

COUNCIL MEMBERS:

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



AGENDA
Meeting of the Twin Falls City Council
Monday, July 28, 2014
City Council Chambers
305 3rd Avenue East -Twin Falls, Idaho

| | | |
|--|--------------------------------|-------------------------------------|
| 5:00 P.M. | | |
| PLEDGE OF ALLEGIANCE TO THE FLAG CONFIRMATION OF QUORUM CONSIDERATION OF THE AMENDMENTS TO THE AGENDA PROCLAMATION: Senior Appreciation Month – August 2014 <i>(Jeanette Roe, Twin Falls Senior Center)</i> | | |
| GENERAL PUBLIC INPUT | | |
| AGENDA ITEMS | | |
| I. <u>CONSENT CALENDAR:</u> | Purpose: | By: |
| 1. Consideration of a request to approve the Accounts Payable for July 22-28, 2015, total: \$493,087.89. | Action | Sharon Bryan |
| 2. Consideration of a request to approve the 2014 MDA Fill the Boot campaign on August 8, 2014, at the intersection of Addison Avenue East and Locust. | Action | Edward Morris, Fire Fighters Assoc. |
| II. <u>ITEMS FOR CONSIDERATION:</u> | Purpose: | By: |
| 1. Consideration of a request to accept right of way for the Cheney Drive Project, Key 11495 and authorize the Mayor to sign the Right-of-Way Certificate. | Action | Jacqueline Fields |
| 2. Consideration of a request to begin discussions and possible negotiations in partnership with the College of Southern Idaho for the possible acquisition of real property owned by the Idaho Department of Water Resources. | Discussion/ Possible Action | Travis Rothweiler |
| 3. A brief recap of the City Manager's Recommended Budget for FY 2015. | Presentation | Travis Rothweiler Lorie Race |
| 4. Public input and/or items from the City Manager and City Council. | | |
| III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u> | | |
| IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. | | |
| 1. Consideration of an appeal regarding the Planning and Zoning Commission's decision on June 10, 2014, to approve a Special Use Permit to allow for a 24 Hour Gasoline Service Station with a drive through window on 2.7(+/-) acres located at the north east corner of Meadowview Lane and Kimberly Road. | PH/Action | Gary Asher /Appellant |
| V. <u>ADJOURNMENT:</u> | | |
| 1. 67-2345(1)(c) EXECUTIVE SESSION to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. | | |

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

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

ABSENT: None

STAFF

PRESENT: City Manager Travis Rothweiler, Chief Finance Officer Lorie Race, City Attorney Fritz Wonderlich, City Engineer Jacqueline Fields, Zoning and Development Manager Renee Carraway, Deputy City Clerk/Recording Secretary Leila A. Sanchez

5:00 P.M.

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

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATION: Senior Appreciation Month – August 2014, (Jeanette Roe, Twin Falls Senior Center)

Mayor Hall read the proclamation and presented it to Jeanette Roe. Jeanette Roe stated that volunteer drivers are needed to deliver meals to seniors in the area and may contact her office at 208 734-5084.

GENERAL PUBLIC INPUT: None

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the Accounts Payable for July 22-28, 2015, total: \$493,087.89.
2. Consideration of a request to approve the 2014 MDA Fill the Boot campaign on August 8, 2014, at the intersection of Addison Avenue East and Locust.

MOTION:

Councilmember Lanting moved to approve the Consent Calendar. The motion was seconded by Councilmember Munn. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

City Attorney Wonderlich clarified that in his opinion employees of the College of Southern Idaho do not have a conflict of interest concerning Items for Consideration 1. and 2.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to accept right of way for the Cheney Drive Project, Key 11495 and authorize the Mayor to sign the Right-of-Way Certificate.

City Engineer Fields explained the request. The Cheney Drive project is a new roadway that extends from the signal on Cheney Drive and Washington Street North to just east of the Perrine Coulee on North College Drive. This is a federally funded project. The roadway to be built on this project is on three properties currently owned by the College of Southern Idaho. The two parcels to the north, owned by KLS&M Family Limited Partnership and BCM&W Family Limited Partnership, are necessary to provide for the construction of the roadway to the property line. The warranty comprises the total right of way necessary to construct the project.

Staff recommends the Council accept the rights-of-way and authorize the Mayor to sign the right of way certificate.

MOTION:

Councilmember Talkington moved to accept right of way for the Cheney Drive Project, Key 11495 and authorize the Mayor to sign the Right-of-Way Certificate as presented. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request to begin discussions and possible negotiations in partnership with the College of Southern Idaho for the possible acquisition of real property owned by the Idaho Department of Water Resources. (IDWR)

City Manager Rothweiler explained the request.

Staff would like to determine the Council's interest in negotiating for a possible land transaction for properties owned by the Idaho Water Resource Board (IDWRB). Brian Patton will give a brief presentation on the Pristine Springs Complex.

The point of the conversation is to see if this merits spending staff time to negotiate an agreement for the acquisition of property. Dr. Jeff Fox and Mike Mason, the College of Southern Idaho, are here to express any interest they may or may not have in the acquisition of this parcel.

Vince Alberdi, member of the Idaho Water Resource Board, explained that the IDWRB is interested in selling the Pristine Springs complex.

Brian Patton, Chief Administrator, gave the following presentation:

In 2008 and 2009, the City of Twin Falls partnered with the Idaho Department of Water Resources, the North Snake and Magic Valley Ground Water Districts to acquire Pristine Springs and Sunnybrook Springs complex.

The Pristine Springs complex contains a total of 400 acres:

- with 25.3 subordinated water rights from Alpheus Creek, and Sunnybrook Springs
- Hydropower plant with geothermal water rights
- 200 irrigated acres and facilities to support agricultural operations
- A fish hatchery with a NPDES nutrient allocation

Because the primary purpose for the acquisition has been satisfied, the Idaho Department of Water Resources is looking to sell this asset and has approached the City of Twin Falls to gauge its interests. The Department's original share of the acquisition was \$5 million. However, recent appraisals completed on behalf of other entities indicated the current market value may be less.

The College of Southern Idaho has expressed an interest in exploring opportunities with the geothermal water rights.

Council discussion followed.

Councilmember Lanting asked if there is a place to build a pumping station.

City Manager Rothweiler stated the City is not looking at this from a water interest standpoint but more of a recreational and open space opportunity to expand the City's property from 600 acres to 1,000 acres. It may be possible that the NPDES permit that was originally connected to the fish hatchery may have some value to the City by lifting and moving credits to the waste water treatment plant.

Councilmember Mills Sojka asked what benefits the City would receive from acquiring Pristine Springs for \$5,000,000.

City Manager Rothweiler stated the City has not done a cost benefit analysis. The request is to ask Council if this is something they would like to investigate more fully to go forward with. As Mr. Patton shared, the Water Resource Board and the State initially invested \$5,000,000, but appraisals reflect a value less than \$5,000,000.

Councilmember Mills Sojka stated that a new City Hall and facilities are a more pressing need than the purchase.

Councilmember Talkington stated the TMDL litigation is a significant issue and one that could impact the ability to discharge into the Snake River. On the consumptive use, the subordination is a legal way to raise the first in time, first of right. He asked if this is supportive in case law in Idaho. Brian Patton stated that subordination is well recognized when the parties agree to do so.

Mike Mason, Vice President of Administration for CSI, explained their interest in Pristine Springs is associated with the campus buildings heated with geothermal water. He does not anticipate the college utilizing the property for college use.

Councilmember Lanting stated that he would like to explore further on the NPDES permit and partner with CSI for geothermal water generation process.

City Manager Rothweiler explained possible revenue sources with the purchase of the property.

Mayor Hall stated he would like to explore the idea of sustaining more parkland and recreational activities and establishing a partnership with CSI.

Vice Mayor Hawkins and Councilmember Munn are in favor of moving forward on Pristine Springs discussions.

Councilmember Barigar stated there are unique opportunities with the discharge in the river and establishing additional partnerships.

City Manager Rothweiler stated that staff will engage in a formalized conversation and will report back to the Council.

3. A brief recap of the City Manager's Recommended Budget for FY 2015.

City Manager Rothweiler gave a budget overview using a PowerPoint presentation. He discussed the following:

- In FY 2015, the recommended net budget is \$57,082,189, or a 7.8% increase.
- The government funds have increased 6.65%.
 - 3 new positions
 - Pay adjustments
 - Health ins – 7.72%
 - Increase in contract for legal

- Comp plan update
- The enterprise funds have increased 9.55%.
- 2 new positions
- Pay adjustments
- Health ins. – 7.72%
- Use of impact fees to fund approved caps.
- CSI Student Safety Initiative
- Dierkes stair project
- Improvements at the Shop

On August 18, 2014, the Council will be asked to set the maximum total expenditure for the upcoming 2015 Fiscal Year.

On August 4, 2014, a Public Hearing will be held to ask the Council to consider approving the New Fee Schedule for Joslin Field, Magic Valley Regional Airport and increasing Impact Fee Rates.

Councilmember Talkington stated that at last week's Council meeting he asked the Council to consider reducing the arsenic levy on taxpayers as it was done last year. After meeting with Lorie Race and Travis Rothweiler, the next opportunity to readjust the rate will be in two years depending on population growth.

Councilmember Talkington stated that after the budget is set he would strongly support discussing with PSI readjusting garbage pickup. The City of Twin Falls is the only municipality in PSI's Southern Idaho jurisdiction that allows unlimited amount of garbage dumping. He is interested in working with PSI to establish a pay to dump price and to discuss a single small can user rate.

Discussion followed.

Councilmember Lanting stated there will be unintended consequences of a fee base to dump. Communities have found that trash and grass are dumped in vacant lots and in yards.

Roberta L. Reynolds and Marilyn E. Stevens submitted a letter dated July 27, 2014. The letter was entered into the record and displayed on overhead projection regarding the budget. (Attached) City Manager Rothweiler encouraged public input and stated that the budget has evolved since the printing of the Times News article of June 10, 2014. All budget information can be found on the city's website at www.tfid.org.

Mayor Hall opened and closed the meeting for public input. No input taken.

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

Ron Yates, 444 Elm Street, asked if the City Council or current staff have any specific plans to install, replace, or repair curb, gutter and sidewalk within the following five areas of Twin Falls: Twin Falls Town site, South Park, president streets, east of Blue Lakes described as a section west of Locust Street, north of Kimberly Road and South of 9th Avenue East and a smaller section east of Locust described as west of Madrona, north of Kimberly Road and south of Harmon Park.

City Manager Rothweiler explained that generally curbs, gutters and sidewalks, in accordance of City Code, are the responsibility of the individual property owners. Conversation has been made on how to advance and cause construction to occur with upwards of 17,000 units in a community. The citizen survey shows that this is an area of concern in the community in terms of maintenance of the sidewalks and the position in which several sidewalks in the community find themselves.

Discussion followed.

Councilmember Talkington stated that neighbors in the specific areas can form a local improvement district. This would be initiated by the neighbors and can be imposed by the City.

Mayor Hall stated that there are areas where sidewalk, curb, and gutters are deteriorating or don't exist.

Ron Yates stated he is looking for solutions. To pursue an LID in South Park would be difficult. Jacqueline Fields explained improvements in the area would be at a cost of approximately \$2,000,000. Mr. Yates suggested that deferral agreements be called in, saying no to all future mandates, and the City share the expense with the property owners.

Discussion followed.

- Review and find ways to create partnerships
- Calling in deferrals
- Property owners participating in an LID
- How other communities are addressing curb, gutter, and sidewalks

Rundon Hall, 527 Second Avenue West, stated that at the intersection of Shoshone Street and Main Avenue the pedestrian crossing warning lights are not visible. He suggested placing a sign in the middle between the two lanes.

City Manager Rothweiler stated that on August 23, 2014, at 11:00 a.m., a ribbon cutting will be held for Baxter's Park.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Recess at 6:34 P.M.

Reconvene at 6:40 P.M.

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

1. Consideration of an appeal regarding the Planning and Zoning Commission's decision on June 10, 2014, to approve a Special Use Permit to allow for a 24 Hour Gasoline Service Station with a drive through window on 2.7(+/-) acres located at the north east corner of Meadowview Lane and Kimberly Road.

Gary Asher, Appellant, submitted a petition against Mr. Gas at Meadowview and Kimberly Road objecting to the location of the service station, hours, increased traffic to their neighborhood, and access in and off Kimberly Road to Meadowview Lane. This is not a use that is outright allowed by the commercial zone and allowed with a special use permit. The use is more intrusive than other allowed uses in the C-1 zone. The apartment should not be viewed as a buffer to residential. If the gas station is approved he requested a red light be placed at the stop sign with a left hand turn lane on Meadowview Lane onto Kimberly Road.

Jim Lynch, Applicant, explained that he does not see the apartment as a buffer zone, but as stated during the Planning and Zoning Commission hearing, the intent is to place trees. A truck stop will be built in Jerome and not at this location. The intent is to build a gas station convenience store with an RV facility. The drive-in window will be open Sunday through Thursday 6:00 a.m. to 10:00 p.m. and Friday through Saturday from 6:00 a.m. to 11:00 a.m. Diesel Trucks typically do not idle their trucks because of the expense of diesel gas. On overhead projection he showed the direction that vehicles will enter and exit the station. LED lighting will be placed underneath the canopy. On overhead projection he showed at their Blue Lakes location the daily average of customers and believes the numbers at the Kimberly Road location will be fewer. Kimberly Nurseries will be preparing a site plan and will be submitted to the City of Twin Falls.

Planner I Spendlove explained the request.

On June 10, 2014, the Commission granted a special use permit to construct and operate a 24-hour gas station/convenience store with a drive-through window on property located at the NE corner of Meadowview Lane and Kimberly Road subject to four (4) conditions.

On June 25, 2014, Mr. Gary Asher submitted a letter of appeal regarding the approval of the request.

As per TF City Code: 10-13-2.2 (J); Upon receipt of an appeal from the action of the commission, the council shall set a hearing date, under the same provisions as the commission hearing, to consider all information, testimony and the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission.

The request is for a special use permit to construct and operate a 24-hour gas station/convenience store with a drive-through window on undeveloped property located at the NE corner of Meadowview Lane and Kimberly Road.

The following is the analysis provided to the Commission at the June 10, 2014, public hearing:

"Per City Code 10-4-8.2(B)-6a, 10g & 10j: A gasoline service station, a 24 hr. retail operation, and a drive thru, are all required to obtain a Special Use Permit prior to being established in the C-1 (Commercial Highway) Zoning District.

Per City Code 10-7-6 Street Setbacks: Any building located along this stretch of Kimberly Road will need to follow a Center Line Setback set forth in the code. On this section of Kimberly Road, the Centerline Setback is 93'. The site plan submitted by the applicant appears to meet this requirement; however, this setback will be officially reviewed at the time of building permit submittal.

Per City Code 10-7-12 Gateway Arterial Landscaping: This stretch of Kimberly Road is a Gateway arterial. There will be a required 30 foot wide landscape strip along the Kimberly Road frontage. This landscaping will be required to follow all applicable standards for numbers of trees and bushes. This requirement will be assessed at the time of building permit submittal.

Per City Code 10-10 Off Street Parking: The parking requirement for this type of use will be assessed at a rate of one parking space for every three hundred square feet (1:300). The site plan provided by the applicant shows a building footprint of approximately 7,500 square feet. The number of parking spaces shown on this site plan meets or exceeds the amount required. The official count and assessment will be performed at the time of building permit submittal.

Per City Code 10-11-1 thru 8 required Improvements: All improvements required under this code section will be reviewed at the time of building permit submittal. The required improvements outlined in city code include landscaping, screening, parking, streets, and utilities. Some of these improvements have been addressed on the site plan; others will be reviewed at the time of building permit approval.

The lot in question was part of a larger parcel that was split sometime in 2008. This split by a previous owner was done without recognition by the City as a legal lot. As a consequence, this lot may need to be platted prior to approval of any development occurring on this lot. Further review by city staff will determine if required.

Possible Impacts:

The impacts of this gasoline service station will generally include an increase in customer traffic to the immediate streets in the area, light intrusion on surrounding properties, deliveries by larger trucks, a 24 hour operation for the store, and an increase in noise disturbance to neighboring properties.

The increase of traffic to the area should be kept to a minimum given the location of the property along Kimberly Road which is a major arterial in Twin Falls. It is safe to assume the majority of traffic will enter and exit onto Kimberly Road thus diminishing the negative impacts of the customer and truck traffic on the surrounding area.

The possibility of light intrusion on neighboring properties is something that can be a negative impact on neighboring properties. City Code currently requires all lighting to be downward facing in order to help mitigate the light intrusion. The City always encourages new businesses to be open to neighboring properties' complaints about light intrusion. If a problem arises the City has a process to get the situation rectified if needed.

The drive thru and 24 hour operation could produce an increase in noise for neighboring property owners. Current City Code requires screening between commercial and residential properties. This can be accomplished in a variety of ways; the minimum standard of screening will be required and reviewed at the time of building permit submittal. The commission may require more than the minimum standard outlined in the code if it finds that the proposed development will have greater impacts on the neighboring properties than the minimum standard will mitigate. The applicant has attempted to address this issue by showing a landscape strip on the north side of the property that shows multiple trees.

At the conclusion of their deliberations, Commissioner Derricott made a motion to approve the request, as presented, subject to compliance with four (4) conditions. Commissioner Reid seconded the motion. The Motion was unanimously approved.

UNANIMOUSLY APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to final determination, whether the property requires platting prior to development.
3. Subject to access location on adjacent roadways being approved by City Staff and the Idaho Transportation Department.
4. If ITD allows Kimberly Road access the applicant shall provide a right turn deceleration lane.

As per TF City Code: 10-13-2.2 (J); Upon receipt of an appeal from the action of the commission, the council shall set a hearing date, under the same provisions as the commission hearing, to consider all information, testimony and the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission.

A motion shall be made in the affirmative and may be subject to specific conditions. The Council decision shall be to uphold, conditionally uphold or overrule the decision of the Commission. The decision shall be by simple majority vote.

Council discussion followed:

- Car Wash
- Communication system
- LED lighting

Planner I Spendlove stated that the apartments are an allowed use in a C-1 Zone because of the magnitude and size of the development.

Jim Lynch stated that there will not be a car wash. A communication system entails an intercom to the cashier at the pumps. At this location at the pumps there will be televisions, which will shut off at 10:00 p.m. He explained that LED lighting will be used.

- Open house
- Landscaping the northside that abuts to residential to mitigate lights, glare and noise
- Speed limit on Kimberly Road
- Traffic behaviors
- Left turn lane on Meadowview Lane
- Chevron Station egress and ingress
- Meadowview intersection and potential of a traffic light

Jim Lynch stated that he has not met with the surrounding neighbors but will have an open house if the request is approved. He showed on overhead projection lighting and berm area. Kimberly Nurseries will have the landscaping plan in the next three weeks.

City Engineer Fields stated that the speed limit on the highway is 45 mph and it is highly unlikely that at the intersection of Meadowview Lane and Kimberly Road vehicles would exit right from the parking lot and head north on Meadowview Lane, turn right on 4th Avenue, and come down Hankins Road to get to a stop light. Meadowview Lane was built as a collector and at this time does not know the possibility of a left turn lane. The City has not received complaints of vehicles entering and exiting the Chevron on Kimberly Road. Chevron's ingress and egress is from the State Highway. The gas station being discussed has ingress and egress from Meadowview Lane. ITD has not yet issued their permit. The City could, for the time being, not allow ingress and egress from Meadowview Lane, but believes this could be very challenging for the permitting process. All signals, regardless of where they are, are supposed to make a warrant before they can be installed. On the State highway, ITD will require a Traffic Impact Study. In her opinion the volumes and the delays on Meadowview do not warrant a signal.

- Entrance only off Kimberly Road
- Possible consequence of ITD not approving the permit

Mr. Lynch said this is not designed to be a one way. There is a turn lane in front of the property. He cannot say whether the State of Idaho will allow moving the driveway away from the intersection into a turn lane.

City Engineer Fields stated that ITD has a permitting process for driveways on Highway 30, Kimberly Road. If ITD denies the permit circulation in and out of the gas station will change. It is difficult to determine what may happen on Meadowview without knowing where the driveways are placed.

Planner I Spendlove referred to the Planning & Zoning Commission conditions: 3. If ITD allows Kimberly Road access the applicant shall provide a right turn deceleration lane and 4. Subject to access location on adjacent roadways being approved by City Staff and the Idaho Transportation Department.

City Engineer Fields stated that ITD does not have jurisdiction on Meadowview Lane. Mr. Lynch's approach will need to be approved in some form by ITD as a condition of having a permit.

- Frontage of property
- Shared access

Mr. Lynch stated the length of the frontage is 277 feet. He understands from a third party that the corner property will eventually be sold and divided into two to three parcels and the only access to the three parcels is through a community entrance. The ITD permit was filed approximately eight weeks ago and the check was cashed two days ago.

Mayor Hall opened the public testimony portion of the hearing.

Bobby Latham, 156 Meadowview Lane, spoke in favor of the request.

Alex Tubbs, 276 Joellen Drive, spoke against the request. He stated his concern of having a convenience store close to the apartment complex with approximately 100 children or less who live in the apartment complex. The stoplight was placed at Hankins and Kimberly Road because of numerous accidents.

Josh Wiggins, 245 Meadowview Lane, spoke against the request. He stated his concern of vehicles travelling 45 mph down on the Meadowview Lane curve, trucks idling, significant amount of children in the area, and bright lights.

Ron Yates spoke in favor of the request. The area was zoned in 1970 for commercial purposes and the Comprehensive Plan discussion was made to encourage future developers to include uses like this within their subdivisions.

Steve Vosser, 2828 Deaun Avenue, stated that there are a significant number of speeding vehicles on Meadowview Lane.

Rebuttal:

Gary Asher stated traffic will increase on 4th and Meadowview Lane.

Mr. Lynch stated the goal is to wait on people who normally come down Kimberly Road, get gas, and go. He stated children will come onto the property but he will do everything he can to make sure the children are safe. He does not want to add additional traffic and will post left turn only out of the gas station's driveway.

Planner I Spendlove explained that as per TF City Code: 10-13-2.2 (J); Upon receipt of an appeal from the action of the commission, the council shall set a hearing date, under the same provisions as the commission hearing, to consider all information, testimony and the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission. A motion shall be made in the affirmative and may be subject to specific conditions

Mayor Hall closed the public testimony portion of the hearing.

MOTION:

Councilmember Lanting moved to uphold the Planning and Zoning Commission's ruling including their conditions. The motion was seconded by Councilmember Talkington.

Councilmember Talkington stated the fact that the applicant has willingly and by his past experience provided mitigation for the apartments occupying the north border specifically including the berming, the trees, shield of lighting, and most of the traffic is going to go on Kimberly Road, he does not believe there will additional traffic. He is weighing in favor of the applicant but the burden of proof, if it is approved, the applicant to show good will following through and getting substantial trees including some conifers that provide substantial shielding.

Councilmember Mills Sojka stated that the citizens have a good point on traffic impacts and that is one of the criteria that we should weigh in considering the SUP. As the Planning & Zoning Commission noted there are three items that qualify for SUP. They are a 24 hour operation, drive through, and service station. Considering those three special uses they are not outright permitted in commercial and it is up to the Council to decide whether it is a good fit for the neighbors and how it will impact the neighbors. Her concern is the direction of traffic and the headlights that will be coming 24 hours a day in the direction of apartments and houses. More than one member of the Planning & Zoning Commission felt they needed more information. She would like to see a detailed landscape mitigation plan showing trees and berming and ITD's approval or denial of the request. Though the apartments are zoned C-1 it matters what the use was and currently they are being used as residential. She does not see the use compatible with the neighborhood. She is reminded of the hearings regarding a proposed service station on the corner of Addison and Eastland. It was not a good fit for the neighbors and in the end they have a development that is a better fit that went through a more specific process. The applicant reached out to the neighbors and conducted open houses throughout the process and was able to mitigate the issues with specific promises and plans that were followed through on. Her only concern is that she does not have any specifics to hold the applicant to as far as mitigating light or glare. She would like the Council to require a decision by ITD first and a more specific landscape planning on the north side that impacts the residential right next to it.

Councilmember Barigar stated that in looking at the area commercial development will abut to residential; otherwise everything would be on Blue Lakes and everything else in town would be residential subdivisions. He is inclined to support the commercial development because it always has been a highway. He believes the transition from apartments to single family residents does create a buffer. Mr. Lynch spoke on landscape buffering, limiting access points, and creating a natural flow of traffic. This development will make improvements to the roadway that is currently not built out to width to the highway. He asked Mr. Lynch to reach out to the neighbors sooner rather than later.

Councilmember Lanting stated that if the request was to rezone to C-1 he would say no. It was C-1 since the 70's so the houses, apartments and buildings made a choice to build that distance from the C1 property. The request that was denied for the zoning change on the corner of Addison and Eastland was for residential to commercial.

Mayor Hall stated it is incumbent on Mr. Lynch to mitigate the lighting and landscaping buffer. The property is in a C-1 zone and Meadowview Lane is a collector street which vehicles use to get to other locations.

Vice Mayor Hawkins explained the benefits of a convenience store in the area. Kimberly Road is a state highway and will have commercial development. She sees this more of a positive than a negative to the neighborhood.

Councilmember Mills Sojka stated that C-1 makes sense and it fits in with the Comp Plan and it should be commercial, but there are various types of commercial. The SUP public hearing is to receive public input from the neighbors to discuss how they may be impacted by the development

MOTION:

Councilmember Mills Sojka made an amendment to the main motion that hours of operation are from 7:00 a.m. to 10:00 p.m., not 24 hours.

Councilmember Talkington stated that he worked for a C Store 7-11 Franchise on north Blue Lakes. He was required to keep it open 24 hours a day. A survey showed there are virtually no customers. There were 3 or 4 months a year where there would be hours between customers. The lights were left on often even when businesses are closed. 24 hours does not make much of a difference between 16 or 18 hours a day if those other mitigating factors are taking place. It may be possible if the limitation is approved on hours, people would be pulling in there to rest their RV, lights will be on, and night owls would not be able to get their cup of coffee.

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

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

V. ADJOURNMENT:

1. 67-2345(1) (c) EXECUTIVE SESSION to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

MOTION:

Councilmember Lanting so moved to adjourn to 67-2345(1) (c) Executive Session. The motion was seconded by Councilmember Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Adjourned at 8:15 p.m.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

Petition Against Mr. Gas at Meadowview and Kimberly Road

We the undersigned are signing this petition to document our objection to Planning and Zoning's approval of the special use permit granted for a 24 hour gas station with drive-thru. We feel that our neighborhood is very much a residential neighborhood and are against this for the following reasons:

- The increased traffic to our neighborhood
- Increased noise associated with a 24 hour gas station and drive-thru coffee shop
- Increased light pollution from 24 hour operation

RECEIVED
JUL 28 2014
CITY OF TWIN FALLS
PLANNING & ZONING

| | | | |
|-------|-------------------------|----------|-------------------------------|
| Name: | <u>Sejowl Zuker</u> | Address: | <u>255 Meadowview near LD</u> |
| Name: | <u>[Signature]</u> | Address: | <u>245 Meadowview Ln</u> |
| Name: | <u>Th Wigg</u> | Address: | <u>245 Meadowview Ln</u> |
| Name: | <u>Chris Greene</u> | Address: | <u>267 Meadowview Lane</u> |
| Name: | <u>Jerom Benson</u> | Address: | <u>279 Meadowview lane</u> |
| Name: | <u>Chery Benson</u> | Address: | <u>279 Meadowview lane</u> |
| Name: | <u>Marguis Benson</u> | Address: | <u>279 Meadowview lane</u> |
| Name: | <u>Mekaela Benson</u> | Address: | <u>279 Meadowview lane</u> |
| Name: | <u>JAMES P. SURESE</u> | Address: | <u>307 MEADOWVIEW AVE</u> |
| Name: | <u>Eldar Kerimov</u> | Address: | <u>306 Meadowview L-H.</u> |
| Name: | <u>Edmond CSATOS</u> | Address: | <u>342 Meadowview Ln.</u> |
| Name: | <u>Claudia Csatos</u> | Address: | <u>— " — " — "</u> |
| Name: | <u>maria Lopez</u> | Address: | <u>414 Meadowview Ln</u> |
| Name: | <u>Anna Spegolo</u> | Address: | <u>421 Meadowview</u> |
| Name: | <u>Maria Torbert</u> | Address: | <u>431 Meadowview Lane</u> |
| Name: | <u>Pam Hoover</u> | Address: | <u>402 Meadowview Ln</u> |
| Name: | <u>Kerry Regan</u> | Address: | <u>402 Meadowview Ln.</u> |
| Name: | <u>Neriah</u> | Address: | <u>460 Meadowview Ln</u> |
| Name: | <u>[Signature]</u> | Address: | <u>460 MEADOWVIEW LN</u> |
| Name: | <u>[Signature]</u> | Address: | <u>317 Jeannie Way</u> |
| Name: | <u>Robert Duff</u> | Address: | <u>" "</u> |
| Name: | <u>[Signature]</u> | Address: | <u>337 Jeannie Way</u> |
| Name: | <u>Jessimal Dullard</u> | Address: | <u>357 Jeannie Way</u> |
| Name: | <u>[Signature]</u> | Address: | <u>395 Jeannie Way</u> |
| Name: | <u>[Signature]</u> | Address: | <u>365 Jeannie Way</u> |

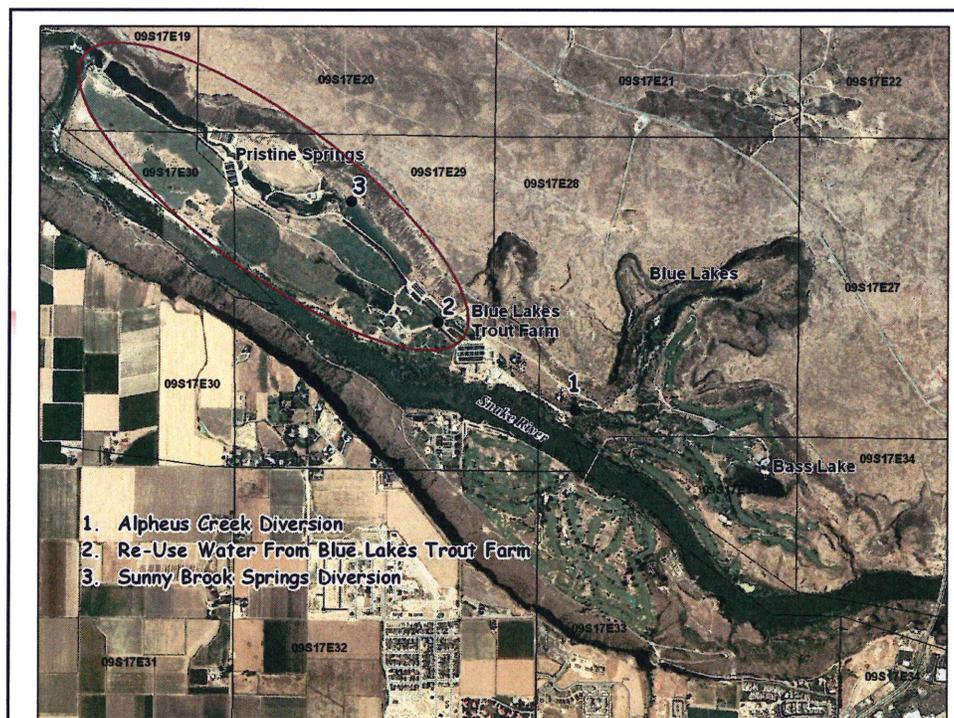
IDAHO
Water Resource Board



Pristine Springs Background

Twin Falls City Council

July 28, 2014
Twin falls, Idaho

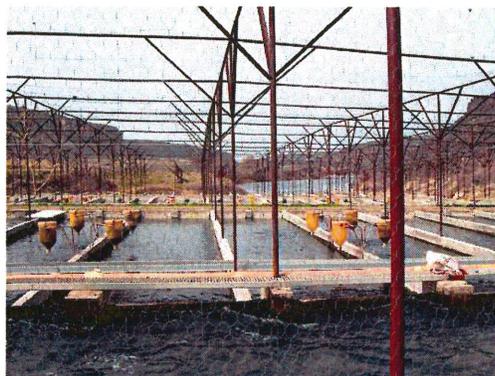


DESCRIPTION OF LAND AND WATER RIGHTS PRIOR TO 2008 PURCHASE BY IDAHO WATER RESOURCE BOARD

- 400 acres
- 25.3 cfs fresh water from Alpheus Creek
- 215 cfs reuse water from Alpheus Creek (through Blue Lakes Trout)
- 61.9 cfs fresh water from Sunnybrook Springs
- 4.5 cfs/7 cfs geothermal groundwater
- 748 af storage right for pond
- 240 cfs hydropower



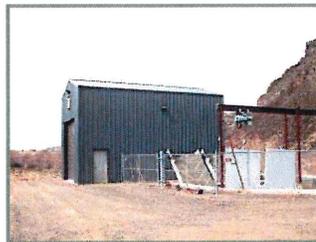
DESCRIPTION OF HATCHERY – PRIOR TO 2008 PURCHASE



- 175 cfs flows through upper raceways
- 195 cfs flows through lower raceways

Hydropower

- 125 KW –
900,000 KWH
annual generation
- 200 KW
1,400,000 KWH
annual generation



Farm Facilities

- Approximately
200 irrigated
acres
- Facilities for
cattle ranching





Partners in 2008 Purchase

- North Snake and Magic Valley Ground Water Districts contributed \$11 million for right to use 10 cfs of the 25.3 cfs Alpheus Creek water right to meet Blue Lakes Trout Farm delivery call
- City of Twin Falls contributed \$10 million
 - Subordination of remainder of 25.3 cfs Alpheus Creek water right to City's rights from same source – provides City 15.3 CFS
 - First right to use Sunnybrook Springs water



Financing for 2008 Purchase

- \$5 million from IWRB
- \$11 million from Ground Water Districts
 - \$1 million up front
 - \$10 million loaned to Districts by IWRB
- \$10 million from City of Twin Falls (IWRB carried short term note – paid off w/in 1 year)
- IWRB retained assets not sold to City or Ground Water Districts



Cash Flows

- Loan repayment from North Snake and Magic Valley Ground Water Districts
 - IWRB has received 3 annual payments of about \$1,232,900 and 2 annual payment of \$716,000
 - These funds have been made available for aquifer monitoring, measurement, & modeling
 - 13 more scheduled payments of \$716,000/year



Rent and Hydropower Cash Flows to Date

- Rental Income: \$300,000/year through 2012
 - Seapac terminated lease
- Hydropower sales: \$110,000/year
 - O&M agreement pays 25% of gross generation
 - Current power sales agreements with Idaho Power run through 2015 – have started renewal
- Farm facilities leased out - \$20,000/year
- These revenues have gone to a project reserve fund (approx \$1 M)



Operational Changes Since Purchase

- Fresh water diverted from Alpheus Creek to Pristine Springs reduced from 25 cfs to 15 cfs
- 10 cfs from Alpheus Creek delivered to Blue Lakes Trout by ground water districts – comes back to Pristine Springs as re-use water
- Reduced geothermal water use from 7 cfs to 4.5 cfs – improved artesian pressure in geothermal aquifer
- Anticipate further reductions in Alpheus Creek deliveries as City grows
- Alpheus Creek Pipeline replaced in cooperation with Ground Water Districts & Blue Lakes Trout



Outcomes of Purchase

- North Snake and Magic Valley GWD's gained access to water to meet delivery call obligations
- City of Twin Falls gained access to water supplies for future growth and water quality issues
- Resolved pending TMDL litigation
- Reduced use from geothermal aquifer and increased artesian pressures



Outcomes of Purchase

- IWRB has accomplished its goals with project
- Remaining assets were intended to be leveraged to address other delivery calls and water problems
- Since purchase, IWRB has been realizing income stream of \$360,000/year-to-\$100,000/year (rent and power)



Recent Activities

- Discussions with various parties about purchase or lease of facility
- Vince Alberdi is lead for IWRB
- CSI interested in purchasing geothermal facilities
- Preliminary discussions with City of Twin Falls

QUESTIONS?

