

COUNCIL MEMBERS:

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



MINUTES
 Meeting of the Twin Falls City Council
 Monday, March 11, 2013
 City Council Chambers
 305 3rd Avenue East - Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: [GIRL SCOUT WEEK 2013](#)
[2013 FAIR HOUSING MONTH](#)

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of a request to approve the accounts payable for March 5 – 11, 2013, total: \$980,145.17. 2. Consideration of a request to approve the February 25, 2013, City Council Minutes.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan Leila A. Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to appoint Jack Jardine and Teena Thompson to the Golf Advisory Commission. 2. Consideration of a request to adopt a resolution declaring Remotec, Inc., a sole source supplier for the purchase of a Hybrid Radio System and Power Supply Kit for use on the Twin Falls Police Bomb Squad ANDROS F6A ROBOT. 3. Second Reading: Consideration of a request to receive the Citizens Committee's infrastructure report on the recommendation for improvements to the City's waste water treatment facility and sewer collection lines; and, Consideration and possible action on Ordinance 3048, an ordinance calling for a special revenue bond election for the purposes of submitting to the qualified electors of the City of Twin Falls the question of the issuance of up to \$38,000,000 in revenue bonds for the purpose of providing for the acquisition, construction and improvement of wastewater collection and treatment facilities, and other related improvements, equipment, items and costs. 4. Public input and/or items from the City Manager and City Council.	Action Action Action	Dennis Bowyer Dan Lewin Travis Rothweiler
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> <u>6:00 P.M.</u> 1. To comply with requirements of the Idaho Community Development Block Grant (ICDBG) program regarding the water system improvements to support Agro-Farma, Inc.'s (a.k.a. Chobani) new dairy processing facility being constructed on Kimberly Road. 2. Request for a Zoning Title Amendment to a) repeal City Code 10-7-3 and enact a new 10-7-3 by providing for additional building height by administrative approval, and b) amend City Code 10-4-13.3(c) by allowing for additional building height in the Old Town Zone, c/o City of Twin Falls (app. 2542)	PH PH	Jeff McCurdy Region IV Development Assoc. Mitchel 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.*

5:00 P.M.

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

Absent: None

STAFF PRESENT: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Chief Finance Officer Lorie Race, Community Development Director Mitchel Humble, Assistant to the City Manager Mike Williams, PIO Josh Palmer, Parks & Recreation Director Dennis Bowyer, Staff Sergeant Dan Lewin, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Lanting 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 and Girl Scouts Troops 6, 361, and 224. Mayor Lanting introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested the following amendments to the agenda:

1. Remove from the Consent Calendar Item 2. Consideration of a request to approve the February 25, 2013, City Council Minutes.
2. Add to the Consent Calendar: Consideration of a request to approve an Alcohol License transfer of ownership for New L & T B, LLC dba Idaho Pizza Company, 1839 Kimberly Road.

MOTION:

Councilperson Talkington made a motion to approve the amendments to the agenda as presented. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for March 5 – 11, 2013, total: \$980,145.17. March 11, 2013, Prepay, total: \$433.28
2. Consideration of a request to approve the February 25, 2013, City Council Minutes. *(Removed from the Consent Calendar.)*
3. Consideration of a request to approve an Alcohol License transfer of ownership for New L & T B, LLC dba Idaho Pizza Company, 1839 Kimberly Road. (Added to the Consent Calendar)

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

PROCLAMATIONS:

GIRL SCOUT WEEK 2013

Vice Mayor Hall read the proclamation and the proclamation was presented to the Girl Scouts.

2013 FAIR HOUSING MONTH

Councilperson Barigar read the proclamation and the proclamation was presented it to Jeff McCurdy, Region IV.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to appoint Jack Jardine and Teena Thompson to the Golf Advisory Commission.

Parks and Recreation Director Bowyer explained the request.

The interview committee recommends that the City Council confirms the Mayor's appointments of Jack Jardine. Jack Jardine's term will be from April 2013 to February 2014) and Teena Thompson's term will be from March 2013 to February 2016.

Jack Jardine lives outside the city limits; the interview committee discussed his residency and is specifically asking the City Council to waive that requirement.

Council discussion followed.

Councilperson Mills Sojka asked if the third candidate interviewed lives in the city limits.

Councilperson Talkington asked if other advisory committees allow the waiving of the residence requirement.

Mayor Lanting explained that the third candidate lives in the city limits. The candidate is a new resident and was appointed to a Golf Advisory Board sub-committee.

Councilperson Hawkins stated that Jack Jardine lives in the area of impact, uses the golf course, and has firsthand knowledge.

City Attorney Wonderlich displayed on overhead projection City Code: Limitation of Eligibility 2-1-1. "The members of all advisory commissions established under this title shall be residents of the city unless the residence requirement is specifically waived by the council."

Councilperson Mills Sojka stated council members are elected to represent the citizens within the city and priority should be given to the citizens within the city limits.

MOTION:

Councilperson Mills Sojka made a motion to appoint Tina Thompson to the Golf Commission for the term 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.

MOTION:

Councilperson Hawkins made the motion to approve Jack Jardine for the one year term as presented. The motion was seconded by Vice Mayor Hall. Roll call vote showed Councilpersons Barigar, Hall, Hawkins, Lanting, and Munn. Councilpersons Mills Sojka and Talkington voted against the request. Approved 5 to 2.

2. Consideration of a request to adopt a resolution declaring Remotec, Inc., a sole source supplier for the purchase of a Hybrid Radio System and Power Supply Kit for use on the Twin Falls Police Bomb Squad ANDROS F6A ROBOT.

Staff Sergeant Lewin explained the request. Remotec, Inc. is the sole manufacturer of the Andros line of robots and purchasing the wireless system from the same manufacturer would be advantageous due to the compatibility of equipment, components, accessories, replacement parts or service.

The cost of the Hybrid Radio System and power supply kit from Remotec, Inc., is quoted at \$43,825.00. Grant funding has been awarded for the cost of upgrading the bomb squad's Andros F6A robot with a Hybrid Radio System and power supply kit.

Council discussion followed:

- Equipment history on longevity and warranty
- Radio frequencies FCC protected frequency bands

Staff Sergeant Lewin stated that staff has a good relationship with the Remotec service department and the wireless system will have a warranty in place. Three radio frequencies have been obtained; two frequencies for audio and data and the third frequency for video feed. The two lower spectrum frequencies for data and audio are not FCC protected. The audio feed is under a federal license and is a secured frequency.

MOTION:

Vice Mayor Hall made a motion to adopt Resolution 1900, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING A SOLE SOURCE SUPPLIER FOR PURCHASE OF A HYBRID RADIO AND POWER SUPPLY KIT FOR USE ON REMOTEC ANDROS F6A ROBOT

The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. **Second Reading:** Consideration of a request to receive the Citizens Committee's infrastructure report on the recommendation for improvements to the City's waste water treatment facility and sewer collection lines; and,

Consideration and possible action on Ordinance 3048, an ordinance calling for a special revenue bond election for the purposes of submitting to the qualified electors of the City of Twin Falls the question of the issuance of up to \$38,000,000 in revenue bonds for the

purpose of providing for the acquisition, construction and improvement of wastewater collection and treatment facilities, and other related improvements, equipment, items and costs.

City Manager Rothweiler explained the request. On March 11, 2013, the Co-Chairs of the Citizens Committee presented recommendations to the City Council for its collective consideration. The committee recommended the City make improvements to the waste water system at this time and the vehicle to fund the improvements would be through an issuance of a revenue bond of \$38 million to cover Phase 1 of the City's waste water treatment plant master plan and areas of the City's collection system, for a 20-year, "wrapped" issuance, and to hold a May 2013, City election.

On March 4, 2013, The City Council placed Ordinance 3048, on first reading.

Council discussion followed.

Councilperson Hawkins asked for the specifics of a "wrapped" debt.

Cameron Arial, Zion's Bank, on overhead projection explained the "Wastewater Revenue Bonds "20 year \$38, Million New Money Wrapped Around Existing Debt."

City Manager Rothweiler explained the existing debt includes DEQ debt for improvements associated with the DEQ note with a ten year term remaining, improvements to the Rock Creek Lift Station as well as to the UV System, Watering Facility, and other pieces of equipment at the waste water treatment plant, and the debt that remains for the term and duration is associated with the project.

Discussion followed on the technology of IFAS and NBBR.

Shawn Moffitt, OMI/CH2M Hill, stated that the IFAS is a proven technology and very reliable

Bill Leaf, CH2M Hill, stated that a number of case studies on the technology of IFAS will be presented to City staff to follow up and review.

City Engineer Fields stated that the technology of the IFAS and NBBR seemed to satisfy the goals of costs, expansion, and liability.

Chris Reed stated that the 37 members of the Citizens Committee recommend approval of the request.

Mayor Lanting opened up the meeting for public comment.

Mark Lopshire, 2122 Selway, spoke on behalf of Twin Falls Chamber of Commerce, and recommended approval of the request. He explained the various benefits to the city. He also stated that the Chamber is ready to assist the Council in educating voters.

Don Acheson, 629 Megan Court, spoke as a member of the Blue Lake Rotary Club, engineer, and resident of Twin Falls, recommended approval of the request. He explained the various benefits to the city.

MOTION:

CouncilpersonTalkington made the motion to suspend the rules and place Ordinance 3048, entitled:

AN ORDINANCE PROVIDING FOR THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER COLLECTION AND TREATMENT FACILITIES OF THE CITY OF TWIN FALLS, IDAHO; CALLING FOR A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF INCURRING AN INDEBTEDNESS AND ISSUING THE REVENUE BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$38,000,000 TO PAY ALL OR PART OF THE COST THEREOF; ESTABLISHING THE DATE AND TIME OF ELECTION; APPROVING A FORM OF BALLOT AND PROVIDING FOR NOTICE OF THE SPECIAL BOND ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

on third and final reading.

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.

Deputy City Clerk Sanchez read the ordinance title.

MOTION:

Vice Mayor Hall made the motion to adopt Ordinance 3048. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

Vice Mayor Hall gave an update on the Zoning Ordinance Amendment Committee that he and Councilperson Talkington serve on.

He discussed the progress that has been done on the following:

- Planned Unit Development
- Additional building heights
- Parking lot sales
- Canyon Rim Overlay
- Parking requirements for various uses
- Public Hearing Notice

Councilperson Talkington stated that one of the objectives of the committee is to make the city more bicycle friendly.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. To comply with requirements of the Idaho Community Development Block Grant (ICDBG) program regarding the water system improvements to support Agro-Farma, Inc.'s (a.k.a. Chobani) new dairy processing facility being constructed on Kimberly Road.

Jeff McCurdy explained the request.

The City of Twin Falls received an Idaho Community Development Block Grant in the amount of \$500,000 from the Idaho Department of Commerce. This funding is allocated to the State of Idaho from the U.S. Department of Housing and Urban Development. These funds are being used to upgrade the municipal water system to support the development of Agro-Farma, Inc.'s new dairy processing facility in the City of Twin Falls.

The City of Twin Falls is holding the public hearing to comply with the requirements of the ICDBG program.

Mr. McCurdy gave a review of project activities and accomplishments to date, a summary of all expenditures to date, a general description of work remaining.

Prior to the start of construction, an environmental assessment was conducted that included a review of the work to be performed under both Phase 1 (construction of water line from Highland Ave. to Hankins Road Pump Station) and Phase 2 (Hankins Road Pump Station Back-Up Generator and Pump Upgrade Project). This assessment was conducted in accordance with the National Environmental Policy Act and the ICDBG program. Phase 1 required the construction of water lines in two areas that were determined to be flood hazard areas. The Idaho Department of Commerce's Flood Plain 8-Step Review process was followed to review other possible alternatives. No other alternatives were identified. This review process included a number of publications to seek public comment on the proposed alternatives. No public comments were received by the City. An Environmental Review Record was submitted to the Idaho Department of Commerce and they issued their environmental release on June 12, 2012. Construction followed.

The Phase I construction work was awarded to Sawtooth Construction in the amount of \$2,753,757.

The Phase 2 construction work was awarded to Irminger Construction, in the amount of \$568,841.

Agro-Farma has provided a report that demonstrated the company has hired 528 full-time employees. The company committed to create a minimum of 300 full-time equivalent positions in connection with this grant and another grant the City received to help the with improvements to electrical lines that also was needed to support the Chobani development. The company has met their commitment. Staff at Region IV Development is working with Chobani to obtain pre-hire income information from each individual employed by Chobani. To date, the RIVDA has gathered 418 income surveys of the 528 employees that have been hired. From there information obtained, the company has fulfilled their commitment of the grant program. RIVDA will continue to work with the company to document the pre-hire income levels of all the company's employees at the Twin Falls facility.

Council discussion followed.

- Impact of water line placed in the flood plain area
- Tracking of Chobani employees
- Income of employees

Jeff McCurdy stated that the flood plan areas in Phase 2 have been documented.

City Manager Rothweiler stated that Mark Holtzen, JUB Engineering, designed the water line. The City, JUB, and DEQ reviewed the plans of the water line and found no significant environmental impact.

City Manager Rothweiler stated that the Development Agreement executed by the City of Twin Falls, Urban Renewal Agency and Chobani called for a capital investment of a minimum of \$128,500,000 and set a maximum not to exceed \$300,000,000 and would create 400 jobs, in which they have exceeded. The building is in excess of \$450,000,000 of total capital and investment.

Jeff McCurdy stated that from the 428 surveys received by Chobani employees, 62% qualified as low-to-moderate income (LMI). The final report will likely change when the remaining 110 surveys are included in the tabulation. However, if all of the remaining 110 individuals report that they are non-LMI, the % will remain above 51%. As such, the company has fulfilled their commitment.

Mayor Lanting opened and closed the public testimony portion of the public hearing with no input.

Mayor Lanting closed the public hearing.

2. Request for a Zoning Title Amendment to a) repeal City Code 10-7-3 and enact a new 10-7-3 by providing for additional building height by administrative approval, and b) amend City Code 10-4-13.3(c) by allowing for additional building height in the Old Town Zone, c/o City of Twin Falls (app. 2542)

Community Development Director Humble explained the request.

This is a request to repeal existing Twin Falls City Code Title – Title 10; Chapter 7; Section 3; Additional Height in CB, C1, M1 and M2 Zoning Districts and Sub districts; and replacing this section; Title 10; Chapter 7; Section 3 with a new; Additional Building Height in CB, C-1, M-1, M-2 and OT Zoning Districts and Sub districts. What is being added is a provision to allow for “additional building heights in excess of maximum heights allowed within the CB, C-1, M-1, M-2 and OT Zoning Districts”. This will be allowed by applying for an Alternative Building Setback from the following property lines or designated boundaries:

- a. Existing residential and subsequent property.
- b. Current and future residential zones as designated by current City Code, Zoning Map, Comprehensive Plan and Future Land Use map.
- c. Canyon Rim boundary as designated by City Engineer.

The Alternative Building Setback will be created by the following equation: “building height multiplied by two equals the Alternative Building Setback. ($BH \times 2 = ABS$)

This request also amends the Old Towne Zone; Twin Falls City Code – Title 10; Chapter 4; Section 13.3(c); Property Development Standards: Building Height. The current maximum building height allowance in the OT zone is 50'. This amendment will allow for buildings in the OT Zoning District to apply for the same process for additional building heights in excess of the maximum height of 50'.

On February 12, 2012 the Planning & Zoning Commission held a public hearing. No one spoke for or against. The Commission unanimously recommended approval of the amendment, as presented.

Staff recommends approval and adoption of the ordinance as presented.

Council discussion followed.

- Allowances in the setback
- Shadowing effect, etc. from a tall building
- Affect to the CSI Zone

Community Development Director Humble stated that a building taller than the maximum zone has to meet the setback. The CSI Zone is a PUD and is not covered in the amendment. The proposed amendment is designated for C-1, CB, M-1, M-2 and OT.

Councilperson Barigar stated that in the Central Business Zone and the Old Towne Zone there are provisions for residential development, though it is not a residential zone per se. He asked if a strip of townhouses or upstairs apartment living is considered residential and therefore the setback is set.

Community Development Director Humble stated there are some buildings on Main Street that have upstairs apartments, which are allowed as accessory. Changes were made to the code 6 to 8 months ago, per the request of the URA; townhomes would be used as a primary use of the property. If the property develops with a row of homes, 100% residential use first, they would come under the existing residential setback requirement.

Councilperson Barigar stated that it appears the CB and OT might make the most sense for increased building height because it is in a core downtown area, but moving forward with the amendment may create a spot residential development downtown and may limit tall buildings in the downtown area. His concern is the formula being applied in the downtown area.

Community Development Director Humble stated the committee did not discuss the unintended consequence of residential development in the downtown area. An amendment can be made to the setbacks to the downtown area to excluding residential in a non residential zone.

Councilperson Mills Sojka stated her concern that the building height might encourage development on larger lots in the outskirts of town. The current draft of the City's Strategic Plan encourages urban infill and discourages urban sprawl. The building height may be used as an incentive in the OT, CB zone, and downtown for buildings for the redevelopment of dilapidate, or similar type buildings.

Councilperson Talkington stated creating an incentive for a five story office building which may be a more dense usage of the property. He asked if residential would be allowed to build after the buildings, as demonstrated, knowing the consequences, implications and mitigations.

Community Development Director Humble stated that residential can come in zones that are non-residential but allow some limited residential use. One of the setbacks is for existing residential but the other setback is for future residential. The setback is to be met by the developer of the commercial property and will not be forced on to the residential properties.

Mayor Lanting asked for the firefighter capabilities with the fire truck ladder in relation to height. He stated his concern of hotel height.

City Manager Rothweiler stated that the ladder is 102'. Buildings are now equipped with automated sprinkler systems, fire doors and other protective measures, and therefore structures today are not necessarily as dependent as they once were to make sure to get the aerial ladder into the air to launch the water cannon into the building or facility.

Councilperson Mills Sojka asked if additional height and additional buildings would factor into the fire rating or requirement to purchase additional equipment.

City Manager Rothweiler stated the ISO rating is the rating assigned to the city by the state and explained the measures.

Public hearing:

Cheri Condi, 2135 Oakwood Court, stated the following concerns: The comprehensive plan emphasizes more open space and shorter buildings in the area. Taller buildings adjacent to the Canyon Rim District will be highly visible and could be intrusive to the visual experience within the Canyon Rim District. She recommended that any proposed buildings go through a citizen design review committee or the City Council. Her second concern is parking and recommended requiring parking garages, and thirdly; recommended "leads" construction and green building.

Barbara Beck, 699 Riverview Drive, handed out and read a letter into the record, she spoke against the request.

The public testimony portion of the hearing was closed.

Council discussion followed.

- Affect on the Canyon Rim Overlay
- Open house on the proposed amendment
- Public notification of the proposed amendment
- Impact fees for additional height

Community Development Director Humble explained that the proposed amendment does not impact the Canyon Rim Overlay.

The ZOAC did not feel it was necessary to hold an open house on the proposed amendment.

Vice Mayor Hall explained that notification of the request was published in the Times News for both the Planning & Zoning Commission Hearing and the City Council Hearing.

Councilperson Hawkins stated that at the Planning & Zoning Commission Meeting public hearing, no one from the public spoke for or against the request.

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Community Development Director Humble stated that the idea of a generic impact of height was not discussed at the ZOAC meetings. The City has the ability to charge a development impact fee, which would include fire serve. Fire impact fees are currently in place for a second ladder truck.

Community Development Director Humble explained the current process in place for a request for additional building height.

Councilperson Mills Sojka stated her concern of the impact of the amendment and removing the public input process.

Councilperson Talkington stated that the procedure for public notification puts the responsibility on the interested parties to attend Planning & Zoning Commission meetings as well as City Council meetings.

Council discussion was made on the public notification process.

City Attorney Wonderlich asked for Council direction.

Council directed staff to change the C1 building height from 50' and add the OT zone.

V. **ADJOURNMENT:** The meeting adjourned at 7:34 P.M.

Leila A. Sanchez

Deputy City Clerk/Recording Secretary