

COUNCIL MEMBERS:

SHAWN	DON	SUZANNE	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	HALL	HAWKINS	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON

Vice Mayor

Mayor



AMENDED MINUTES
Meeting of the Twin Falls City Council
Monday, May 20, 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: NATIONAL PUBLIC WORKS WEEK

AGENDA ITEMS	Purpose	By:
I. CONSENT CALENDAR: 1. Consideration of a request to approve the accounts payable for May 14 – May 20, 2013. 2. Consideration of a request to approve the April 22, 2013, Minutes. 3. Consideration of a request by Snake Harley-Davidson to approve its seventh season of outdoor customer appreciation concerts at their facility on various weekends from June 2, 2013, through August 16, 2013, from 6:00 p.m. to 9:00 p.m. 4. Consideration of a request by Snake Harley-Davidson to approve their Grand Opening Celebration to be held July 26, 2013, through Sunday, July 28, 2013. 5. Consideration of a request to approve the Annual Classic Cruisers event to be held on Friday, June 21; Saturday, June 22; and Sunday, June 23, 2013	Action	<u>Staff Report</u> Sharon Bryan Leila A. Sanchez Dennis Pullin Dennis Pullin Dennis Pullin
II. ITEMS FOR CONSIDERATION: 1. Presentation of the Municipal Powers Outsource Grant Matrix. 2. Consideration of a request to authorize the Mayor to sign a right of way deed to provide access to the visitor center and future adjacent development. 3. Consideration of a request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/3) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East. 4. Consideration of a request to adopt an Ordinance for a Vacation of a portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9, Orcharara Subdivision to allow for replatting and residential development. 5. Public input and/or items from the City Manager and City Council.	Presentation Action Action Action	Rebecca Mills Sojka Mitchel Humble Mitchel Humble Mitchel Humble
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 P.M. 1. Request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 (±) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel acres and continue the operation of an outside boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive.	PH	Mitchel Humble
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.***

Amended Minutes

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, City Engineer Jacqueline Fields, Sgt. Dennis Pullin, Community Development Director Mitch Humble, Deputy City Clerk Sharon Bryan

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. Mayor Lanting introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler asked that the following items be added:

1. Proclamation Downtown Pride Days – May 24 and 25, 2013
2. Consideration for an appointment of Jody Tatum to the Planning and Zoning Commission.

PROCLAMATIONS:

NATIONAL PUBLIC WORKS WEEK

Vice Mayor Don Hall read the proclamation.

Public Works Director Jon Caton thanked Council.

DOWNTOWN PRIDE DAYS – May 24 and 25, 2013

Councilperson Shawn Barigar read the proclamation.

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for May 14 – May 20, 2013.
2. Consideration of a request to approve the April 22, 2013, Minutes.
3. Consideration of a request by Snake Harley-Davidson to approve its seventh season of outdoor customer appreciation concerts at their facility on various weekends from June 2, 2013, through August 16, 2013, from 6:00 p.m. to 9:00 p.m.
4. Consideration of a request by Snake Harley-Davidson to approve their Grand Opening
 - a. Celebration to be held July 26, 2013, through Sunday, July 28, 2013.
5. Consideration of a request to approve the Annual Classic Cruisers event to be held on Friday,
 - a. June 21; Saturday, June 22; and Sunday, June 23, 2013.

Jim Munn excused himself from items 3 and 4 due to conflict of interest.

MOTION:

Councilperson Talkington made the motion to approve items 1, 2 & 5 of the Consent Calendar. The motion was seconded by Councilperson Hawkins. Roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

Vice Mayor Don Hall made the motion to approve items 3 & 5 of the Consent Calendar. The motion was seconded by Councilperson Barigar. Roll call vote showed members voted in favor of the motion. Approved 6 to 0. Councilperson Munn excused due to conflict of interest.

II. ITEMS FOR CONSIDERATION:

1. Presentation of the Municipal Powers Outsource Grant Matrix.

Councilperson Mills Sojka explained the Matrix using overhead projections. She indicated that the MPOG matrix was created so that there was consistency and uniformity in the process as well as to allow council members that had a conflict with an applicant be involved in the process.

Discussion from council ensued on the following:

- Bonus points

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- Life Safety Issues
- Quality of Life Issues
- Concerns with process of who should be eligible
- Confusion on scoring on the matrix
- Matrix a good tool to start
- If they meet our criteria we move them away from MPOG to the budget
- Concerned with scoring
- Matrix helps applicants to know what they will be scored upon

MOTION:

Councilperson Munn moved approval of the Matrix with the change from 76 points to 88 points and to remove the bonus points. The motion was seconded by Councilperson Mills Sojka and roll call vote showed members voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request to authorize the Mayor to sign a right of way deed to provide access to the visitor center and future adjacent development.

Community Development Director Humble explained the request using overhead projections. The State of Idaho, Idaho Transportation Board deeded a parcel of land to the City of Twin Falls in 2013. The quitclaim deed transfers ownership of the property to the City but does not designate its intended use. A majority vote of the Council is required to approve this request. The recommendation from staff is to authorize the mayor to sign the attached right of way deed which will designate this parcel as right of way, providing access to the visitor center and future adjacent development.

City Attorney Fritz Wonderlich explained that this is being changed from City owned property to public right of way.

MOTION:

Vice Mayor Don Hall made a motion to authorize the Mayor to sign a right of way deed to provide access to the visitor center and future adjacent development. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

3. Consideration of a request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/3) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North.

Community Development Director Humble explained the request using overhead projections. He explained that the Council, prior to adopting, revising or rejecting the amendment to this Title as recommended by the Commission shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the Council hearing, if said Council makes a material change from what was presented at the public hearing; further notice and hearing shall be provided before the Council adopts the amendment.

Upon granting or denying an application to amend this Title, the Council shall specify:

- (a) The regulations and standards used in evaluating the application.
- (b) The reasons for approval or denial.
- (c) The actions, if any, that the applicant could take to obtain a permit.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of this Title upon the preparation and passage of an ordinance. (Ord. 2012, 7-06-1981) Community Development Director Humble indicated that on May 13, 2013 the Twin Falls City Council unanimously approved the request for a Zoning District Change and Zoning Map Amendment for R-2 to NCO PUD for 4.71(+/-) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East, as presented and 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 the section "Covenants 4-E-4: Signage" being amended as shown in "Attachment 12" of the staff report.

Staff recommends that the Council adopt Ordinance #3050 as submitted.

MOTION:

Vice Mayor Hall made a motion to suspend the rules and place Ordinance #3050 entitled:

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 AMENDMENTS TO THE AREA OF IMPACT AND ZONING DISTRICTS MAPS.

on third and final reading by title only. 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.

Deputy City Clerk Sharon Bryan read the title of Ordinance #3050.

Councilperson Mills Sojka stated her concern on the PUD rezone process. She asked if the Committee is considering moving it into one process so that you can see the PUD.

Community Development Director Humble answered that the Zoning Ordinance Committee is working on the process.

MOTION:

Councilperson Barigar made the motion to adopt Ordinance #3050 as presented. 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. Consideration of a request to adopt an Ordinance for a Vacation of a portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9, Orchalara Subdivision to allow for re-platting and residential development.

Community Development Director Humble explained the request using overhead projections. He explained the preliminary plat of West Haven Subdivision, consisting of 15 (+/-) acres and 70 single-family residential lots, was approved by the Commission on April 27, 2004

The final plat for West Haven Subdivision, Phase 1, was approved by the City Council on July 6, 2004 and recorded in 2005.

West Haven Subdivision, Phase 2, consisting of 3.37 (+/-) acres and 9 single-family residential lots, was approved by the City Council as presented by a vote of 5-0 subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to development of a 10' pedestrian access easement, as presented, from Wirsching Avenue West to the western boundary of the property, as required in 10-12-3.7.
4. Subject to Wirsching Avenue West being platted, as presented, at 52'.

On May 24, 2010 the City Council approved Vacation of a portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9 Orchalara Subdivision, to allow for dedication and replatting of a residential development, as presented, with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

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2. Subject to the recordation of final plat dedication of a 10' easement for a pedestrian path from Wirsching Avenue to the western edge of the property and Wirsching Avenue being platted at 52', as shown and approved on the West Haven Subdivision, Phase 2 final plat.

Due to the poor real estate market the subdivision was not developed. An extension was granted by the City Council in May 2011. The developer recently contacted city staff and informed us the infrastructure improvements have been completed and upon Engineering review the final plat is now ready to be recorded. The conditions placed upon the vacation are completed.

Staff recommends that the Council adopt Ordinance #3051.

MOTION:

Councilperson Talkington made a motion to suspend the rules and place Ordinance #3051 entitled:

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO VACATING THE REAL PROPERTY DESCRIBED BELOW AND PROVIDING FOR VESTING OF THE TITLE TO THE PROPERTY SO VACATED.

on third and final reading by title only. 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.
Deputy City Clerk Bryan read Ordinance 3051 by title only.

MOTION:

Councilperson Hawkins made the motion to adopt Ordinance #3051 as presented. 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.

5. Appointment of Jody Tatum to fill the vacant seat on the Planning and Zoning Commission.

Community Development Director Humble explained the history of the appointments. Jody Tatum will be filling in a vacated position.

Jody Tatum said she has wanted to become more active in the Community and felt this would be a good fit for her. She said that she plans to be at the majority of the meetings. She indicated that she understands that some people perceive and interpret and understand code and ordinances in different ways.

Councilperson Hawkins made the motion to appoint Jody Tatum to fill the vacant seat on the Planning and Zoning Commission. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

- Monday, May 27, 2013 City Hall will be closed and there will be no Council meeting on Tuesday, May 28, 2013.
- Council Meeting on June 3, 2013 will start at 4:00 PM
- MPOG deadline is Friday, May 24, 2013.
- Voting tomorrow, May 21, 2013. Vote at your regular precincts. Polls will be open from 8:00 AM to 8:00 PM

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

1. Policeman Memorial well attended on Saturday
2. Police Special Olympic 5k run went very well.
3. Downtown Historic Walk well attended
4. Dog Park input from community indicated that they do not want off leash in their neighborhood. The Commission is not recommending off leash this year.
5. There is \$59,000 available for dog park. There is enough to start construction on the dog park.

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6. Due to several complaints on the Highland Ave resurfacing project Councilperson Talkington asked for a progress report. City Manager Rothweiler explained that it is a 2 week project and will be completed.
7. Councilperson Hall concerned about dog park off leash not being considered because of the surveys.
8. Councilperson Mills Sojka stated her concern of the speeding in the construction zone. Police are monitoring and construction company is signing.
9. Councilperson Hawkins announced that after Memorial Day weekend Auger Falls will be closed.

10 Minute Break.

IV. PUBLIC HEARINGS; 6:15P.M.

1. Request for an amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive.

Gregg Olsen, applicant, explained the request. He explained that they chose to phase the property into two different phases. We are asking for a deferral on the hard surface until we can build the buildings.

Bill Kyle, applicant, explained that to be cost effective they are asking to have the hard surface deferred until they build the buildings.

Community Development Director Mitch Humble explained the request using visual aids. This is a request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4+/- acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel, storage and parking areas and continue the operation of an outside Boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of a storage unit facility business on property located at 485 Grandview Drive.

There is one proposed change that is on Page 2 of the PUD Agreement which is as follows:

2-Nature of the Development; (B) Uses: The property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such described within this document. The Project's purpose and intended uses shall only be for the construction and commercial operation of mini-storage buildings and/or boat and RV storage and parking.

If the amendment is approved as requested the suggested verbiage to be added to the above section is as follows: 2-(B) Uses: "Outside automobile, boat and RV storage and parking and including U-Haul truck/trailer rentals may be stored and parked on undeveloped property located within the PUD property until such time as the area identified as "future storage units" on the Master Development Plan, Phase II, are built."

The Engineering Department has reviewed this application and subsequent PUD Amendment requests. They would not recommend allowing any undeveloped area to be used for outside storage unless it is paved. They would accept an alternative surface which would need to be two inch thick re-grind with chip seal over the top. Furthermore, any unpaved portion of the property will need to have a substantial barrier delineating the developed and undeveloped areas in order to discourage the use of the undeveloped property. Substantial barriers which are acceptable would be fencing, bumper blocks, jersey barriers, or another material or object acceptable to the Engineering Department.

The Planning and Zoning Commission held a public hearing on this request and unanimously recommended approval of the request subject to four 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 recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.

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4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

Staff concurs with the Commission's recommendation.

Discussion ensued on the following:

- Why do we require hard surfaces?
- To prevent drainage run off issues.,
- For general appearance.
- Open ended deferral agreement – no time limit for the paving requirement. Once buildings go up and they meet code then the deferral goes away
- Comparison with other storage facilities
- P & Z or Council review should be put in place to review every 2 to 3 years.
- Changes being proposed are opposite of the conditions that are in place.
- Code allows 3 year deferral.
- Original deferral did not comply?
- This is undeveloped area that was not on original plans

Open Hearing: 6:39 PM

Mike Jones, 807 Greenwood Circle, Twin Falls with the help of visual aids explained that he owns property adjacent to the Muni Storage Facility. He stated that it is an eye sore. It has junk cars, boats; it is nothing but gravel, dirt and weeds. He said it looks more like a salvage yard and the fence is not adequate.

Floyd Miller, Jr. sent a letter to the Council expressing his concerns.

Applicant Gregg Olsen explained that he was advised by City Staff to not put a time limit on the development. He went on to explain that the paving is to keep mud off the public roads. He said that once the buildings are completed the RV parking/storage will go away. The required slats in the fence along Welch Lane were met; however, he would not have a problem installing slats on the back. He explained that he has met all the requirements for water retention.

Council discussion ensued on the following:

- The required slats in the fence are in place.
- Explanation on how the drainage works.
- The U-Haul operation has been in place since December 2012.
- PUD was not signed.
- Screening issue - fencing requirements were met.
- Time frame for the building to go up could be as short as 2 to 3 years or could be as long as 7 years.
- Is boat and RV parking separate use than vehicle parking? Could be called a same use.
- Paving will be done when buildings are built.
- Weeds need to be taken care of.
- Time limitations – Section 4-E- 5 one year application.
- Is there an issue with Staff not following up? - Both sides are at fault.
- Concerns of history of non-compliance.
- Would like to put a 3 year time frame on it.

Public Hearing Closed 7:15 PM

MOTION:

Councilperson Talkington made the motion for an amendment to the Muni Storage Facility C-1 PUD Agreement 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive Subject to the following conditions:

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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 recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.
5. The Applicant slat the fence along the back of the property within 6 months.
6. To continue use of non-pavement for 3 years subject to Council review at that time.

The motion was seconded by Councilperson Mills-Sojka.

A discussion ensued on clarification of the motion. Some of the Council members felt that the last condition directly conflicted with 2nd, 3rd, and 4th conditions and so the motion was unclear.

Amendment:

Councilperson Mills-Sojka made the motion for an amendment to add a time limit not to exceed 3 years to recommendations 2 & 3. The motion was seconded by Councilperson Talkington and roll call vote was as follows: Those voting against were Barigar, Hall, Hawkins and Munn. Those voting in favor were Lanting, Mills-Sojka and Talkington. The motion failed. Failed 4-3

Roll call vote on the main motion showed Barigar, Hall, Hawkins, Lanting and Munn voting against and Mills Sojka and Talkington voting for. The motion failed. Failed 5 to 2

Councilperson Barigar made the motion for an amendment to the Muni Storage Facility C-1 PUD Agreement 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive 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 recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

The motion was seconded by Councilperson Hawkins.

Amendment:

Vice Mayor Hall made the motion to amend the motion to place slats in the fencing on the back side. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Roll call vote on the main motion as amended was as follows: Those voting in favor were Barigar, Hawkins, Mills Sojka, and Talkington. Those voting against were Hall, Munn and Lanting. Approved 4-3

V. ADJOURNMENT:

Meeting adjourned at 7:40 PM

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Sharon Bryan
Recording Secretary/Deputy City Clerk