

COUNCIL MEMBERS:

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



MINUTES
 Meeting of the Twin Falls City Council
March 12, 2012
 City Council Chambers
 305 3rd Avenue East - Twin Falls, Idaho

5:30 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: 2012 Girl Scout Week Proclamation – Representative Susan Baisch

AGENDA ITEMS	Purpose	By:
I. CONSENT CALENDAR: 1. Consideration of accounts payable for March 6 – 12, 2012. 2. Consideration of the March 5, 2012, City Council Minutes. 3. Consideration of a request to approve blocking off spaces in the 100 Block of 2 nd Avenue North for the Twin Falls High School Junior/Senior Prom on Friday, April 6, 2012, from 7:00 p.m. until 11:00 p.m. 4. Consideration for the adoption of the W.S.&V. R-6 PRO PUD Agreement consisting of 20 (+/-) acres to allow the development of a mixed-use medical/professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W. S. & V., LLC. (app. 2386) Proposed PUD No. 263	<u>Action</u>	Staff Report Sharon Bryan L. Sanchez Dennis Pullin Mitch Humble
II. ITEMS FOR CONSIDERATION: 1. Presentation of a service plaque to Patty Lee in recognition of her service on the Golf Advisory Commission. 2. Presentation of O&M Rebate from CH2M HILL for 2010-2011. 3. Public input and/or items from the City Manager and City Council.	Presentation Presentation	Dennis Bowyer Shawn Moffitt
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 P.M. 1. Request for the Vacation of Pillar Falls Subdivision, a PUD, Phase I, consisting of 8.64 (+/-) acres located northwest of the intersection of Eastland Drive North and Pole Line Road East, c/o Sam Teyema on behalf of Umpqua Bank. (app. 2501) 2. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.6(+/-) acres to allow for a planned development consisting of a combination of neighborhood commercial uses on property located at the northwest corner of Addison Avenue East and Eastland Drive North, c/o Todd Meyers/Maverik, Inc. on behalf of Thomas J. Arledge and Cheryl A. Arledge. (app. 2498) This public hearing item has been withdrawn by the applicant and rescheduled for April 2, 2012.	Public Hearing Public Hearing	Mitch Humble Withdrawn by Applicant
V. ADJOURNMENT		

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

Present: Lance Clow, Jim Munn, Jr., Shawn Barigar, Chris Talkington, Gregory Lanting, Don Hall

Absent: Rebecca Mills Sojka

Staff Present: City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Staff Sergeant Dennis Pullin, Parks & Recreation Director Dennis Bowyer, Deputy City Clerk Sharon Bryan, Recording Secretary Leila A. Sanchez

Mayor Lanting called the meeting to order at 5:30 P.M. He then invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Lanting introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: 2012 Girl Scout Week Proclamation – Representative Susan Baisch

Mayor Lanting read the proclamation and presented it to the Girl Scouts.

Agenda Items

I. CONSENT CALENDAR:

1. Consideration of accounts payable for March 6 – 12, 2012, \$276,794.58
2. Consideration of the March 5, 2012, City Council Minutes.
3. Consideration of a request to approve blocking off spaces in the 100 Block of 2nd Avenue North for the Twin Falls High School Junior/Senior Prom on Friday, April 6, 2012, from 7:00 p.m. until 11:00 p.m.
4. Consideration for the adoption of the W.S.&V. R-6 PRO PUD Agreement consisting of 20 (+/-) acres to allow the development of a mixed-use medical/professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W. S. & V., LLC. (app. 2386) Proposed PUD No. 263

MOTION:

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

Councilperson Talkington referred to Consent Calendar Item 4. W.S. & V. R-6 PUD Agreement and asked why condition 4. "*Subject to an approved/recorded PUD agreement prior to development,*" was struck out.

Councilperson Humble stated that City Code requires approval of a PUD agreement prior to development; therefore the condition was not needed.

II. ITEMS FOR CONSIDERATION:

1. Presentation of a service plaque to Patty Lee in recognition of her service on the Golf Advisory Commission.

Parks & Recreation Director Bowyer, Mayor Hall and Councilperson Clow presented Patty Lee with a plaque to honor her for her 6 years of service to the Golf Advisory Commission and to the City of Twin Falls.

2. Presentation of O&M Rebate from CH2M HILL for 2010-2011.

Shawn Moffitt, CH2M Hill, presented the City an Operations and Maintenance Rebate Check for 2010-2011, in the amount of \$24,429.80.

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

On March 12, 2012, the Urban Renewal Agency of the City of Twin Falls approved a contractor bid for the demolishing of the future Glanbia site.

March 13, 2012, at 9:00 A.M., at the Shiloh Inn, Chobani will give a presentation on the status of the project.

The Strategic Planning consultant interviews will be conducted on March 16, 2012, to be held in the City Hall Council Chambers.

Recess at 5:47 P.M.
Reconvened at 6:00 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. Request for the Vacation of Pillar Falls Subdivision, a PUD, Phase I, consisting of 8.64 (+/-) acres located northwest of the intersection of Eastland Drive North and Pole Line Road East, c/o Sam Teyema on behalf of Umpqua Bank. (app. 2501)

Mike Bideganeta, Grubb & Ellis /Catalyst, 398 South 9th Street, Suite 260, Boise, Idaho, representing the applicant, explained the request. It is Umpqua Bank's intent to vacate the entire subdivision as platted and filed by record at the Twin Falls County.

At the February 14, 2012, Planning & Zoning Commission meeting Mr. David C. Sparks stated his concern regarding the noxious and non noxious weeds, and weed abatement and control on the entire parcel. On February 24, 2012, Mountain View Spray Service, sprayed the property, and will make another spray application if needed.

At the February 14, 2012, Rick Giesler, a neighbor to the east of Pillar Falls Subdivision stated his concern for delivery of irrigation water which he claims he lost at some point in time either before or during the site development of the subdivision. Umpqua Bank had no knowledge of any subdivision preconstruction site work that might have damaged or prevented water delivery to any of the neighboring properties, nor has the bank known of any agreements to remove, repair, or replace any ditch features on the Pillar Falls property in which we provide water delivery or drainage to the neighboring properties. Umpqua Bank is currently investigating the Twin Falls Canal Company records and consulting with the Twin Falls City Engineer to gather historical and current information as it pertains to water delivery to both the Pillar Falls property and Mr. Giesler's property.

Umpqua bank is requesting the vacation of Pillar Falls as platted and to clear title by removing the following: Improvement Agreement for Developers filed on June 8, 2009, Instrument Number 2009-012920; Planned Unit Development Agreement for Pillar Falls Plaza PUD filed January 6, 2009, Instrument Number 2009-014762, off plat recorded Utility Easement filed July 21, 2009, instrument number 2009-016662 and the 24.4 shares of water rights revert to Umpqua Bank as the landlord. In addition, within the Pillar Falls Subdivision there is a 58' strip of land located along the south line of the subdivision, which is a right of way for Pole Line Road East, Upon the City's approval to vacate all of Pillar Falls Subdivision and clear the title issues as mentioned, Umpqua Bank will deed the south 58' to the City of Twin Falls for public use.

Community Development Director Humble reviewed the request.

On February 14, 2012, the Commission unanimously recommended approval of the request, as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to letters of approval from each of the utility companies impacted by this vacation.
3. Subject to maintenance of a recorded easement for Intermountain Gas company facilities on the property.

City Engineer Jacqueline Fields is supportive of doing something that gets the Gieslers back to their historic water right.

Community Development Director Humble gave a brief history of the Pillar Falls Subdivision.

Council discussion followed:

-Vice Mayor Hall asked for the history of the water delivery to the Giesler property.

Community Development Director Humble stated that it appears that when the subdivision was approved and recorded, grading work had begun, and it appeared that this disrupted historic water to the adjacent properties. Had the development continued to its conclusion, the delivery of water, in its final form, would have been provided to the adjacent property. The development stopped after the flow was disrupted, but before new flow was constructed.

-Vice Mayor Hall asked for the history of the property.

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Community Development Director Humble stated that a hotel was planned on the Master Development Plan. A future phase, not phase 1, was where the hotel was discussed. A height variance was discussed but a request had not been made. The vacation requested would vacate only the final plat of phase 1. There is still an approved preliminary plat. The dates have to be checked for approval. The plat may have expired or may soon expire. In the PUD approved in 2006, the zoning does not expire. The PUD has the master development plan document. This document shows the hotel, retail stores, and condos. The uses and the zoning stay on the property and do not go away with the approval of the vacation.

- Councilperson Barigar asked if it is a typical process to deed back to the property owner the 24.4 shares of water rights. Community Development Director Humble stated the owners are requesting the water rights back. It is typical that the City would require the dedication of water shares when the plat is recorded. The Canal Company is recommending that the City return the shares to the property owner. City Attorney Wonderlich agrees that the shares be returned. Conversation has not been made with City Engineer Fields and he hesitates to make a recommendation.

-Councilperson Talkington asked if the setback standards changed from the original platting or public easement requirement. Community Development Director Humble stated that the setback requirements are found in the zoning for the property. If the plat goes away the zoning stays in place. This is the same for setbacks. Changes have not been made to the Canyon Rim Overlay District since the property was platted or zoned or any changes to the PUD.

-Councilperson Clow asked if Tract A of the plat will go away with the vacation of the plat. This is where a trail could potentially be placed. The City has recently been in the process of acquiring a property of land one-half mile to the east; are we vacating this as well? Community Development Director Humble stated that this is part of the plat that would revert back to the owner. The requirement to dedicate and build the trail is in the PUD and won't go away but will be delayed until a future developer acquires and develops the property.

-Councilperson Clow asked for clarification of the request by the applicant regarding the PUD Agreement and Development Agreement to be vacated.

Mike Bideganeta, Grubb & Ellis /Catalyst, stated that the request is for the zoning to stay the same but to have the PUD vacated for the subdivision, so the property can go back to an unplatted 24.4 acres. In regards to the trail, whoever buys the property, he is hopeful that the City makes a condition that the trail is kept in place.

Community Development Director Humble stated there is a Development Agreement that is tied to the plat and the PUD Agreement is tied to the zoning. The applicants are requesting that both of the agreements be vacated. The process before the Council is about the vacation of the plat. To make the PUD Agreement go away the property would have to be rezoned.

-Mayor Lanting stated there was a comment made to dedicate the 58' of right of way along Pole Line Road. He asked if the vacation is accepted does this limit us in any way to have a future developer build the improvements which we would require. Community Development Director Humble stated that the statement of the staff report is that the vacation of the plat would not affect the dedication of the right of way along Pole Line Road. He stated that the Council could place the condition to vacate the plat subject to dedication of the 58' from Pole Line Road. If the road is not built to City standards at the time the property does develop it could be required that the standard be met regardless if right of way is being dedicated or not.

Public input portion of the hearing was opened.

David Sparks, 1999 Pole Line Road East, stated that the applicant has addressed the weed problem on the property.

Todd Blass, 2007 Pole Line Road East, spoke in support of the request. He gave a brief history of the project. He requested that the Canyon Trail Easement Agreement would stay on the property.

Rick Giesler, 2191 Pole Line Road East, requested that if the vacation is approved that the Council place a condition that this be subject to an agreement being made so he could receive his water.

The public comment portion of the hearing was closed.

Rebuttal:

Mike Bideganeta, Grubb & Ellis /Catalyst, stated that he has contacted the Twin Falls Canal Company to research how water was delivered to Mr. Giesler's property. Mr. Bideganeta stated that Umpqua Bank does not have any knowledge of an agreement with Rick Giesler in regards to him receiving water.

Rick Giesler stated that he plans to use water at the present time.

Community Development Director Humble stated that he recalls a PI station coming down to the LDS Temple as shown on overhead projection. The previous developers would have been required to develop with PI water and would have tapped in at the point and distributed across the property.

Mike Bideganeta, Grubb & Ellis /Catalyst, requested that the water rights be returned to the bank. He stated that the bank does not seek any relief from Mr. Blass's easement.

City Attorney Wonderlich stated that he and Community Development Director Humble agree that if the vacation is approved conditions should not be placed regarding returning water to the Giesler property. It is unclear where the water came from for the property.

The public hearing was closed.

Deliberations:

- Water rights.
- Water delivery to the Giesler property.
- Landscape buffer on the Blass property is in the PUD Agreement.
- Canyon Rim Trail.

MOTION:

Councilperson Talkington made a motion to approve the Vacation of Pillar Falls Subdivision, a PUD, Phase I, consisting of 8.64 (+/-) acres located northwest of the intersection of Eastland Drive North and Pole Line Road East, c/o Sam Teyema on behalf of Umpqua Bank. (app. 2501) subject to the provision that it includes returning the water rights to the property. Does not include acknowledgement or responsibility for water to Mr. Giesler's property but directs the City Attorney to direct request to up gravity property developers to the west concerning their complexity and interruption in the water. The motion was seconded by Vice Mayor Hall.

AMENDMENT TO THE MAIN MOTION:

Vice Mayor Hall made the motion to add a dedication of 58' easement along Pole Line Road and a dedication of easement to match the trail shown on the Master Development Plan to allow for future trail construction. The motion was seconded by Councilperson Barigar.

Councilperson Barigar stated that he understands that the trail is not only on the canyon rim and connects to Pole Line Road. He asked if the motion made encompass the entire easement. City Attorney Wonderlich answered in the affirmative.

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

AMENDMENT TO THE MAIN MOTION:

Councilperson Barigar made the motion to include the following conditions presented by staff and recommended by the Planning and Zoning Commission:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a letters of approval from each of the utility companies impacted by this vacation.
3. Subject to maintenance of a recorded easement for Intermountain Gas Company facilities on the property.

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The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Councilperson Barigar asked for clarification if the main motion is to vacate the plat and direct staff to assist in water delivery issue and third to return the water rights to the property owner.

Councilperson Talkington stated that the vacation is the primary motion, return water rights to the property owner and although not accepting City responsibility for the non delivery of water, direct City Attorney to make inquiry into the up gravity water developers to the west, of their involvement in the alleged interruption to Mr. Giesler's property.

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

2. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.6(+/-) acres to allow for a planned development consisting of a combination of neighborhood commercial uses on property located at the northwest corner of Addison Avenue East and Eastland Drive North, c/o Todd Meyers/Maverik, Inc. on behalf of Thomas J. Arledge and Cheryl A. Arledge . (app. 2498) **This public hearing item has been withdrawn by the applicant and rescheduled for April 2, 2012.**

V. ADJOURNMENT

The meeting adjourned at 7:20 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

Leila A. Sanchez
Deputy City Clerk/Recording Secretary