

COUNCIL MEMBERS:

SHAWN BARIGAR	DON HALL	SUZANNE HAWKINS	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
Monday, October 22, 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: None

AGENDA ITEMS	Purpose	By:
CONSENT CALENDAR:		
1. Consideration of a request to approve the accounts payable for October 16 -22, 2012, total: \$283,944.54 September 2012, total: \$2,776,519.22	Action	Staff Report Sharon Bryan
2. Consideration of a request to approve the October 15, 2012, City Council Minutes.		L. Sanchez Mitch Humble
3. Consideration of a request to approve the Conveyance Final Plat of the John Reeder Subdivision consisting of 2 lots on 4.97± acres located at 1259 & 1275 Madrona St. North.		Jon Caton
4. Consideration of a request to adopt Resolution No. 1894, establishing the local limits of 10 pollutants for the Wastewater Treatment Plant.		Travis Rothweiler
5. Consideration of a request to approve the renewal of the Real Property Lease Agreement between the State of Idaho, Transportation Department and the City of Twin Falls for the Visitors Center.		
ITEMS FOR CONSIDERATION:		
1. Consideration of a request to reappoint members of the Improvement Reimbursement Commission.	Action	Troy Vitek
2. Consideration of a petition and a request to adopt a resolution creating a Local Improvement District on a portion of real property owned by Chobani Inc. (Petition and resolution will be distributed on Monday, October 22, 2012.)	Action	Travis Rothweiler
3. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> <u>6:00 - P.M.</u>		
1. Consideration of a request for approval of a PUD Amendment to the WS&V – R-6 PRO Planned Unit Development Agreement to allow for the development of a 60-unit residential apartment complex on a five (5) ± acre lot on property located on the west side of the 1300 North Block of Field Stream Way.	Public Hearing	Mitch Humble
V. <u>ADJOURNMENT:</u>		

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

Present: Shawn Barigar, Don Hall, Suzanne Hawkins, Jim Munn, Jr., Rebecca Mills Sojka, and Chris Talkington.
Absent: Greg Lanting
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Public Works Director Jon Caton, Zoning & Development Manager Renee Carraway, Assistant City Engineer Troy Vitek, Assistant to the City Manager Mike Williams, Public Information Officer Joshua Palmer, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Acting 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 with him. Acting Mayor Hall introduced staff. A quorum is present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATIONS: None

5:30 P.M.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for October 16 -22, 2012, total: \$283,944.54
September 2012, total: \$2,776,519.22
October 23, 2012, total: \$549.27
2. Consideration of a request to approve the October 15, 2012, City Council Minutes.
3. Consideration of a request to approve the Conveyance Final Plat of the John Reeder Subdivision consisting of 2 lots on 4.97± acres located at 1259 & 1275 Madrona St. North.
4. Consideration of a request to adopt Resolution No. 1894, establishing the local limits of 10 pollutants for the Wastewater Treatment Plant.
5. Consideration of a request to approve the renewal of the Real Property Lease Agreement between the State of Idaho, Transportation Department and the City of Twin Falls for the Visitors Center.

Councilperson Barigar requested Item I. 5. be removed from the Consent Calendar and be heard as a separate agenda item. *Consideration of a request to approve the renewal of the Real Property Lease Agreement between the State of Idaho, Transportation Department and the City of Twin Falls for the Visitors Center.*

Councilperson Mills Sojka asked for clarification on Consent Item I.4. *Consideration of a request to adopt Resolution No. 1894, establishing the local limits of 10 pollutants for the Wastewater Treatment Plant.*

Jon Caton, Public Works Director, explained the request. A local limit study is periodically required by EPA. The local limit study is simply a chemical analysis of the wastewater as it enters the treatment plant. The purpose of the study is to see if there are any pollutant concentrations of concern. This study demonstrated a slight increase in the presence of heavy metals. It is difficult to determine where or why there was an increase, so by resolution, we are proposing to change the allowable limit of heavy metals in accordance with our sewer use ordinance.

MOTION:

Councilperson Mills Sojka made the motion to approve the Consent Calendar minus I.5. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Councilperson Barigar stated that he would abstain from voting on Item for Consideration 5., because of his association with the Chamber of Commerce.

MOTION:

Councilperson Talkington made the motion to approve Item for Consideration 5. *Consideration of a request to approve the renewal of the Real Property Lease Agreement between the State of Idaho, Transportation Department and the City of Twin Falls for the Visitors Center.* The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0. Councilperson Barigar abstained from voting.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to reappoint members of the Improvement Reimbursement Commission.

Troy Vitek explained the request.

Staff recommends reappointing Tony Hughes and Samantha Evans for three (3) year terms (expires October 22, 2015), Scott Standley, Dave Van Engelen for two (2) years (expires October 22, 2014), and Rod Mathis, Doug Vollmer, and Gerald Martens for one (1) year (expires October 22, 2013). This meets the Tenure requirements of section 2-12-8 of the ordinance and allows future staggering of members.

Council discussion followed.

Councilperson Talkington stated that from the presentation, perspective members are required to have knowledge of subdivision development. He stated his concern of conflict of favoritism because at least two of the members are active developers. He asked the City Attorney to explain the members' limits and boundaries; and, if an active member has participated in some form of preparation of site plans, surveying, and financing, would this not constitute a cross over conflict.

City Attorney Wonderlich stated that a member would not be allowed to participate in discussion if their development is before the board. The statute has a requirement to have a certain composition of members.

MOTION:

Councilperson Barigar made the motion to reappoint the members of the Reimbursement Commission as presented. Tony Hughes and Samantha Evans for three (3) year terms (expires October 22, 2015), Scott Standley, Dave Van Engelen for two (2) years (expires October 22, 2014), and Rod Mathis, Doug Vollmer, and Gerald Martens for one (1) year (expires October 22, 2013).

Councilperson Talkington stated that he will be voting against the motion. He does realize the framework of the committee has benefit, but believes it's a faulty structure that prevents those actively participating in development to make decisions potentially affecting themselves, but more especially associates, or those potential customers.

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

2. Consideration of a petition and a request to adopt a resolution creating a Local Improvement District on a portion of real property owned by Chobani Inc. (Petition and resolution will be distributed on Monday, October 22, 2012.)

City Manager Rothweiler explained the request.

Chobani is requesting the formation of a modified local improvement district. In a traditional LID, the improvements are typically contained within the LID boundary, which is approximately 20 acres ± contained in the Chobani facility building footprint. The local improvements outside of the LID boundary include the water system improvements, waste water system improvements, roadway improvements, and utility system improvements.

The LID is used to assist and secure funding and financing for the long-term debt. A LID does not cause or create any financial liabilities for the City. The costs for creating an LID are covered with TIFF dollars.

The proposed resolution states the City's intent to create a "modified district" and that on November 5, 2012, a public hearing will be held and at that time the Council may elect to adopt an ordinance creating the LID, which will be contained and limited to approximately 20 acres of the total 190 acres owned by Chobani Idaho, Inc.

Council discussion followed:

Councilperson Talkington stated the eventual creation of the LID allows the property to be securitized as a protection against any sort of a public lien. It is the instrument that the lending institution, Zion's Bank, has for their protection for payback in the unlikelyhood of default.

Councilperson Talkington referred to EXHIBIT "C" of the Resolution. He asked if information could be presented to the Council and available for public scrutiny of the financing fees and costs of issuing the bonds of \$750,000.

City Manager Rothweiler explained that there is a series of bond counselors, as both the City and the URA of Twin Falls have bond counsels. Rick Skinner represents the sale of the bond. Zion's Bank has legal representatives bond counsel, Chobani's legal counsel is Ed Miller, the financial advisor is Western Financial Group, and the bond trustees will more likely be Zion's Corporate Trust. The Chobani Idaho, Inc., documents will be made available on the City's website.

MOTION:

Councilperson Barigar moved the motion to adopt Resolution 1895.

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

3. Public input and/or items from the City Manager and City Council.
No public input.

City Manager Rothweiler invited the members of the Council and the media to meet at the Twin Falls Council Chambers to tour the facilities water system on October 29, 2012, at 3:30 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None.

Acting Mayor Hall explained the public hearing procedures.

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

4. Consideration of a request for approval of a PUD Amendment to the WS&V – R-6 PRO Planned Unit Development Agreement to allow for the development of a 60-unit residential apartment complex on a five (5) ± acre lot on property located on the west side of the 1300 North Block of Field Stream Way.

Tim Vawser, EHM Engineers, representing the applicant, explained the requested changes to be made to the PUD Agreement. Interest has been expressed by Idaho Housing and Finance Association for Lot 1 Block 1 of the PUD. Their plan is to place ten units with 60 total residences, and a clubhouse.

Mr. Vawser stated the Planning & Zoning Commission stated that they wanted to take a look at each subsequent development. The clarification of the minimum of 15% and a maximum of 85%, the siting, and accessory buildings are an essential item to the entire PUD. After the commission's recommendation the applicant has made a change to the original request.

The applicant is requesting that on Lot 1 Block 1 this would be outright allowed, but would be required to come before the Commission for review if it were proposed on any other lot.

Zoning & Development Manager Carraway reviewed the request, and the history of the property. She explained the highlighted changes requested by the applicant.

There are four (4) changes being proposed from Exhibit "C" of the WS&V R-6 Pro PUD Agreement. They are as follows:

1. LAND USE REGULATIONS: A7(A) Permitted Uses: –Under Residential Permitted Uses It States –“Accessory Buildings, (Less Than 1,000 Sq Ft), Are Allowed. B7(A) Special Uses: - Requires All Accessory Buildings Over 1,000 Sq Ft Require A Special Use Permit. The Proposed Change Is Asking To Allow Any Accessory Building Regardless Of Size And If Associated With Residential Development (For Uses Such As Carports, Garages, Or A Clubhouse) Be Outright Permitted Uses. There Are Carports, Garages & A Clubhouse Being Proposed As Part Of This Residential Apartment Complex.

The applicant would like to be able to construct any residential accessory structure and the clubhouse without having to go through a special use permit process.

2. PROPERTY DEVELOPMENT STANDARDS: (D)1. Use Of Lots: States There Is A Requirement That Each Building, Except Accessory Structures, Shall Be Located On A Separate Lot. The Proposed Development Consists Of A 60-Unit Residential Apartment Complex Consisting Of 10 Separate Buildings W/ 6 Residential Units Each; All On A Single Lot And Which Also Includes Carports/Garages And A Clubhouse For Use By The Tenants. The Code And The Existing R-6 PRO PUD Allows For Only One Building Per Lot. The Proposed Change Would Allow Multiple Buildings On One Lot For The Purpose Of A Residential Development Which Shall Remain Under Single Ownership. After the P&Z public hearing the applicant added the requirement that any other development would require a special use permit if multiple buildings were proposed on one lot.

The applicant would like to develop the proposed apartment complex, including carports and a clubhouse for the tenants, on one lot, eliminating the requirement for platting.

3. PROPERTY DEVELOPMENT STANDARDS: (D)1a. Use Of Lots: A-Lot Area: States There Is A Requirement That A Minimum Of 15% And A Maximum Of 85% Of The Project/Development Shall Be Residential. The Proposed Change Would Clarify That A Minimum Of 15% And A Maximum Of 85% Of The ENTIRE Development (PUD) Is To Be Residential Development.

The applicant would like to develop this residential apartment project as a 100% residential development. The total PUD would still need to meet the 15%-85% ratio

4. PROPERTY DEVELOPMENT STANDARDS: (D)12.D. Building Materials: States Buildings Shall Have Exteriors Of Architectural Masonry, Stone, Stucco, And Architectural Steel Siding. The Applicant Is Proposing To Add *Wood Or Cementitious Materials (E.G. Hardie Board)*. This Would Allow The Proposed Development Of This Lot To Have An Exterior Siding That Is Harmonious With Residential Development.

The applicant would like to develop this project with "exterior siding that is harmonious with residential development".

At the September 25, 2012, public hearing the Commission unanimously recommended approval of this 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 and the WS&V PUD Agreement #263- Amended, as approved.
2. Subject to a new review of infrastructure modeling due to the changes in capacity being proposed for this development, to include a current water/sewer model.
3. Subject to the Final Plat of the WS&V Subdivision, a PUD, being recorded. Staff would like to add that both the Final plat and the Amended PUD Agreement be recorded "prior to any development."
4. The PUD Amendment is limited to the "Field Stream Apartment" project, as approved.

The Commission is in the support of the project. The project is in compliance with the comprehensive plan and fits in the general nature of the area. The proposal to amend the 20 acres for the entire project without having the ability to see what other future developments would occur was a concern of the Commission.

The Commission is in support of the minimum of 15% and a maximum of 85% of the entire development (PUD) to be residential development, and , wood, or cementitious materials (e.g. Hardie Board). The Commission supports accessory buildings (more than 1,000 square feet) if associated with a residential development for use as a carport, garage, or clubhouse and supports multiple buildings being allowed on one lot for the purpose of the residential development under one ownership for Lot 1, Block 1 of the PUD. They discussed that each phase of development for the other 15 acres/4 lots would require an amendment for the purpose of reviewing a complete master development plan as required for a planned unit development. They indicated approval of this request should be to only the Field Stream Way apartment project.

Council discussion followed.

Councilperson Talkington asked for clarification as to why the platting requirement would be eliminated, as requested by the applicant.

Zoning & Development Manager Carraway stated that this is a standalone single lot. The code allows for only 1 building per lot. Development of the apartment complex as presented would require Lot 1 Block 1 be replatted into several lots to allow for each building. Development of the project as presented would make it difficult to meet infrastructure and required site improvement requirements. To allow the project to be developed under single ownership is something that has been allowed under other PUD's. This can allow for more creative development including clustering within that project and larger common landscaping/playground areas or some other amenities within the PUD that normally would be found on just a single lot of land with a single building.

Councilperson Mills Sojka stated that a public hearing was held on the Field Stream Way Subdivision, which is zoned R-2. The subdivisions that surround the area are R-2, agricultural and undeveloped C-1. She asked if this is the same land that was vacated on Field Stream Way R-2 Subdivision and replaced it with the new PUD.

Zoning & Development Manager Carraway, using overhead projections, showed the location of the development and stated that this is not the same property.

Councilperson Barigar asked for clarification of the minimum of 15% and a maximum of 85% of the entire to be residential development.

Zoning & Development Manager Carraway explained that the comprehensive plan has the property designated as an urban village land use, which is a mixed use requirement. The proposed development is required to meet a minimum of 15% to a maximum 85% be residential development which supports a requirement of multi-use development. The way the PUD is worded it is interpreted that each lot be required to meet the 15%-85% residential development requirement. If this request is approved as presented the balance of the 20 acres will have to meet the 15% residential with a maximum of 85% rule and not each lot.

Councilperson Barigar asked for clarification on the Commission's recommendation of requiring a water/sewer modeling, prior to the development of the remaining property.

Zoning & Development Manager Carraway stated that the Engineering Department determined that because of the water/sewer modeling that took place in 2006, that it may cover the proposed development. Staff will confirm that the modeling covers the proposed development.

City Manager Rothweiler stated that the property was originally modeled as an R-2 zone under the Golden Sun Subdivision and at that time it was given about 70 residential sewer equivalent units. This proposed subdivision has never been submitted for development. According to City Engineer Jaqueline Fields and Assistant City Engineer Troy Vitek, there are 70 residential sewer equivalent units that are assigned to the 20 acres. The density will use about 60 units, so there are 10 residential sewer equivalent units for the balance of the 15 acres, if the project that is being proposed, as part of the PUD, actually uses 1 sewer equivalent for each dwelling. The developer can go forward and have the project remodeled after that piece of the project is completed to determine if it was a 1 to 1 use or if it was something less than, bringing up the total balance of sewer credits that had been assigned to its 20 acres in its totality.

Acting Mayor Hall asked for clarification that legal notification to property owners within 300' of the project amounted to only one person.

Tim Vawser explained that between 7 and 8 notifications were sent out.

Councilperson Mills Sojka asked if the project would be considered affordable housing.

Tim Vawser stated that the hearing tonight is separate from the hearing regarding affordable housing. He stated that the projects are related.

Kathryn Amberg, The Housing Company, an affiliate with Idaho Housing and Finance Association, explained that the project is workforce housing and is not subsidized housing. All the residences have to pay rent. Rents are based on 60% or below of the Area Median Income which is set by HUD.

Councilperson Mills Sojka asked staff if the only access to the property is Field Stream Way, and the only access into the City would be North College Road. She asked if staff had concerns of traffic congestion.

Zoning & Development Manager Carraway answered in the affirmative regarding accesses. Cheney will be connected to Grandview, which will be an access point. As far as the Engineering Department is concerned, the development of the project is on its way to be part of the project that will help with the traffic congestion. At this point, there is only one access to the development. If further development occurs within this project, Cheney would be required to be built. Creekside Way will ultimately go up to Pole Line Road.

Councilperson Talkington asked if the applicant satisfied the notification requirement by sending the notification to Field Stream Association mailing address.

City Attorney Wonderlich answered in the affirmative.

Zoning & Development Manager Carraway stated that in regards to the notification process, the Local Planning Act requires notification be sent to property owners within 300' for public notice.

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

Councilperson Hawkins asked for clarification as to how many people attended the Planning & Zoning Commission public hearing in support of the project.

Zoning & Development Manager Carraway stated that one person attended the meeting who spoke in favor of the request.

Tim Vawser stated that in regards to utilities, the developers are fully aware that they are limited to capacity and fully support the capacity they have for the first phase of development within through the PUD. He reemphasized his request to add to staff comments to allow through the Special Use Permit process the ability for the Planning & Zoning Commission to have the opportunity to look at anything that the applicant might propose in the future rather than taking staff's recommendations that the PUD amendment is limited to the Field Stream Apartment project.

Councilperson Barigar asked Tim Vawser if he was not supportive of Item #4 in the recommendations having proposed amendments applied only to the Field Stream Apartment project.

Tim Vawser stated that within the verbiage of the PUD Amendment they would ask this would be outright allowed for Lot 1 Block 1 as staff report/commission recommends and/or by SUP for any other lot within the PUD.

Zoning & Development Manager Carraway stated in summary the request was submitted requesting the following amendments to the PUD:

1. The applicant would like to be able to construct any residential accessory structure and a clubhouse without having to go through a special use permit process.
2. The applicant would like to develop the proposed apartment complex, including carports and a clubhouse for the tenants, on one lot, eliminating the requirement for platting.
3. The applicant would like to develop this residential apartment project as a 100% residential development. The total PUD would still need to meet the 15%-85% ratio
4. The applicant would like to develop this project with "exterior siding that is harmonious with residential development".

The Commission recommended that items 1. and 2. be limited to the apartment project consisting of five acres, as presented, and Items 3. and 4. be incorporated in the entire PUD.

The Commission's main concern is that under a PUD, a master development plan is part of the approval process. This original PUD did not have a development plan submitted. In addition, the Commissioners want to have a review, through the public process, for each development that comes through. the Commissioner's intent would be that it come back through a master development plan review for each development that comes forward. There wasn't any kind of consideration for a SUP by the commission at the public hearing. Tim Vawser is asking for a SUP approval blanket through the whole project.

Discussion followed on the formation of a motion.

The public hearing was closed.

Council deliberations: None.

MOTION:

Councilperson Talkington made the motion to approve the PUD Amendment to the WS&V – R-6 PRO Planned Unit Development Agreement subject to the inclusion of the four numbered conditions proposed by the Planning & Zoning Commission, and inclusive in number 4. , four sub-items to be called a. b. c. d. Items a and b applying to five acres to the proposed PUD; and, c and d applying to the full 20 + acre subdivision PUD. The motion was seconded by Councilperson Barigar.

Councilperson Mills Sojka stated her concern of traffic congestion. There would be one access to Field Stream Way going onto North College. She stated that she could not support the changes in the PUD allowing this type of development without there being some sort of condition of another access. The Land Use Planning Act outlines the need of infrastructure to support development, which is the basis of her concern.

Acting Mayor Hall reopened the public hearing.

City Manager Rothweiler stated that when going through the budgeting process, the City allocated \$160,000, for the Cheney Drive extended project. The City's portion of the project connects Grandview to Field Stream Way. Former City Manager Tom Courtney entered into a memorandum of understanding with other developers to have Cheney Drive constructed over the course of the current fiscal year. The City is a financial partner of approximately \$160,000, and the other partners are also financial individuals. In

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speaking with Doug Vollmer, he shared that their portion of the construction will begin where the City's portion runs off and will connect to Field Stream Way.

Acting Mayor Hall asked if there will be a portion of Field Stream Way that will not connect to Cheney.

Tim Vawer stated that a small portion between the northern boundary of the Field Stream Apartments and Cheney Drive would be left undone at this point. He stated that developers in the area appear to be interested in connecting Field Stream Way to Cheney.

Councilperson Mills Sojka stated she would like to see a condition of two access points.

Councilperson Talkington stated that in regards to new subdivision platting, roads very seldom meet the current needs. The natural attraction of the area will encourage development and the partnership between private parties and the City will encourage development of another access.

Acting Mayor Hall closed the public hearing portion of the meeting.

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

V. **ADJOURNMENT:** The meeting adjourned at 7:01 P.M.

Leila A. Sanchez

Deputy City Clerk/Recording Secretary