

COUNCIL MEMBERS:

LANCE CLOW	TRIP CRAIG	DON HALL	DAVID E. JOHNSON	WILLIAM A. KEZELE	GREG LANTING	REBECCA MILLS SOJKA
<i>Mayor</i>				<i>Vice Mayor</i>		



Minutes
 Meeting of the Twin Falls City Council
June 6, 2011
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:00 P.M.
PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
INTRODUCTION OF STAFF
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
PROCLAMATIONS: None.

AGENDA ITEMS	Purpose	By:
CONSENT CALENDAR: 1. Consideration of accounts payable for May 24 – June 6 2011. 2. Consideration of the May 23, 2011, Council Minutes. 3. Consideration of the request for an extension of approval of the Final plat of Kelley Garden Subdivision, consisting of 6.35 (+/-) acres and 8 commercial lots on property located north and east of the intersection of Addison Avenue East and Eastland Drive North aka Kelley Garden Center, c/o Gerald Martens/EHM Engineers, Inc. on behalf of Richard Kelley. 4. Consideration of a request to approve an accessibility compliance transition plan for the City's development services building located at 324 Hansen Street East. 5. Consideration of requests for the following agreements: a. Curb, gutter, and sidewalk deferral agreement for improvements on property located at 686 Addison Avenue c/o Stan and Diane Hays. b. Multi-year improvement deferral agreement for improvements on property located at 686 Addison Avenue, c/o Stan and Diane Hays. c. Sidewalk deferral agreement for improvements on property located at 598 Rim View Drive, c/o Wade Bond. d. Curb-gutter, sidewalk, and driveway approach deferral agreement for improvements on property located at 236 Washington Street South care of Glanbia Foods, Inc. e. Curb-gutter, sidewalk & driveway approach on property located at 874 Maurice Street, c/o Carrie L. Hahn.	Action	Staff Report Sharon Bryan L. Sanchez Mitch Humble Mitch Humble Troy Vitek
II. ITEMS FOR CONSIDERATION: 1. Discussion of the Senior Citizens request to modify the existing lease with the City of Twin Falls. 2. Presentation by Donna Meyer, APWU Local 179, regarding an Area Mail Processing (AMP) feasibility study at the Twin Falls, ID, Customer Service Mail Processing Center. 3. Presentation of the five year forecasting model. 4. Public input and/or items from the City Manager and City Council.	Discussion Presentation Presentation	Travis Rothweiler Donna Meyer Lorie Race
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 P.M. 1. For an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum height of 28 feet – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio	Public Hearing	Mitch Humble

<p>Subdivisions – west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan, <u>c/o Gary Nelson on behalf of Canyon Properties, LLC.</u> (app.2448)</p> <p>2. Request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, <u>c/o Gary Nelson on behalf of Canyon Properties, LLC.</u> (app.2447)</p> <p>3. Request for a Zoning Title Amendment that would amend Twin Falls City Code 8-2-14(C), and 10-2-1; and by deleting Sections 10-4-1.3(I), 10-4-2.3(I), 10-4-4.3(I) 10-4-5.3(I), 10-4-6.3(I), 10-4-11.3(I), 10-4-12.3(I), 10-4-13.3(H), 10-4-15.3(), 10-4-18.3(H), 10-4-19.4(F), and 10-4-21.3(I) <u>c/o City of Twin Falls</u> (app.2449)</p>	Public Hearing	Mitch Humble
	Public Hearing	Mitch Humble
<p>V. ADJOURNMENT: to Executive Session 67-2345(1)(f) To consider and advise its legal representatives in pending litigation or where there is a general awareness of probable litigation.</p>		

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

Present: Lance Clow, Trip Craig, Don Hall, David E. Johnson, William Kezele, Gregory Lanting, Rebecca Mills Sojka

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Chief Finance Director Lorie Race, Community Development Director Mitch Humble, Deputy City Clerk Sharon Bryan

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present and Mayor Hall introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler made a request to add a consideration of approval of an Alcohol License Application for Aramark Education Services, LLC. Beer bottled for consumption off premise and wine by the drink for consumption off premises only.

Councilperson Johnson made the motion to add to the Consent Calendar the request by Aramark Education Services, LLC, and accept the Consent Calendar as amended. The motion was seconded by Councilperson Clow.

Councilperson Mills Sojka made a motion to pull from the Consent Calendar the consideration of approval of an Alcohol License Application for Aramark Education Services, LLC. Beer bottled for consumption off premise and wine by the drink for consumption off premises only.

Councilperson Johnson withdrew his motion as presented. Councilperson Clow approved the withdrawal.

MOTION:

Councilperson Clow made a motion to add to the Consent Calendar the consideration of approval of an Alcohol License Application for Aramark Education Services, LLC. Beer bottled for consumption off premise and wine by the drink for consumption off premises only. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for May 24 – June 6 2011, total: \$622,069.43;
Payroll 5-27-11, total: \$105,529.35;
Fire Payroll, total: \$48,888.85;
June 2, 2011, total:\$3,000;
Prepay total: June 6, 2011
2. Consideration of the May 23, 2011, Council Minutes.
3. Consideration of the request for an extension of approval of the Final plat of Kelley Garden Subdivision, consisting of 6.35 (+/-) acres and 8 commercial lots on property located north and east of the intersection of Addison Avenue East and Eastland Drive North aka Kelley Garden Center, c/o Gerald Marten/EHM Engineers, Inc. on behalf of Richard Kelley.
4. Consideration of a request to approve an accessibility compliance transition plan for the City's development services building located at 324 Hansen Street East.
5. Consideration of requests for the following agreements:
 - a. Curb, gutter, and sidewalk deferral agreement for improvements on property located at 686 Addison Avenue c/o Stan and Diane Haye.

- b. Multi-year improvement deferral agreement for improvements on property located at 686 Addison Avenue, c/o Stan and Diane Haye.
 - c. Sidewalk deferral agreement for improvements on property located at 598 Rim View Drive, c/o Wade Bond.
 - d. Curb-gutter, sidewalk, and driveway approach deferral agreement for improvements on property located at 236 Washington Street South care of Glanbia Foods, Inc.
 - e. Curb-gutter, sidewalk & driveway approach on property located at 874 Maurice Street, c/o Carrie L. Hahn.
6. Consideration of approval of an Alcohol License Application for Aramark Education Services, LLC. Beer bottled for consumption off premise and wine by the drink for consumption off premises only.

Councilperson Mills Sojka requested that Item 6. be taken off the Consent Calendar.

MOTION:

Councilperson Johnson made the motion to accept the Consent Calendar with the exception of Consent Calendar Item 6. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Discussion followed on the consideration of approval of an Alcohol License Application for Aramark Education Services, LLC. Beer bottled for consumption off premise and wine by the drink for consumption off premises only.

Councilperson Mills Sojka stated that the Board of Trustees voted no alcohol on the CSI premises and asked where Aramark Education Services LLC would be using the Alcohol License.

Deputy City Clerk Bryan stated that the Alcohol License would allow not allowed alcohol to be served on the CSI campus.

MOTION:

Vice Mayor Lanting made a motion to approve the Alcohol License (Beer and Wine) for Aramark Education Services LLC, for off premise. The motion was seconded by Councilperson Kezele.

Discussion followed.

Deputy City Clerk Bryan explained the request.

-Vendors are allowed on the CSI campus on July 4, 2011.

Roll call vote showed Councilpersons Hall, Johnson, Kezele, Lanting and Mills Sojka voted in favor of the motion. Councilpersons Clow and Craig voted against the motion. Approved 5 to 2.

II. ITEMS FOR CONSIDERATION:

1. Discussion of the Senior Citizens request to modify the existing lease with the City of Twin Falls.

City Manager Rothweiler reviewed the request to modify the existing lease with the City of Twin Falls.

Staff supports the Senior Citizens request to modify the existing lease. The building's primary use will remain and function as it was originally intended. The modification will allow the Senior Citizens Center to generate revenues. These revenues will allow the center to continue to offer low-cost services to those who patronize the building.

Diane Stevens, Executive Director of the Senior Citizen Center, asked for an addendum to modify the existing lease. She explained that they need to offset their expenses so if they could rent out their facilities this would help to meet expenses.

Vicki Davis, 145 Avenida Del Rio, spoke against the request. She explained that the pool room was closed so that the room could be rented out to make it a profit making endeavor. She explained that the Senior Center should be used for senior use only and not be changed into a community center. Budgetary problems could be due to past management.

Councilperson Kezele asked if Vicki Davis had any suggestions as how to help with the deficit. Vicki Davis stated they should bring in young, energetic activities leaders with ideas.

Councilperson Clow asked if a church service would jeopardize federal funding. City Attorney Wonderlich stated that church services would be allowed. Diane Stevens stated that the church is renting the room that was originally the snooker room and other areas in the center.

Councilperson Johnson asked about the ownership of Senior Citizen Center. City Attorney Wonderlich stated that the Center is a 501 3 C. The Board of Directors are elected for a two year term, and voted in by a congregated member of the Center. The Directors govern the Senior Citizen Center. The City does not have a governing body over the Center. The City has a lease with the Center.

Councilperson Mills Sojka asked if the Board is aware of the request presented to the Council. She also asked if the Board tried to accommodate the snooker players. Diane Stevens stated that the Center suggested moving the snooker table into another place in the Center but the players passed on the option. The Board of Director members were made aware of the addendum to the lease and those present at the meeting were in agreement with the request.

MOTION:

Councilperson Johnson moved to accept the modification to the lease proposal as presented. The motion was seconded by Councilperson Kezele.

AMENDMENT TO THE MOTION:

Councilperson Johnson moved to amend the lease to state that the majority of the hours of operation are to be dedicated to senior activities. The motion was seconded by Councilperson Kezele and roll call vote showed Councilpersons Hall and Rebecca Mills Sojka voted in favor of the motion. Councilpersons Clow, Craig, Johnson, Kezele, and Lanting voted against the motion. Failed 5 to 2.

Roll call vote on the main motion showed Councilpersons Hall, Johnson, Kezele and Mills Sojka voted in favor of the request. Councilpersons Clow, Craig and Lanting voted against the request. Approved 4 to 3.

2. Presentation by Donna Meyer, APWU Local 179, regarding an Area Mail Processing (AMP) feasibility study at the Twin Falls, ID, Customer Service Mail Processing Center.

Donna Meyer requested that the Council contact the state legislators to stop the move of the Post Office taking the mail to Boise. She explained the functions of the Post Office.

MOTION:

Vice Mayor Lanting made the motion to pass a Resolution (a letter) to support the local customer service mail processing center. The motion was seconded by Councilperson Craig.

Discussion followed:

- Impact of jobs.
- Councilperson Clow stated that he wrote a letter to the Manager of Consumer affairs.
- Donna Meyer stated that the Carriers Union is opposed to eliminating Saturday delivery. Congress mandates Saturday delivery.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Presentation of the five year forecasting model. Due to time restraints the meeting has been postponed for the June 13, 2011, Council Meeting.
4. Public input and/or items from the City Manager and City Council. None

Recess: 6:50 P.M.
Reconvene: 6:59 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. For an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum height of 28 feet – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2448)
2. Request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2447)

Tim Vawser, EHM Engineers, representing the applicant, reviewed the PUD Agreement request for Canyon Trails Subdivision #10 and the request for vacation of a PI easement. The request would allow for the following:

1. Allow for a building height of 28' measured from the highest point of the top of curb or future curb adjacent to the subject property in the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions.
2. Allow for a transitional care and physical rehabilitation facility within the 5000' buffer zones from the Los Lagos and Villa Del Rio Subdivisions.
3. Allow unlimited hours of operation for buildings constructed on Lots 24, 27, and 28, Block 13, Canyon Trails Subdivision No. 10.
4. Allow for a multi tenant sign to identify to the traffic off Pole Line Road and Parkwood Drive the business destinations backing off the public roads and getting them off the arterials and collectors quicker.

A pressurized irrigation easement was platted in between lots 27 and 28 and the proposal is to dedicate an easement on the north boundary and tie in on the western part as shown on overhead projection.

Discussion followed:

Vice Mayor Lanting stated that residents on Parkview are interested on when the street will be completed.

Tim Vawser stated that the completion of the street will be market driven. The purchase and sale of lot 24 closed on Friday.

Gary Nelson stated that one of the buildings will be owner/operated.

Community Development Director Humble explained that the request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2447).

On May 10, 2011 the Planning & Zoning Commission unanimously recommended approval, as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of a pressurized irrigation easement on the north 15' of Lot 27 and Lot 28, Block 13.
3. Subject to legal combination of Lot 27 and Lot 28, Block 13, should a building be constructed over the property line.

Community Development Director Humble explained the request for an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum height of 28' – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and

28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2448)

On May 10, 2011, the Planning & Zoning commission unanimously recommended approval as presented, subject to the following conditions:

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of canyon properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Subject to signage being permitted as approved or as per City Code §10-9, as amended, whichever is the more restrictive.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivision #10 be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

Staff concurs with the Commission's recommendation.

The public testimony portion of the hearing was opened and closed with no input.

Rebuttal:

Tim Vawser stated that he would like to add clarity on the sign plan. In the PUD agreement there is a 500' minimum spacing on Pole Line Road but the 500' on Pole Line is not much farther apart than the two entry roads on either side of Parkview. He requested to be allowed to revise the sign key to state minimum 500' spacing on Pole Line. He stated that it is very essential that the multi tenant signs line up with the driveways where their accesses are located.

Discussion followed.

Councilperson Johnson asked the modification for recommendation 3. state "signage being permitted as per City Code and as shown in sign plan in the PUD.

The public portion of the hearing was closed at 7:39 P.M.

MOTION:

Councilperson Johnson made the motion to approve the amendment to Canyon Properties PUD Agreement #229, to allow for a maximum height of 28 feet – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2448) as presented with the following conditions:

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Canyon Properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Signage being permitted as per City Code and as shown in sign plan in the PUD, with the 500 foot sign separation applying to signs on Pole Line Road only.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivision #10 be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

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

Councilperson Mills Sojka made the motion to approve the request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2447), as presented, with 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 dedication of a pressurized irrigation easement on the north 15' of Lot 27 and Lot 28, Block 13.
3. Subject to legal combination of Lot 27 and Lot 28, Block 13, should a building be constructed over the property line.

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

3. Request for a Zoning Title Amendment that would amend Twin Falls City Code 8-2-14(C), and 10-2-1; and by deleting Sections 10-4-1.3(I), 10-4-2.3(I), 10-4-4.3(I) 10-4-5.3(I), 10-4-6.3(I), 10-4-11.3(I), 10-4-12.3(I), 10-4-13.3(H), 10-4-15.3(), 10-4-18.3(H), 10-4-19.4(F), and 10-4-21.3(I) c/o City of Twin Falls (app.2449)

Community Development Director Humble reviewed the request.

On May 10, 2011, the Commission unanimously recommended approval as presented.

Staff concurs with the Commission's recommendation.

The public testimony portion of the hearing was opened and closed with no input.

Rebuttal: None.

The public hearing was closed.

MOTION:

Vice Mayor Lanting made the motion to suspend the rules and place Ordinance #3005, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS IDAHO

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO.

on third and final reading by title only. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Bryan read the ordinance title.

MOTION:

Councilperson Kezele made the motion to adopt Ordinance #3005 as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilperson Mills Sojka announced the Post Office will be having a meeting June 7, 2011 at CSI at 7:00 P.M.

- V. **ADJOURNMENT:** to Executive Session 67-2345(1)(f) To consider and advise its legal representatives in pending litigation or where there is a general awareness of probable litigation.

MOTION:

Councilperson Craig made the motion to adjourn to Executive Session as presented. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The meeting adjourned at 7:49 P.M.

Deputy City Clerk Sharon Bryan