple Sclerosis."

GENERAL PUBLIC INPUT: None

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the Accounts Payable for February 25-March 3, 2014, total: \$741,103.02;
Payroll, February 28, 2014, total: \$115,354.24
Fire Payroll, February 28, 2014, total: \$51,312.98
2. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for a Zoning District Change and Zoning Map Amendment from R-4 to R-B for property located at the northwest corner of Filer Avenue and Adams Street.
3. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for .49 acres (+/-) for property located 840 Addison Avenue.
4. Consideration of a request to approve the final plat for the Westpark Commercial #8 Subdivision, A PUD consisting of 2.03 (+/-) acres with 2 lots and 1 tract for commercial development on property located north of Pole Line Road & west of Canyon Crest Drive.
5. Consideration of a request to approve an acceptance of right-of-way for property located on 9th Avenue East containing 4,802 Square Feet.
6. Consideration of a request to approve an acceptance of right-of-way for property located on 9th Avenue East containing 986 Square Feet.

MOTION:

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

II. ITEMS FOR CONSIDERATION:

1. Presentation by Rich Neu on Problem Solving Court in the Fifth Judicial District.

Rich Neu gave a presentation on Problem Solving Courts. He discussed the types of courts, goals of problem solving courts, and how goals are achieved.

Councilperson Hawkins stated she attended Problem Solving Court and explained her experience was positive and educational. She also thanked Sgt. Ryan Howe for his involvement with the courts.

Discussion followed.

- Court success rates
- Juvenile drug court
- Adult victim restitution/ restoration portion
- Lack of reporting on the negative effects of marijuana

City Manager Rothweiler stated no action is requested. The City of Twin Falls Community Strategic Plan 2030 objective is to partner with other government entities to collaborate on local and regional issues.

2. Consideration of a request to confirm the reappointment of Gary Bond, Dan Brizee, and Darren Hall to the Building Inspection Department Advisory Committee.

Mayor Hall explained the request.

Gary Bond, Dan Brizee and Darren Hall have completed their terms and have requested reappointment. Darren Hall and Dan Brizee reside in the area of impact and confirmation of their reappointment will require waiving their City residency. This committee is different from other committees with specific trade employment needs and this is the reason he is requesting their reappointment. Gary Bond, Dan Brizee, and Darren Hall have been valued members and have contributed to the department.

MOTION:

Councilperson Lanting made the motion to confirm the reappointment of Gary Bond, Dan Brizee and Darren Hall to serve three year terms on the Building Inspection Department Advisory Committee beginning March 2014 and waive the city's residency requirement for Dan Brizee and Darrell Hall. The motion was seconded by Vice Mayor Hawkins.

Discussion followed.

Councilperson Mills Sojka asked for the specific requirements for the committee.

Community Development Director Humble stated that the membership is specific and is as follows: one electrical contractor, one mechanical contractor, one plumbing contractor, two residential home builders, one non-residential contractor, one architect, one Engineer, one Member at Large.

Councilperson Mills Sojka asked how long the members have been serving on the committee.

Community Development Director Humble stated that Darren Hall and Dan Brizee have served more than eight years.

Councilperson Mills Sojka asked if we called for applicants publicly.

Mayor Hall said he did not.

Councilperson Mills Sojka stated that when the residency requirement is waived it's important to remember that there is representation within the City limits. She would like to see a call for applicants as there may be others in the community that may want to serve or have the opportunity to serve.

~~-Committee specific requirements (one electrical contractor, one mechanical contractor, one plumbing contractor, two residential home builders, one non residential contractor, one architect, one Engineer, one Member at Large.)
-Terms served by Gary Bond, Dan Brizee and Darren Hall.
-Representation of people within city limits that are paying city taxes
-No call for applicants~~

Councilperson Talkington stated that even though he would agree with Councilperson Mills Sojka on the thoughtfulness to ask for applicants, he will be voting in favor of the appointment.

MOTION:

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

3. Consideration of a request to confirm the reappointment of Jack Jardine to the Golf Advisory Commission.

Mayor Hall explained the request.

Jack Jardine has completed his term and has requested reappointment. He resides in the area of impact and confirmation of his reappointment will require waiving his City residency. He has had a perfect attendance record and is a valued member of the Commission.

Councilperson Lanting stated that Jack Jardine was a major presence at the 2013 Friends of Muni Golf Tournament.

MOTION:

Councilperson Lanting made a motion to confirm the reappointment of Jack Jardine to serve a three year term on the Golf Advisory Commission beginning March 2014 and to waive the residency requirement. The motion was seconded by Vice Mayor Hawkins.

Councilperson Mills Sojka asked if there was a call for applications.

Mayor Hall stated no.

Councilperson Mills Sojka stated she appreciates Jack Jardine's service and is sure he has done a wonderful job, but it is important for representation of people who live in the City limits and who are paying City taxes. Because a call for applicants was not made she will be voting no on the confirmation. The no vote will not be against the individual but against the process.

Vice Mayor Hawkins stated the Golf Commission is a very unique board and believes it is important to hear from the citizens and open it up to the public, but some Commissions are there for a very specific reason and do a very specific job. The golf course has been restructured and is not costing the citizens of Twin Falls. Jack Jardine's visibility in the community, trustworthiness, and good reputation have helped significantly with his fundraising efforts and she believes he is the right person to take the seat for the next four years.

Mayor Hall stated that he is sensitive to Councilperson Mills Sojka's comment of opening up the appointment and allowing others from the community to serve, specifically City residents, but frankly, many times it is difficult to fill some of the committees. When we have good active members that are involved he wants them to stay involved and continue that momentum for the community.

Councilperson Lanting stated Jack Jardine served a one year term instead of a full term. He has proven his worth and deserves a full term. If he was at the end of his first full term he may have looked at the appointment differently.

Councilperson Talkington stated that he will be voting in favor of Jack Jardine's appointment but commented that it is an oversight not to open up to the public on both of the appointments and he is disappointed by this. It is a step backward to the openness the Council has been attempting to make with advisory groups and themselves.

Discussion followed.

- No call for applicants
- Representation of people within city limits that are paying taxes
- Applicant involved in fundraiser
- Difficulty filling in vacancies
- Jack Jardine has served a partial term

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

4. Consideration of a request to terminate a temporary easement that was placed by platted right-of-way and terminating an easement for a temporary drainage retention basin area.

Assistant City Engineer Vitek explained the request. Staff recommends the Council approve the request and approve the Mayor to sign the Termination of Public Right of Way Easement Agreement and the Termination of Easement.

Canyon Park granted an easement to the City through a public right-of-way easement agreement dated January 7, 2013. In the easement, the City agreed to terminate the easement once Canyon Park completed dedication and construction of Fillmore Street. The City has accepted dedication and construction of Fillmore Street along with a "Maintenance and Unrestricted Access Agreement". The City can release the original easement as described in the agreement. A temporary drainage easement was also granted to the City upon vacation of the Canyon Park North plat to accommodate drainage from the original Fillmore roadway. Now that Fillmore Street has been relocated and new drainage facilities have been constructed, the drainage easement can be terminated.

Discussion followed.

- Buildings will not be constructed over the utility easements

MOTION:

Councilperson Munn made a motion to terminate a temporary easement that was replaced by a platted right-of-way as well as terminating an easement for the temporary drainage retention basin area at Canyon Park West. The motion was seconded by Councilperson Mills Sojka. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Consideration of a request to award a bid to purchase approximately a 770± square foot portion of a City owned lot located at 2617 Paintbrush Drive. **Withdrawn by Applicant.**
6. Consideration of a request to adopt an ordinance amending City Code 9-6-8 regarding the City's regulation of on-street large truck parking (Second Reading).

Community Development Director Humble explained the topic was discussed at the February 18, 2014, City Council meeting. Staff has prepared an ordinance as directed by the City Council. One comment from a property owner was received in favor of the ordinance.

Councilperson Mills Sojka stated she received public feedback from listening to the local station. She stated her concern that changing the code based on a single localized problem will result in unintended consequences. She is in favor of posting signage.

MOTION:

Councilperson Lanting made a motion to suspend the rules and place Ordinance 3063, on third and final reading by title only. The motion was seconded by Councilperson Barigar.

-Boise, Caldwell, Pocatello, Nampa and Rexburg regulate on-street parking.

Councilperson Munn stated the evidence shows a significant public nuisance problem and applying City Code for a localized area is not overreaching. He will be voting in favor of the ordinance.

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

Deputy City Clerk Sanchez read Ordinance 3063, by title only:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, THAT TWIN FALLS CITY CODE §9-6-8 BE AMENDED TO PROHIBIT ON-STREET TRUCK PARKING EXCEPT IN MANUFACTURING DISTRICTS, OR WHILE ENGAGED IN LOADING OR UNLOADING.

MOTION:

Councilperson Lanting made a motion to adopt Ordinance 3063. The motion was seconded by Councilperson Munn.

Councilperson Talkington stated that if the ordinance passes City staff should report back to Council in six months with an update.

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

7. Consideration of a request to adopt an ordinance to transfer Lots 9 & 10, Block 119 to the Twin Falls Urban Renewal Agency.

Community Development Director Humble explained the request.

At their February 24, 2014, meeting, the Council held a public hearing regarding the transfer of this site to Twin Falls Urban Renewal Agency. There was no public testimony given. After the hearing the Council approved the request to transfer the site to TFURA and directed staff to return with an ordinance to complete the transfer.

MOTION:

Councilperson Talkington made the motion to suspend the rules and place Ordinance 3064, 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.

Deputy City Clerk Sanchez read the Ordinance 3064, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AUTHORIZING THE TRANSFER OR CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY TO A TAX SUPPORTED GOVERNMENTAL UNIT.

MOTION:

Councilperson Lanting made the motion to approve Ordinance 3064. The motion was seconded by Councilperson Barigar.

Discussion followed.

Councilperson Lanting stated that he is in favor of the transfer of property to the Urban Renewal Agency. The property is an unpaved dirt lot which the City is not utilizing. Parking on the lot would be in violation of the City's parking code. The sale of the property will boost downtown's economy.

Councilperson Mills Sojka stated that privatizing downtown parking has been one of the struggles for downtown. To take a parking area where anyone can park and move it into private property further compounds the parking issues. She supports the URA Agency for working to improve the properties downtown.

Councilperson Hawkins stated that the lot being discussed is across the street from a City parking lot which is very seldom full. To park on the far side of Second Avenue and cross the street to get to businesses on Main Street will not be a primary parking location for most people. Utilizing the lot for a private business where it can benefit the community, increase the City's tax base, and beautify the area makes sense.

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

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

City Manager Rothweiler stated that the City is tracking the amount of precipitation that is found in the mountains. Snow pack is important when looking at reservoirs and reservoir depths. In speaking with a person he considers to be a water expert, it is anticipated that all the water reservoirs will fill as a result of the moisture and the snow received in the month of February. It is a cautionary tale that it should require us, as a local community, to continue to find ways to conserve water. City staff and team have been working with our media partners on the development of some messaging.

Councilperson Lanting reported on the Executive Committee of the Association of Idaho Cities. Discussion was made on legislation that would limit the city's ability to utilize eminent domain concerning irrigation districts. The Pioneer Irrigation District and the City of Caldwell are currently working on an agreement. The AIC is working on bills relating to the URA, public defender issue, and the design review bill.

Councilperson Hawkins gave a public acknowledgement to the Magic Valley Common Wealth School who meet at the Presbyterian Church. She spoke at their local junior high class on local government, city government and civics.

Mayor Hall stated a Councilperson that abstains from a vote, without the legal qualification of a conflict of interest, will be called out as "not in favor of".

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Recess at 6:06 p.m.
Reconvened at 6:12 p.m.

Councilperson Munn stated that he is a member of the Greater Twin Falls Board of Realtors and his license to practice real estate is currently inactive. Prior to proceeding with the hearing, he would like to ask the City Attorney if he has a conflict of interest. If there is not a conflict of interest, defined by the Idaho Attorney General's Office, he would like to participate

City Attorney Wonderlich stated he sent an email to the Council today. The Idaho Ethics and Government Manual from the Attorney General's Office answers the question and refers to Title 59 – 703, Definitions, (4)(b)(c). From discussion with Councilperson Munn, there is no conflict of interest.

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

1. Request for a Zoning Title Amendment 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.

Nan Gandy, 481 Fallen Leaf Lane, explained the request being made is to expand the current ordinance so the 250-plus members of the Greater Twin Falls Association of Realtors can increase the visibility of temporary directional real estate way finding signs. This expansion of the ordinance would also impact the 404 families that currently have their homes on the market in the City of Twin Falls and in the Area of Impact. This would affect any future sellers that are putting their homes on the market. This would also impact builders, developers, lenders, title companies, home inspectors, insurance agents, as well as anyone and anybody in those businesses that depend on real estate to make a successful business. The key to selling a residential property is to get the maximum exposure for the property. Open houses are an important tool in accomplishing this goal. Open houses are important to sellers. Realtors, quite frankly, would prefer not to use their weekends with open houses, but their sellers demand it. Open houses are a time honored method that has been used for years, not only in the Twin Falls area but nationally. The present provision of the current

ordinance limits the use of way finding signs as an important part of marketing the open house. To have an effective open house it is necessary to advertise. Ads are costly, realtors are reluctant to place expensive ads in newspapers when they may not be able to place signs to direct potential buyers to the property. This could also result in a lack of revenue for the newspapers. Realtors are not asking for the ordinance to be removed for the books, but only minor changes to be implemented to allow the way finding signs to be placed for a very limited time, in visible places to direct traffic to the open houses. Buyers look for directional signs to direct them to the open house. The economic impact in Twin Falls according to the Intermountain Multiple Listing Service for 2012, was over \$82 M in real estate, and in 2013 a total of over \$114 M of real estate was sold. This is one of the larger economic impacts of any business or profession in the City of Twin Falls. Helping real estate sales thrive helps the entire citizenry economically. The real estate market has historically been driven by the economic recovery process, and the real estate market has been hit hard over the last several years. Unemployment remains a drag on the housing community. The industry does not need any other impediments to restrict the improvements to the real estate market. Regarding possible impacts, city staff mentions concerns regarding the sight triangle; however, open house a-frame signs are 38" in height. City ordinance 9 – 9 – 16; defines the obstruction to traffic as follows: An obstruction constituting a traffic hazard shall exist if any object, structure, or thing, except buildings, residences, which are otherwise in conformance with the law is allowed to exist which exceeds 3' above the roadway center line elevation. The proposed amendments specifically limit the height of the directional sign to comply with the sight triangle provision of 9 – 90 – 16. Realtors are not asking for any change in signage at their place of business, or in the placement of regular real estate marketing signs (for instance, yard signs.) The request is to allow increased flexibility in the placement of temporary, directional devices, to drive traffic to the open house. The business model of real estate sales is unique. No other business offers offsite open houses as services to their clients. Buyers are directed to look for direction signs to direct them to an open house. Although staff considers the ordinance to be adequate there are other communities who recognize the challenge of holding open houses and the buyers' need for directional signs. Similar ordinances are currently on the books in the City of Ketchum and the City of Caldwell allowing open house signs in the public right-of-way under conditions similar to those proposed in this amendment. The association is aware of signs on sidewalks, which will continue to be in violation of the ordinance. In an effort to eliminate any violations the association proposes an aggressive educational process for all realtor members and new members. Code enforcement officer Sean Standley has indicated his willingness to provide an educational presentation to one of our monthly membership lunches. They would encourage brokers to provide training at their sales meetings.

Nancy Glaesemann, 1086 Parkway Drive, stated this process has been disheartening. She believes in the process and the system and watches the Council meetings on television. In early 2013 she recognized the need of the Waste Water Treatment Plant Bond and tapped in the resources available and the Association of Realtors gave a \$10,000 grant. In July 2013, the association met with City staff and two Councilmembers to brainstorm the possibility of a sign ordinance change. On July 31, 2013, before the amendment had been drafted by the association, the Zoning Ordinance Amendment Committee met and voted to send a negative recommendation to the Planning & Zoning Commission, even though they didn't know what the proposed amendment would say. In November 2013, she and Nan Gandy met with Renee Carraway, Jon Spendlove and Sean Standley and discussed the problems Sean Standley was experiencing with the placement of signs. Even though Sean Standley is a key player on any discussion on signage, he did not attend the December 10, 2013, Planning & Commission meeting, despite that several Commission members had questions for him. City staff analysis states that open house signs are not included in the public right of way in Ketchum or Caldwell. She stated this was incorrect.

Planner 1 Spendlove explained the request.

This is a request submitted by the Greater Twin Falls Association of Realtors asking for a Zoning Title Amendment which would amend Twin Falls City Code 10-9-9(K) Real Estate Signs. The proposed amendment is requesting to allow Real Estate Open House Signs to be located on any public right-of-way subject to: a) Limited hours not to exceed five (5) total hours in any one day, b) Access of public right of way to remain open including wheelchair access, and c) Signs to be removed from the right-of-way within one hour after completion of open house.

If approved this Code amendment would not change the current regulation of any sign being prohibited within right-of-way (except for traffic control signs), sight triangles located at intersections of streets, alleys and driveways, as stated in Title 9; Chapter 9; Section 16; SIGHT OBSTRUCTIONS. The sight triangle is an industry standard that is focused on providing for and maintaining safety. It is designed to allow clear visibility for all types of traffic (pedestrian, bicycle, and vehicle) at intersections. Signs over three feet (3') tall would still not be allowed in this triangle. If the amendment is granted it would allow only one specific private commercial enterprise to utilize the public right of way for advertisement.

The current City Code prohibits all signs from being placed in the public right-of-way. The current City Code also prohibits all "Off-Premise Commercial" signage, with one exception being City Code; 10-9-9(K) which allows - off-premise Real Estate direction signs subject to specific conditions. Currently the only rule for off-premise Real Estate direction signs is that they are to be placed on private property with the property owner's permission and out of the sight triangle. It is reasonable to assume that the level of advertising wishing to be accomplished by this code amendment could be accomplished within the current regulations outlined in current City Code.

Staff feels that this amendment to the City Code would cause confusion and possibly an increase in violations by other private individuals and businesses that will see this as a precedent to allow all types of commercial advertising signs within the public right-of-way. Other businesses may feel that their business should also be permitted to advertise off-premise and within public right-of way to allow better visibility. Staff consulted ICRMP regarding this request. They expressed concerns with signage being placed in public right-of-way which could cause an accident.

On overhead projection he explained Ketchum and Caldwell had regulations that prohibited all signs within public right-of-way.

Mike Scott, Idaho Transportation Department, stated signs are prohibited on the following State roads: Shoshone Street, Washington South, Blue Lakes Blvd., from the bridge down to Kimberly Road, both Second, Kimberly Road, Pole Line Road from Rock Creek to Blue Lakes Blvd. North, Addison Avenue, from the Area of Impact on the west, limited to Blue Lakes Blvd. North.

On December 10, 2013, the Commission held a public hearing and recommended denial of the request.

Code Enforcement Officer Standley stated Code Enforcement looks for safety issues, sight obstructions, and obstructing sidewalks.

Mayor Hall opened the public testimony portion of the hearing.

Jack Jardine, 3021 Boehm Estates, spoke in favor of the request.

Scott Martin, 3063 N. 3422 E. Kimberly, representing the mortgage industry, spoke in favor of the request.

Susan Brown, P.O. Box 5257, spoke in favor of the request.

Linda Burgell, P.O. Box 5779, spoke in favor of the request.

Cory Robinson, 1511 Sierra Way, Kimberly, Idaho, spoke in favor of the request.

Cindy Schmidt, 3634 N. 3300 E., Kimberly, Idaho, spoke in favor of the request.

Tami Gooding, 225 Long Island Avenue, spoke in favor of the request.

Nikki Boyd, 878 Morningside Drive, spoke in favor of the request. In addition, stated she serves on the Planning & Zoning Commission and voted in favor of the request.

Bonnie Boeker, 219 Teton Drive, Jerome, ID, spoke in favor of the request

Nathan Lyda, 1852 Riverwood Road, spoke in favor of the request.

Brad Wills, 222 Shoshone Street, spoke in favor of the request.

Gary Shook, 1990 Candleridge Drive, spoke in favor of the request.

Beverly Shook, 1990 Candleridge Drive, spoke in favor of request.

Francis Alvis, 504 Blue Lakes, spoke in favor of the request.

Herkie Alvis, 504 Blue Lakes, spoke in favor of the request.

Cesar Duran, 187 Bonney, spoke in favor of the request.

Lynn Ellis, 1154 E. 900 S., Eden, Idaho, spoke in favor of the request.

Lee Devore, 4128 N. Meadow Ridge, spoke in favor of the request.

Standley Tobison, 2688 Carriage Way, spoke in favor of the request.

Mayor Hall closed the public testimony portion of the hearing.

Rebuttal:

Nan Gandy asked for a positive vote on this important issue for independent contractors.

Council discussion followed on Title 10-9-10 (E) 1. Signs which move and/or are animated by means of flashing, traveling or blinking lights, or other means not providing constant illumination, unless specifically allowed within this chapter.

Community Development Director Humble stated for clarification that a constant illuminated sign is allowed under the current code.

Deliberations:

Councilperson Mills Sojka stated the signs need to be ADA compliant. The City of Ketchum does not allow signage on sidewalks or on the pedestrian walkway. She reviewed the Planning & Zoning Commission minutes. City Attorney Wonderlich addressed that there is no legal conflict of interest for the Planning & Zoning Commission Board who voted on the recommendation to the Council, but two out of three who voted in favor of the recommendation were real estate agents; but she does not understand how one can belong to an association that is the applicant of the amendment and it not be a conflict. She would be in support of an ordinance that would be more inclusive to all types of commercial advertising.

MOTION:

Councilperson Talkington made the motion to authorize the Zoning Title Amendment change to Twin Falls City Code 10-9-9(K); to allow temporary real estate open house signs in the public right-of-way under the three specific conditions presented and the addition of not allowing illumination of the signs.

The motion was seconded by Councilperson Munn.

Councilperson Lanting stated he would be in favor of keeping the request specific to real estate signs. He is not in favor of allowing political signs in the right of way.

MOTION:

Vice Mayor Hawkins made an amendment to the motion to only allow signs during the daylight hours. The motion was seconded by Councilperson Lanting.

Councilperson Lanting stated he was under the impression that the applicant was requesting open house signs would be allowed to be placed only during the open house.

Vice Mayor Hawkins stated the applicant is proposing five hours per day but did not state when during the day.

Councilperson Barigar stated that signs are allowed in right of way downtown (Main Street). He does believe that public safety needs to be protected and signage does not block access to the sidewalk or access to the ADA compliance, and does not cause a sight obstruction.

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

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

Councilperson Talkington would like Code Compliance Officer Standley to report back to the Council after a reasonable amount of time to discuss if the realtors are continuing to police the placement of signs.

V. ADJOURNMENT: The meeting adjourned at 7:32 p.m.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

Suzanne Jim Shawn Chris Gregory Don Rebecca
 Hawkins Munn Barigar Talkington Lanting Hall 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:
<p>I. CONSENT CALENDAR:</p> <ol style="list-style-type: none"> 1. Consideration of a request to approve the Accounts Payable for March 3 –10, 2014. 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. 	<p>Action Action Action</p>	<p>Staff Report Sharon Bryan Leila A. Sanchez Mitchel Humble</p>
<p>II. ITEMS FOR CONSIDERATION:</p> <ol style="list-style-type: none"> 1. Update on the Downtown Commons and to formally request to name the project, "The Downtown Commons". 2. Presentation of the City of Twin Falls' 2013 audited financial statements by Scott Hunsaker of Mahlke Hunsaker & Company, PLLC. 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. 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. 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. 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. 7. Public input and/or items from the City Manager and City Council. 	<p>Update/Action Presentation Action Action Action Action</p>	<p>Terry McCurdy Lorie Race/ Scott Hunsaker Bill Carberry Mitchel Humble Mitchel Humble Travis Rothweiler</p>
<p>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</p>		
<p>IV. PUBLIC HEARINGS: 6:00 P.M.</p> <ol style="list-style-type: none"> 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. 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. 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. 	<p>Action Action Action</p>	<p>Carleen Herring/ Region IV Jonathan Spendlove Jonathan Spendlove</p>
<p>V. ADJOURNMENT TO: Executive Sessions:</p> <ol style="list-style-type: none"> 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. 		

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.

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 TIF 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.*

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

ORDINANCE NO. 3063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, THAT TWIN FALLS CITY CODE §9-6-8 BE AMENDED TO PROHIBIT ON-STREET TRUCK PARKING EXCEPT IN MANUFACTURING DISTRICTS, OR WHILE ENGAGED IN LOADING OR UNLOADING.

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

That Twin Falls City Code §9-6-8 is amended as follows:

“9-6-8: PARKING TRUCKS, TRAILERS, UNUSED AND INOPERATIVE VEHICLES:

No person shall park a motor truck of more than one and one-half (1½) ton capacity or automobile with trailer attached except with the right-hand side parallel with the curb and in moving such motor truck or automobile with trailer attached away from curb, it shall be moved forward, and no such motor truck or automobile with trailer attached shall be parked within four feet (4') of another car. No person shall park a motor vehicle of one and one-half (1½) ton capacity or more, nor shall any person park a motor vehicle which has an overall length of more than twenty two feet (22'), nor shall any person park a trailer of more than one-half (½) ton capacity upon any street or alley, except for a street or alley located within a residential manufacturing district within the city, or except while engaged in the actual loading or unloading of passengers or property.

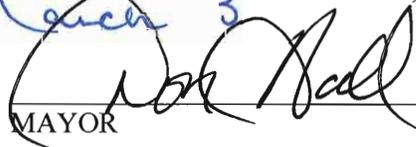
No unused, inoperative or abandoned vehicle shall be parked for a longer period than twenty four (24) hours on any street.”

PASSED BY THE CITY COUNCIL,

March 3, 2014.

SIGNED BY THE MAYOR

March 3, 2014.


MAYOR

ATTEST:


DEPUTY CITY CLERK

PUBLISHED: Thursday, March 6, 2014

ORDINANCE NO. 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.

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

That Twin Falls City Code §10-9-9(K) regulating real estate signs is amended by the addition of a new subsection (K)(3) as follows:

“10-9-9: ALLOWABLE SIGNS THAT DO NOT REQUIRE THE ISSUANCE OF A SIGN PERMIT: ...

(K) Real Estate Signs: ...

3. Open House Real Estate Signs: Open house real estate signs, both on premises and off premises, are permissible subject to the following conditions:

a. Time:

(1) Open house signs may only be permitted on the public right of way one (1) hour before and one (1) hour after a scheduled open house. The total time an open house sign will be permitted on the public right of way shall not exceed five (5) hours in one (1) day.

(2) No open house sign shall block the access of any public right of way so as to prevent passage by the general public including wheelchair access.

(3) All open house signs are to be removed from the public right of way within one (1) hour after the completion of the open house.

(4) Open house signs are permitted only during the hours between sunrise and sunset.

b. Manner:

(1) Real estate open house signs placed on a sidewalk shall have a pedestrian or wheelchair passageway of a minimum of 36”.

(2) Real estate open house signs shall not exceed nine (9) square feet in area.

(3) Real estate open house signs shall not be placed in a manner that would obstruct an ADA sidewalk ramp.

(4) Real estate open house sign placed in the right of way will not exceed 36” in height.

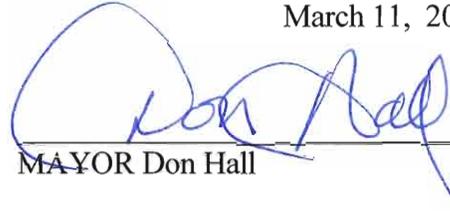
(5) Real estate open house signs may not be illuminated, either internally or externally.”

PASSED BY THE CITY COUNCIL,

March 10, 2014.

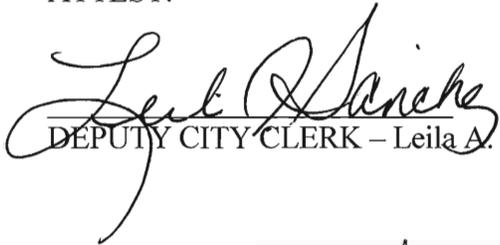
SIGNED BY THE MAYOR

March 11, 2014.



MAYOR Don Hall

ATTEST:



DEPUTY CITY CLERK - Leila A. Sanchez

PUBLISH: Thursday, March 20, 2014