

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**  
**Twin Falls City Council**  
**August 1, 2011**  
**City Council Chambers**  
**305 3<sup>rd</sup> 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:       None.**

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of accounts payable for July 26 – August 1, 2011. 2. Consideration of the July 18, 2011, Minutes. 3. Consideration of a request from Kyle Tarbet and the Twin Falls Area Chamber of Commerce to approve the 2 <sup>nd</sup> Annual Great Cardboard Boat Regatta to be held at Dierkes Lake and Park on August 20, 2011. 4. Consideration of the Final Plat of K & L Subdivision, 0.653 (+/-) acres consisting of three residential lots and located at 776 Sparks Street North, c/o EHM Engineers/Gerald Martens on behalf of LAD Enterprises. 5. Consideration of the final plat for Eastridge Condominium Association Subdivision – a portion of Eastridge Professional Subdivision – a PUD, consisting of two condominium units of an existing professional office building located at 1186 Eastridge Drive North, Lot 2, Block 2, Eastridge Professional Subdivision, a PUD, c/o John Root/All Point Land Surveying. 6. Consideration of a request to approve an Improvement Agreement for Settler's Ridge No. 2, Phase 4A. 7. Consideration of a request to accept a public easement located in Lots 27 and 28, Block 13, Canyon Trails Subdivision No. 10. 8. Consideration of a request to accept Tracts A and B, Block 1, Settler's Ridge No. 3 Subdivision. 9. Findings of Fact, Conclusions of Law, and Decision: a) Final Plat for Canyon Villas Subdivision c/o EHM Engineers, Inc. b) Vacation for The Edmunds Group, LLC c/o EHM Engineers, Inc.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Dan McAtee  Mitch Humble  Mitch Humble  Troy Vitek.  Troy Vitek  Troy Vitek  Mitch Humble

<p><b>II. <u>ITEMS FOR CONSIDERATION:</u></b></p> <ol style="list-style-type: none"> <li>1. Consideration of a request to construct the Falls and Eastland intersection in accordance with Alternate B and execute a Development Agreement with Amazing Grace Fellowship to accept the right of way to construct the work.</li> <li>2. Consideration of a request to adopt Resolution No. 1870 and authorize the Mayor to sign a Cooperative Agreement with ITD, associated with the encroachment permit on US-30 Kimberly Road.</li> <li>3. Consideration of an Amendment to PUD Agreement #229 between the City of Twin Falls and Canyon Properties, LLC.</li> <li>4. Consideration of adoption of Ordinance 3007 regarding a request for the vacation of 15'x109.14' (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.2247).</li> <li>5. Adoption of the Preliminary Budget for the City of Twin Falls and set August 15, 2011 at 6:00 p.m. as the date and time for the public budget hearing.</li> <li>6. Public input and/or items from the City Manager and City Council.</li> </ol>	<p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p>	<p>Lee Glaesemann</p> <p>Jackie Fields</p> <p>Mitch Humble</p> <p>Mitch Humble</p> <p>Travis Rothweiler</p>
<p><b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b></p>		
<p><b>IV. <u>PUBLIC HEARINGS:</u>                    <u>6:00</u></b></p>		
<ol style="list-style-type: none"> <li>1. For annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North, c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app.2458)</li> </ol>	<p>Public Hearing</p>	<p>Mitch Humble</p>
<p><b>V. <u>ADJOURNMENT :</u></b></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 via telephone, Rebecca Mills Sojka, William Kezele, Gregory Lanting

Absent: David E. Johnson

Staff Present: City Manager Travis Rothweiler, Community Development Director Mitch Humble, Chief Finance Director Lorie Race, Budget Coordinator Darren Huber, Staff Engineer Lee Glaesemann, City Engineer Jacqueline Fields, Staff Sergeant Dan McAtee, Deputy City Clerk/ Recording Secretary Leila A. Sanchez

Vice Mayor Lanting called the meeting to order at 5:03 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 Vice Mayor Lanting introduced staff.

#### **CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

Consideration of a request to move to Executive Session 67-2345(1)(c ) to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

#### **MOTION:**

Councilperson Kezele made the motion to add the Executive Session 67-2345(1)(c ) to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

**PROCLAMATIONS: None.**

#### **AGENDA ITEMS**

##### **I. CONSENT CALENDAR:**

1. Consideration of accounts payable for July 26 – August 1, 2011.
2. Consideration of the July 18, 2011, Minutes.
3. Consideration of a request from Kyle Tarbet and the Twin Falls Area Chamber of Commerce to approve the 2<sup>nd</sup> Annual Great Cardboard Boat Regatta to be held at Dierkes Lake and Park on August 20, 2011.
4. Consideration of the Final Plat of K & L Subdivision, 0.653 (+/-) acres consisting of three residential lots and located at 776 Sparks Street North, c/o EHM Engineers/Gerald Martens on behalf of LAD Enterprises.
5. Consideration of the final plat for Eastridge Condominium Association Subdivision – a portion of Eastridge Professional Subdivision – a PUD, consisting of two condominium units of an existing professional office building located at 1186 Eastridge Drive North, Lot 2, Block 2, Eastridge Professional Subdivision, a PUD, c/o John Root/All Point Land Surveying.
6. Consideration of a request to approve an Improvement Agreement for Settler's Ridge No. 2, Phase 4A.
7. Consideration of a request to accept a public easement located in Lots 27 and 28, Block 13, Canyon Trails Subdivision No. 10.
8. Consideration of a request to accept Tracts A and B, Block 1, Settler's Ridge No. 3 Subdivision.
9. Findings of Fact, Conclusions of Law, and Decision:
  - a) Final Plat for Canyon Villas Subdivision c/o EHM Engineers, Inc.
  - b) Vacation for The Edmunds Group, LLC c/o EHM Engineers, Inc.

Councilperson Kezele requested that Consent Item #3 be removed from the Consent Calendar.

Councilperson Mills Sojka requested that Consent Item #4 be removed from the Consent Calendar.

#### **MOTION:**

Councilperson Clow made the motion to approve the Consent Calendar with the exception of Consent Items #3 and #4. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Consideration of a request from Kyle Tarbet and the Twin Falls Area Chamber of Commerce to approve the 2<sup>nd</sup> Annual Great Cardboard Boat Regatta to be held at Dierkes Lake and Park on August 20, 2011.

Staff Sergeant McAtee reviewed the request.

Shawn Barigar, President and CEO of the Chamber of Commerce, explained the request.

Councilperson Mills Sojka had concerns on the request that VIP spaces be reserved for those attending the event.

Shawn Barigar stated that the marked spaces will be pre-sold as "VIP" event parking as a way to raise revenue for the event.

Kyle Tarbet, Market Coordinator, stated that discussion has been made with Parks & Recreation Director Bowyer regarding a flat fee to be paid to the City for entrance to the event.

Extensive discussion followed on parking issues.

Councilperson Mills Sojka stated her concern of the request to allow the Chamber to serve alcohol at Dierkes Lake.

**MOTION:**

Councilperson Clow made the motion to approve the 2<sup>nd</sup> Annual Great Cardboard Boat Regatta to be held at Dierkes Lake and Park on August 20, 2011 based upon staff presentation. The motion was seconded by Councilperson Craig.

**AMENDMENT TO THE MOTION:**

Councilperson Clow made the motion that the Chamber of Commerce will pay the City of Twin Falls a parking fee of \$900.

For clarification the \$900 will allow the spaces pre-sold as VIP event parking and will allow the shuttles access to the event without paying the entrance fee.

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

Discussion followed on handicap parking spaces.

**AMENDMENT TO THE MOTION:**

Councilperson Clow made the motion that the Chamber of Commerce will reserve no less than 12 handicap parking spaces at the Dierkes Lake parking area. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

**AMENDMENT TO THE MOTION:**

Councilperson Kezele made the motion to reserve the parking for handicap parking, staff and participants only. The motion failed due to lack of a second.

**AMENDMENT TO THE MOTION:**

Councilperson Kezele made the motion to exclude the request for alcohol at the event. The motion was seconded by Councilperson Mills Sojka. Roll call vote showed Councilperson Kezele and Mills Sojka voted in favor of the motion. Councilperson Clow, Craig, Hall, and Lanting voted against the motion. Failed 4 to 2.

**Roll call vote on the main motion as amended:**

Councilperson Clow, Craig, Hall and Lanting voted in favor of the request. Councilperson Kezele and Mills Sojka voted against the motion. Approved 4 to 2.

4. Consideration of the Final Plat of K & L Subdivision, 0.653 (+/-) acres consisting of three residential lots and located at 776 Sparks Street North, c/o EHM Engineers/Gerald Martens on behalf of LAD Enterprises.

Councilperson Mills Sojka stated that at the Planning and Zoning Commission meeting there was public comment in regards to the density of the lot and increased traffic.

Community Development Director Humble reviewed the request.

**MOTION:**

Councilperson Mills Sojka made the motion to approve the Final Plat of K & L Subdivision, 0.653 (+/-) acres consisting of three residential lots and located at 776 Sparks Street North, c/o EHM Engineers/Gerald Martens on behalf of LAD Enterprises. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

1. Adoption of the Preliminary Budget for the City of Twin Falls and set August 15, 2011 at 6:00 p.m. as the date and time for the public budget hearing.

City Manager Rothweiler explained the request.

Mayor Hall made a suggestion that conversation begin on considering taking a portion of the statutorily allowed 3% increase of the City's foregone balance to be earmarked for roads.

Council discussion followed.

**MOTION:**

Councilperson Clow made a motion to set August 15, 2011, at 6:00 P.M. for the public budget hearing and adopted the preliminary budget for the 2011-2012 Fiscal Year with a maximum cap set at \$46,200,000. The motion was seconded by Mayor Hall and roll call vote showed Councilpersons Clow, Craig, Hall, Kezele and Lanting voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 5 to 1.

6:32 P.M. Mayor Hall was absent during the remainder of the meeting.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request to construct the Falls and Eastland intersection in accordance with Alternate B and execute a Development Agreement with Amazing Grace Fellowship to accept the right of way to construct the work.

Staff Engineer Glaesemann reviewed the request.

Staff recommends that the Council approve Alternate B as part of the reconstruction of the intersection of Falls Avenue East and Eastland North and execute the Development Agreement with Amazing Grace Church to acquire the needed right of way.

**MOTION:**

Councilperson Mills Sojka made the motion to construct the Falls and Eastland intersection in accordance with Alternate B and execute a Development Agreement with Amazing Grace Fellowship to accept the right of way to construct the work. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

2. Consideration of a request to adopt Resolution No. 1870 and authorize the Mayor to sign a Cooperative Agreement with ITD, associated with the encroachment permit on US-30 Kimberly Road.

City Engineer Fields reviewed the request.

Staff recommends that the Council authorize the Mayor to sign the cooperative agreement and adopt the resolution as presented.

**MOTION:**

Councilperson Craig made the motion to adopt Resolution No. 1870, entitled: COOPERATIVE AGREEMENT for ISSUANCE OF ENCROACHMENT PERMIT CITY OF TWIN FALLS and authorize the Mayor to sign a Cooperative Agreement with ITD, associated with the encroachment permit on US-30 Kimberly Road. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

1. Consideration of an Amendment to PUD Agreement #229 between the City of Twin Falls and Canyon Properties, LLC.

Community Development Director Humble reviewed the request.

Staff believes that the attached agreement correctly reflects the PUD as it was approved and recommends Council approval of the agreement as presented.

**MOTION:**

Councilperson Clow made the motion to approve the Amendment to PUD Agreement #229 between the City of Twin Falls and Canyon Properties, LLC. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

2. Consideration of adoption of Ordinance 3007 regarding a request for the vacation of 15'x109.14' (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.2247).

Community Development Director Humble reviewed the request.

Staff recommends that the Council adopt the ordinance as presented.

**MOTION:**

Councilperson Clow made the motion to suspend the rules and place Ordinance #3007, 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 TITLE TO THE PROPERTY SO VACATED.

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.

Deputy City Clerk Sanchez read the ordinance by title only.

**MOTION:**

Councilperson Craig made the motion to adopt Ordinance #3007 as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

3. Public input and/or items from the City Manager and City Council.
  - Discussion followed on the upcoming budget.
  - Replacement of "Welcome to Twin Falls" signage.
  - Customer complaint regarding a weed violation received.
  - PI Station located on Candleridge Drive.

Recess at 7:18 P.M.

Reconvened at 7:24 P.M.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

**IV. PUBLIC HEARINGS: 6:00**

1. For annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North, c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app.2458)

Mike Smit, applicant, explained the request.

Community Development Director Humble stated that on June 14, 2011, the Planning & Zoning Commission unanimously recommended the requested zoning of C-1 PUD as an appropriate zoning designation and determined it was consistent with the Comprehensive Plan, as presented subject to the following conditions:

1. Subject to amendments as required by Building, Fire, and Engineering & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the elimination of the permitted and special uses listed under "Medical Facilities" in the PUD Agreement and removal of "Motels and transient hotels" as permitted residential uses in the PUD Agreement Exhibit "C".
3. Subject to dedication of half of Cheney Drive West when directed by the Engineering Department or upon platting.
4. Subject to recordation of a PUD Agreement, as approved by the City Council.
5. Subject to the lateral on the south and west of the property being maintained and any development or alteration being reviewed and approved by the Twin Falls Canal Company.

Brad Wills, Wills Inc., 222 Shoshone, submitted a memo for the record, indicating he is in favor of the request.

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

**MOTION:**

Councilperson Mills Sojka made the motion to approve the annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North, c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app.2458), as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Fire, and Engineering & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the elimination of the permitted and special uses listed under "Medical Facilities" in the PUD Agreement and removal of "Motels and transient hotels" as permitted residential uses in the PUD Agreement Exhibit "C".
3. Subject to dedication of half of Cheney Drive West when directed by the Engineering Department or upon platting.
4. Subject to recordation of a PUD Agreement, as approved by the City Council.
5. Subject to the lateral on the south and west of the property being maintained and any development or alteration being reviewed and approved by the Twin Falls Canal Company.
- 6.

The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Vice Mayor Lanting made a request to appoint Councilperson Clow as Acting Mayor for the remainder of the week.

**MOTION:**

Councilperson Kezele made the motion to appoint Councilperson Clow as Acting Mayor for the remainder of the week. The motion was seconded by Councilperson Mills Sojka and voice vote showed all members present voted in favor of the motion. Approved 5 to 0.

**V. ADJOURNMENT :**

Consideration of a request to move to Executive Session 67-2345(1)(c ) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

**MOTION:**

Councilperson Craig made the motion to approve to move to Executive Session 67-2345(1)(c ) to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

The meeting adjourned at 7:45 P.M.