

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
Monday, November 7, 2011
 City Council Chambers
 305 3rd Avenue East -Twin Falls, Idaho

The City Council will hold a Special Meeting on **Monday, November 7, 2011, at 4:00 P.M.**, in the Council Chambers located at 305 Third Avenue East.

| <p>5:00 P.M. PLEDGE OF ALLEGIANCE TO THE FLAG CONFIRMATION OF QUORUM INTRODUCTION OF STAFF CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: PROCLAMATIONS: Idaho Nonprofit Week</p> | | |
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| AGENDA ITEMS | Purpose | By: |
| <p>I. CONSENT CALENDAR:</p> <ol style="list-style-type: none"> 1. Consideration of accounts payable for October 25 – November 7, 2011. Prepaid, September 2011, total: \$155,868.41 Prepaid, October 27, 2011, total: \$115,690.00 2. Consideration of the October 24, 2011, City Council Minutes. 3. Consideration of a 5th and final two (2) year extension of the final plat of Robbins PUD Subdivision, 1.5 (+/-) acres, to develop a multi-family (4-plex) housing project, with a total of 24 residential units, located on the south side of the 200 block of Robbins Avenue West, c/o Gerald Martens/EHM Engineers, Inc. 4. Consideration of a request to approve an Improvement Agreement for Crowley's Corner Subdivision. 5. Consideration of a request to approve a Curb-Gutter, and Sidewalk and Street Improvement Deferral Agreement for property located at 1434 Pole Line Road East c/o Richard Crowley. 6. Consideration of the 2nd and final extension of the approval of the Shoshone Heights PUD Subdivision, No. 1, Final Plat, consisting of 21.3 (+/-) acres with 19 single family residential lots located on the east side of the 1500-1900 block of Hankins Road and South of the Snake River Canyon within the City's Area of Impact, c/o Renaissance Project Department, LLC/Mark Thayne. 7. Consideration of the 2nd and final extension of the approval of the Shoshone Heights PUD Subdivision, No. 2, Final Plat, consisting of 11.87 (+/-) acres with 11 single family residential lots located on the east side of the 1500-1900 block of Hankins Road North and South of the Snake River Canyon within the City's Area of Impact, c/o Renaissance Project. 8. Consideration of a request to establish a posted speed limit for North College Rd. from Grandview Dr. N. to Xavier Charter School. Development, LLC/Mark Thayne. | <p><u>Action</u></p> | <p><u>Staff Report</u> Sharon Bryan</p> <p>L. Sanchez Mitch Humble</p> <p>Troy Vitek</p> <p>Troy Vitek</p> <p>Mitch Humble</p> <p>Mitch Humble</p> <p>Jacqueline Fields</p> |
| <p>II. ITEMS FOR CONSIDERATION:</p> <ol style="list-style-type: none"> 1. Presentation by the Twin Falls Area Chamber of Commerce. 2. Consideration of a request from Jayne Fisher to appeal the decision of the Tree Commission denying her request to remove a tree located at 106 Main Avenue North. 3. Consideration of a request to authorize the Mayor to sign a contract with EHM Engineers, Inc. to design, provide right of way acquisition services and construction administration services for the Northeast Sewer project. 4. Public input and/or items from the City Manager and City Council. | <p>Presentation <u>Action</u></p> <p><u>Action</u></p> | <p>Chamber of Commerce Dennis J. Bowyer</p> <p>Jacqueline Fields</p> |
| <p>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</p> | | |

| | | |
|---|----------------|--------------|
| IV. PUBLIC HEARINGS: 6:00 | | |
| 1. Request for a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for 58 (+/-) acres located at the south west corner of Hwy 30/Kimberly Road and 3300 East Road, c/o Margaret Sligar and Kimberly Road Partners, LLC. (app.2484) | Public Hearing | Mitch Humble |
| 2. Consideration of adoption of one (1) ordinance(s) regarding a request for a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for 58 (+/-) acres located at the south west corner of Hwy 30/Kimberly Road and 3300 East Road, c/o Margaret Sligar and Kimberly Road Partners, LLC. (app.2484) | Action | Mitch Humble |
| 3. Findings of Fact, Conclusions of Law, and Decision in re: Zoning District Change & Zoning Map Amendment, Application, for Kimberly Road Partners & Mary Sligar c/o EHM Engineers, Inc. | Action | Mitch Humble |
| 4. Consideration of a request for additional height for buildings in a future manufacturing development located on 190+/- acres at the southwest corner of Kimberly Road and 3300 East. | Action | Mitch Humble |
| 5. Request to establish two (2) new communication towers: one (1) sixty-foot (60') communication tower to be placed on property located at the Twin Falls Chambers Visitors Center, 3591 Blue Lakes Boulevard North and one (1) one-hundred foot (100') communication tower to be placed on property located at the City of Twin Falls Gun Range, located east of the 4100 Block of Hankins Road East/3200 East Road and south of the Snake River Canyon Rim Trail, c/o Craig Stotts/Lieutenant, Communications – PD on behalf of the City of Twin Falls. | Public Hearing | Mitch 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.***

Present: Lance Clow, Don Hall, David Johnson, William Kezele, Gregory Lanting, Rebecca Mills Sojka
Absent: Trip Craig
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jacqueline Fields, Chief of Police Brian Bike, Lieutenant Craig Stotts, Parks & Recreation Director Bowyer, Assistant City Manager Troy Vitek.

The City Council will hold a Special Meeting on **Monday, November 7, 2011, at 4:00 P.M.**, in the Council Chambers located at 305 Third Avenue East.

Mayor Hall called the meeting to order at 5:02 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and Boy Scouts from Troops 3, 59, 81, 74, and 77. A quorum was present. Mayor Hall introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: Idaho Nonprofit Week

Mayor Hall read the proclamation and presented it to Bruce Stevens, Office of Aging at CSI and Chair of Service Idaho Commission of volunteers.

Representatives from the United Way of South Central Idaho, South Central Idaho Community Partnership, and Twin Falls Public Foundation, were in attendance.

I. CONSENT CALENDAR:

1. Consideration of accounts payable for October 25 – November 7, 2011, total: \$613,570.69.
Prepaid, September 2011, total: \$155,868.41
September, 2011, total: \$135,951.50
Prepaid, October 27, 2011, total: \$115,690.00
Fire Payroll, total: \$49,665.00
2. Consideration of the October 24, 2011, City Council Minutes.
3. Consideration of a 5th and final two (2) year extension of the final plat of Robbins PUD Subdivision, 1.5 (+/-) acres, to develop a multi-family (4-plex) housing project, with a total of 24 residential units, located on the south side of the 200 block of Robbins Avenue West, c/o Gerald Martens/EHM Engineers, Inc.
4. Consideration of a request to approve an Improvement Agreement for Crowley's Corner Subdivision.
5. Consideration of a request to approve a Curb-Gutter, and Sidewalk and Street Improvement Deferral Agreement for property located at 1434 Pole Line Road East c/o Richard Crowley.
6. Consideration of the 2nd and final extension of the approval of the Shoshone Heights PUD Subdivision, No. 1, Final Plat, consisting of 21.3 (+/-) acres with 19 single family residential lots located on the east side of the 1500-1900 block of Hankins Road and South of the Snake River Canyon within the City's Area of Impact, c/o Renaissance Project Department, LLC/Mark Thayne.
7. Consideration of the 2nd and final extension of the approval of the Shoshone Heights PUD Subdivision, No. 2, Final Plat, consisting of 11.87 (+/-) acres with 11 single family residential lots located on the east side of the 1500-1900 block of Hankins Road North and South of the Snake River Canyon within the City's Area of Impact, c/o Renaissance Project.
8. Consideration of a request to establish a posted speed limit for North College Rd. from Grandview Dr. N. to Xavier Charter School Development, LLC/Mark Thayne.

MOTION:

Vice Mayor Lanting made a motion to approve the Consent Calendar as presented. 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.

II. ITEMS FOR CONSIDERATION:

1. Presentation by the Twin Falls Area Chamber of Commerce.

Shawn Barigar, President and CEO of the Twin Falls Chambers of Commerce, presented Leila A. Sanchez the Extra Mile Award.

2. Consideration of a request from Jayne Fisher to appeal the decision of the Tree Commission denying her request to remove a tree located at 106 Main Avenue North.

Jayne Fisher, the owner of the Cookie Basket located at 106 Main Avenue North, explained her request. She is requesting from the Council to allow her to remove the Lindin tree that is located in the City's right of way in front of her store.

Parks & Recreation Director Bowyer reviewed the request using overhead projections. On March 8, 2010, the Tree Commission denied Jayne Fisher's request to remove the tree. On October 4, 2011, via a phone call, Ms. Fisher requested an appeal of the Commission's May 8, 2010 denial.

Discussion followed:

A letter was received by Dave Kiesig, Horticulture Professor.

JayneFisher stated that the plan would be to remove the Lindin tree and landscape with topiary type trees.

-Buckling of sidewalk.

Parks & Recreation Director Bowyer stated that he could not give an educated guess if or when the sidewalk may start buckling.

-BID Master Landscaping Plan.

Parks & Recreation Director Bowyer stated that he was not sure if the Lindin tree is on the plan recommending that the trees not be removed downtown.

-Previous sign placement.

Jayne Fisher stated that the previous sign was weathered and was removed.

MOTION:

Councilperson Clow made the motion to approve the request of Jane fisher to remove the Lindin tree in front of her building. The motion was seconded by Councilperson Johnson.

AMENDMENT TO THE MOTION:

Councilperson Johnson made a motion to require the owner to submit a landscape plan to be approved by the Parks & Recreation Commission prior to the removal of the tree. 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.

Roll call vote on the main motion showed Councilpersons Hall, Johnson, Kezele, and Mills Sojka voted in favor of the motion. Councilpersons Clow and Lanting voted against the motion. Approved 4 to 2.

3. Consideration of a request to authorize the Mayor to sign a contract with EHM Engineers, Inc. to design, provide right of way acquisition services and construction administration services for the Northeast Sewer project.

City Engineer Fields reviewed the request.

The current budget includes \$250,000 for this project with the remainder to be funded from cash reserves. Construction of the work will be partially funded by the Urban Renewal Agency and City. For clarification the scope changed in the original contract in which man hours were changed and increased the cost of the job.

Staff recommends that the Council approve the request as presented.

Discussion followed:

MOTION:

Councilperson Johnson made the motion to authorize the Mayor to sign a contract with EHM Engineers, Inc. to design, provide right of way acquisition services and construction administration services for the Northeast Sewer project. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Boy Scouts from Troop 4, introduced themselves to the Council.

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

Recess 6:04 P.M.
Reconvened at 6:12 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:
IV. PUBLIC HEARINGS: 6:00

Mayor Hall moved the order of the Public Hearings.

1. Request to establish two (2) new communication towers; one (1) sixty-foot (60') communication tower to be placed on property located at the Twin Falls Chambers Visitors Center, 3591 Blue Lakes Boulevard North and one (1) one-hundred foot (100') communication tower to be placed on property located at the City of Twin Falls Gun Range, located east of the 4100 Block of Hankins Road East/3200 East Road and south of the Snake River Canyon Rim Trail, c/o Craig Stotts/Lieutenant, Communications – PD on behalf of the City of Twin Falls.

Mayor Hall disclosed that on October 13, 2011, he attended a public open house at the City Council Chambers and he had received a phone call from Gerald Martens on November 4, 2011.

Councilperson Mills Sojka that on October 13, 2011, she attended a public open house at the City Council Chambers.

Chief Pike gave an overview of the project.

Staff recommends approval of the request as presented.

Discussion followed:

Lieutenant Stotts stated that an open house was conducted on October 13, 2011. Two homeowners attended.

The public testimony portion of the hearing was opened.

Tina Luper, representative of the land that surrounds the visitor center, requested that all options be looked at. She requested that there should be attempts to minimize impact on Canyon Park. She requested the opportunity to work in partnership with all parties involved. A letter was entered into the record from Hawley Troxell, dated November 7, 2011.

Shawn Barigar, President and CEO of the Twin Falls Chamber of Commerce, stated that he would like to extend his services and his willingness to work with City staff.

Chris Stout, President of the Meadowridge Subdivision Homeowner's Association, 4140 North Meadowridge Circle, stated that he did not receive notification of the public hearing and open house. He stated that he would be willing to participate to potentially find a less of a residential spot for the tower.

Rick Yauruan, 4078 Meadowridge Circle, stated that he would like to see other alternate sites for the tower.

Tug Worst, 4104 N. Meadowridge Circle, stated his willingness to work with City staff to find a solution for the towers that does not interfere with the areas anesthetics.

The public testimony of the hearing was closed.

Discussion followed:
-Time restraints.

Lieutenant Stotts stated that the narrowband mandate is scheduled for January 1, 2013.

-Costs of moving the tower.

Lieutenant Stotts stated that moving a tower a quarter of mile one way or another increases costs for location, site and building.

-Notification of property owners.

Community Development Director Humble explained the notification process. Property owners within 300' of the property are notified. Publication of the public hearing is posted in the Times News fifteen days prior to the public hearing and a physical sign is posted on the property.

Lieutenant Stotts stated that the proposed power pole at the Visitor's Center can be moved in the future at a minimal cost.

City Manager Rothweiler stated that if the Council does instruct staff to review the request that the Council set a timeline no later than the 21st of November.

Discussion followed.

Councilperson Clow asked staff if there is a possibility to use Idaho Power poles and asked for staff to look into the design of poles at the Visitor's Center

-Cost comparisons of moving sites. Lieutenant Sotts stated that gathering cost estimates for moving sites will take more than a week. He stated that he believes the moving of the pole sites will double the costs.

-Cost of flag pole.

Chief Pike stated that the location of the tower at the gun range is limited and grant money has been budgeted for the project. There are options at the Visitors Center for the tower.

The Mayor closed the public hearing portion.

Deliberations followed.

The Council instructed staff to work with the public and bring back the agenda item by November 21, 2011.

2. Request for a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for 58 (+/-) acres located at the south west corner of Hwy 30/Kimberly Road and 3300 East Road, c/o Margaret Sligar and Kimberly Road Partners, LLC. (app.2484)

Gerald Martens, EHM Engineers, representing the applicant, explained the request.

Community Development Director Humble reviewed the request and stated that the Planning & Zoning Commission recommended approval of the request.

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

Closed the public hearing portion.

Deliberations – None.

MOTION:

Vice Mayor Lanting made a motion to approve a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for 58 (+/-) acres located at the south west corner of Hwy 30/Kimberly Road and 3300 East Road, c/o Margaret Sligar and Kimberly Road Partners, LLC. (app.2484). 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,

2. Consideration of adoption of one (1) ordinance(s) regarding a request for a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for 58 (+/-) acres located at the south west corner of Hwy 30/Kimberly Road and 3300 East Road, c/o Margaret Sligar and Kimberly Road Partners, LLC. (app.2484)

Community Development Director Humble. Reviewed the request.

Staff recommends that the Council adopt the ordinance as submitted.

MOTION:

Vice Mayor Lanting made a motion to suspend the rules and place Ordinance #3019, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AND REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

MOTION:

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

Deputy City Clerk Sanchez read the ordinance title.

Councilperson Clow made the motion to adopt Ordinance #3019, as presented. 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.

3. Findings of Fact, Conclusions of Law, and Decision in re: Zoning District Change & Zoning Map Amendment, Application, for Kimberly Road Partners & Mary Sligar c/o EHM Engineers, Inc.

Community Development Director Humble reviewed the request.

Staff recommends approval of the request.

MOTION:

Vice Mayor Lanting made a motion to approve the Findings of Fact, Conclusions of Law, and Decision in re: Zoning District Change & Zoning Map Amendment, Application, for Kimberly Road Partners & Mary Sligar c/o EHM Engineers, Inc. The motion was seconded by Councilperson Johnson and roll call vote showed all members voted in favor of the motion. Approved 6 to 0.

4. Consideration of a request for additional height for buildings in a future manufacturing development located on 190+/- acres at the southwest corner of Kimberly Road and 3300 East.

Community Development Director Humble reviewed the request.

Councilperson Johnson made a motion to approve an additional height for buildings in a future manufacturing development located on 190+/- acres at the southwest corner of Kimberly Road and 3300 East. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

City Manager Rothweiler stated that he would like a conversation on the building code regarding the 35' building code height.

V. ADJOURNMENT: The meeting adjourned 7:41 P.M.

Leila A. Sanchez
Recording Secretary/Recording Secretary

TIMOTHY W. TYREE
ADMITTED TO PRACTICE LAW IN IDAHO
EMAIL: TTYREE@HAWLEYTROXELL.COM
DIRECT DIAL: 208.388.4873
DIRECT FAX: 208.954.5276

November 7, 2011

Travis Rothweiler, City Manager
Twin Falls City Council
321 Second Ave. E.
Twin Falls, ID 83301

Re: *Communication Tower at Twin Falls Chamber Visitors Center*

Dear Mr. Rothweiler and City Council Members

This firm serves as legal counsel to Canyon Park Development, LLC and Canyon Park I, LLC, owners of the Canyon Park Shopping Center and lands adjacent to the Twin Falls Chamber Visitors Center.

My clients were just recently made aware of a 60' mono-poll design communication tower to be located at the Twin Falls Chamber Visitors Center. In order to provide my clients adequate time to consider the issue and allow them the opportunity to work with the City to explore other, mutually beneficial options, my clients are requesting the City Council table the request for the communication tower at the Twin Falls Chamber Visitors Center until such time as my clients have had sufficient opportunity to discuss the matter with the City and its communication consultant.

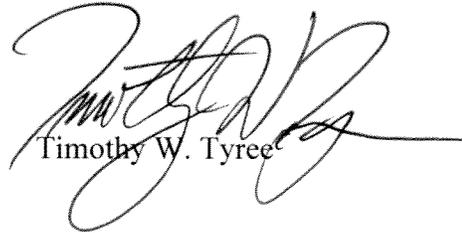
Tina Luper will attend tonight's hearing on behalf of Canyon Park Development, LLC and Canyon Park I, LLC and further present my client's concerns. Please know that we acknowledge the need for an adequate and dependable communication system for the City's first responders and thus my clients are committed to working with the City in an expedient and diligent manner. That said, the visual impact of the tower at the gateway to the City, across from one of the most prominent shopping areas in the City, needs to be considered as does transmission interference, view corridors and fall zones. By tabling tonight's decision, you give my clients and the City time to work through these concerns and bring back to you a plan supported by both the applicant and its neighbors.

November 7, 2011
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Thank you for your time and consideration.

Very truly yours,

HAWLEY TROXELL ENNIS & HAWLEY LLP



Timothy W. Tyree