

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
**TUESDAY: January 2, 2007**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: December 19,2006 – January 2, 2007, total: \$155,980.00
2. Consideration of the following Improvement Agreements for:
  - a. Northern Sky Subdivision - Patrick Fenderson
  - b. Sunterra Phase 3 - R. G. Messersmith
3. Transmittal of response to traffic-related requests for the following:
  - a. Traffic Study – Canyon Springs Road
  - b. Traffic Study – Maple Street
  - c. Traffic Study – 11<sup>th</sup> Avenue East
4. Consideration of the December 11, 2006, Minutes.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request to appoint four members to the new Pool Advisory Commission.
2. Consideration of a request to rename the portion of Wendell Street that is north of Pole Line Road to Park View Drive.
3. Consideration of a final plat of Westpark Commercial #4 PUD Subdivision, on behalf of Canyon Crest Dining, LLC-Dan Willie, 1 commercial lot on 2.46(+/-) acres, located south of the Snake River Canyon Rim and north and east of Canyon Crest Drive.
4. Consideration of a final plat of Northern Sky Subdivision, c/o Pat Fenderson, 76 residential lots, 2 professional lots and 3 tracts on 29.42 (+/-) acres, located south of Federation Road, west of Washington Street North and north of the Villa Del Rio Subdivision.
5. Consideration of a final plat of Benno's Point Subdivision, Phase I, 110 residential lots on 25 (+/-) acres, located at the northeast corner of Park Avenue and Harrison Street South.
6. Public input and/or items from the City Manager and City Council.

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

**IV. PUBLIC HEARINGS:** 6:00 P.M. None

**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.*

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**ATTENDANCE**

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<u>Present</u>	<u>Absent</u>
Mayor Lance Clow	
Vice Mayor Glenda Dwight	
Shawn Barigar	Absent
Trip Craig	
Don Hall	
David E. Johnson	
Greg Lanting	

**CITY STAFF PRESENT:** City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Management Assistant Gretchen Scott, Captain Jim Massey, Parks and Recreation Director Dennis Bowyer, Deputy City Clerk Leila Sanchez.

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**AGENDA ITEMS**

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Mayor Clow called the meeting to order at 5:03 PM and invited all present, who wished to, to recite the Pledge of Allegiance. He then read the following Proclamation proclaiming the week of January 1<sup>st</sup> through January 7<sup>th</sup>, 2007, President Gerald Ford Memorial Week:

*January 2, 2007*

*WHEREAS, Gerald R. Ford, the thirty-eighth President of the United States, served with distinction and honor during a period of political turmoil, and;*

*WHEREAS, George W. Bush, President of the United States of America, has declared Tuesday, January 2, 2007, as a National Day of Mourning throughout the United States, and;*

*WHEREAS, the City of Twin Falls, Idaho, wishes to honor and pay tribute to the memory of Gerald R. Ford;*

*NOW THEREFORE, be it resolved that I, Lance W. Clow, Mayor of the City of Twin Falls, Idaho do hereby proclaim the Week of January 1st through January 7th, 2007, President Gerald Ford Memorial Week and ask that all the citizens of Twin Falls join in a tribute to President Ford by pausing from their daily routines and placing President Ford and his family in their thoughts and prayers.*

*FURTHERMORE, request the Deputy City Clerk of the City of Twin Falls to record this proclamation in the minutes of this meeting, and that in honor of President Ford's service to his country, we observed a minute of silence following our Pledge of Allegiance to the Flag of the United States of America and reading of this Proclamation.*

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*Lance W. Clow, Mayor*

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*Attest: Glenda Dwight, Vice Mayor*

*Date: January 2, 2007*

Mayor Clow and Captain Jim Massey presented a check for \$1,000 to the ISP Officer Chris Glenn Fund from the City of Twin Falls employees. The Idaho State Police accepted the check on behalf of ISP Officer Chris Glenn and thanked the City employees.

## AGENDA ITEMS

### II. CONSENT CALENDAR:

1. Consideration of accounts payable: December 19, 2006 – January 2, 2007, total: \$155,980.00
2. Consideration of the following Improvement Agreements for:
  - a. Northern Sky Subdivision - Patrick Fenderson
  - b. Sunterra Phase 3 - R. G. Messersmith
3. Transmittal of response to traffic-related requests for the following:
  - a. Traffic Study – Canyon Springs Road
  - b. Traffic Study – Maple Street
  - c. Traffic Study – 11<sup>th</sup> Avenue East
4. Consideration of the December 11, 2006, Minutes.

Councilperson Johnson made the motion to approve the Consent Calendar with the exception of Item II. 3. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

Council discussion followed on Item II.3 of the Consent Calendar:

Transmittal of response to traffic-related requests for the following:

- a. Traffic Study – Canyon Springs Road
- b. Traffic Study – Maple Street
- c. Traffic Study – 11<sup>th</sup> Avenue East

City Manager Courtney explained that enforcement issues involve time and money. He discussed placing temporary speed bumps, which could be placed immediately, but again would be a temporary solution.

Council discussion followed:

- License plates taken by neighbors.
- Canyon Springs Road
  - a. Sections of Canyon Springs Road are owned by City and County.
  - b. Increasing pedestrian signage.
  - c. Police enforcement at specific times.
- Speed bumps and rumble strips create a noise problem.
- Place a trailer to show speed of driver.

Councilperson Johnson made the motion to approve Item II. 3 of the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

### II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to appoint four members to the new Pool Advisory Commission.

Management Assistant Scott reviewed the request. The purpose of the advisory board is to review citizen complaints, advise and recommend to the City Council and the YMCA matters concerning the operations, aquatics programs, and facility needs of the municipal pool. Four candidates were recommended for appointment: Bob Blastock, Lesley Hollister, Richard Katusak, and Will Kezele.

A fifth candidate for the commission was not selected at this time. The vacancy will be posted again in hopes of attracting a candidate that does not have an affiliation with competitive swimming of the YMCA.

Staff recommends that the Council approve the appointment of the following candidates to the Pool Advisory Commission as follows:

Two year term: Bob Blastock, Lesley Hollister, Richard Katusak.

Three Year term: Will Kezele

Vice Mayor Dwight made the motion to approve the appointments to the new Pool Advisory Commission as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

Mayor Clow will be accepting applications for a three year appointment to the Pool Advisory Commission.

2. Consideration of a request to rename the portion of Wendell Street that is north of Pole Line Road to Park View Drive.

City Engineer Fields reviewed the request using overhead projections. The portion of Wendell Street north of Pole Line Road was named as such because Wendell Street was expected to continue north from North Pointe Subdivision #9, through the parcel that is now to be occupied by St. Luke's Medical Center, to its terminus at Canyon Rim Road. Wendell will not terminate at Cheney Drive and intersect the portion of Wendell Street that is currently platted (north of Pole Line Road).

Staff recommends that the Council approve the request to rename the portion of Wendell Street north of Pole Line Road to Park View Drive.

Council discussion followed:

- Two existing addresses to be required to change with minimal impact.
- Change of city map in phone directory.

Councilperson Johnson made the motion to approve the request to rename the portion of Wendell Street that is north of Pole Line Road to Park View Drive as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of a final plat of Westpark Commercial #4 PUD Subdivision, on behalf of Canyon Crest Dining, LLC-Dan Willie, 1 commercial lot on 2.46(+/-) acres, located south of the Snake River Canyon Rim and north and east of Canyon Crest Drive.

Gerald Martens, EHM Engineers, Inc., representing the applicant, explained the request using overhead projections. The request is for approval of the final plat. A dining facility is consistent with the use for this area. An easement will be recorded at the time of the recordation of the final plat. The applicant concurs with staff recommendations.

He explained the following:

- Rights to maintain and enhance the trail.
- ADA accessible.
- Aesthetically pleasing.
- Railing.
- Landscaping.
- Continuity of the trail.
- Edge strips.
- Signage
- Fencing.

He invited City staff to attend a meeting on January 10, 2006, at 12:00 p.m., Premier Insurance, to discuss the canyon rim trail and high rise.

Community Development Director Humble reviewed the request.

On September 26, 2006, the Planning and Zoning Commission approved a Special Use Permit to allow alcohol to be served for consumption in conjunction with a restaurant/meeting room at this site.

The Commission approved the preliminary plat for West Park Commercial PUD Subdivision #4, 1 commercial lot on 2.45 ± acres on December 12, 2006, subject to the following condition:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Staff has reviewed the request and recommends approval with the following condition:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Council discussion followed on the architectural rendering of the property.

Councilperson Johnson made the motion to approve the final plat of Westpark Commercial #4 PUD Subdivision, on behalf of Canyon Crest Dining, LLC-Dan Willie, 1 commercial lot on 2.46 ± acres, located south of the Snake Rive Canyon Rim Trail and north and east of Canyon Crest Drive as presented with the following condition: 1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

Council discussion followed.

Councilperson Johnson made the motion to approve the proposed enhancements to the trail system in this area and concept, and directed staff to work with the applicant to come up with standards that could be incorporated with this type of development. The motion was seconded by Councilperson Lanting and voice vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration of a final plat of Northern Sky Subdivision, c/o Pat Fenderson, 76 residential lots, 2 professional lots and 3 tracts on 29.42 (+/-) acres, located south of Federation Road, west of Washington Street North and north of the Villa Del Rio Subdivision.

Community Development Director Humble reviewed the request using overhead projections.

On July 31, 2006, the City Council granted a request by the developer for an "in lieu" contribution for a minimum three (3) acre neighborhood park. The plat is consistent with other development in the area and is in conformance with the Comprehensive Plan. The City Council placed the condition on annexation that perimeter streets are brought up to City standards. Any construction of the site shall meet minimum development standards. Each development will require a separate building permit and review for compliance with all building, engineering, fire, and zoning codes.

On September 28, 2006, the Planning and Zoning Commission unanimously approved the preliminary plat with the following conditions:

1. Perimeter streets are brought up to current City standards upon development.
2. Subject to final technical review by the Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Council discussion followed:

-Request of a fence to be placed between the Los Lagos development and Northern Sky.

Tim Vawser, EHM Engineers, Inc., representing the applicant, reviewed the request using overhead projections. He stated that the request for fencing by the Los Lagos Property Owners Association was submitted on September 26, 2006, the same day as the Planning and Zoning Commission public hearing, and found the request to be unfair to the developer and not a condition of preliminary plat approval.

Council discussion followed:

-The extension of Wendell Street to Pole Line Road blacktop is scheduled in spring.

Councilperson Lanting made the motion to approve the final plat of Northern Sky Subdivision in care of Pat Fenderson, 76 residential lots, 2 professional lots and 3 tracts on 29.42 ± acres, located south of Federation Road, west of Washington Street North and north of the Villa Del Rio Subdivision with the following conditions:

1. Perimeter streets are brought up to current City standards upon development.
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of a final plat of Benno's Point Subdivision, Phase I, 110 residential lots on 25 (+/-) acres, located at the northeast corner of Park Avenue and Harrison Street South.

Community Development Director Humble reviewed the request using overhead projections. A letter was received dated January 2, 2007, from Steven Peterson, representing Robert and Kathi Meyers, to be introduced into the record. Robert and Kathi Meyers, owners of a fish hatchery located in the Rock Creek Canyon, oppose the request. Their concern involved the possible loss of water flow.

On January 23, 2006, the City Council granted an "in lieu" contribution for the Benno's Point Subdivision.

The Planning and Zoning Commission approved the preliminary plat with the following conditions:

1. Subject to vacation of that portion of Nobel Subdivision included in the Benno's Point Subdivision.
2. Subject to final technical review by the Engineering Department.

On July 24, 2006, the City Council approved the vacation of the platted rights of way and easements within the undeveloped portion of Nobel Subdivision.

Staff recommends approval of the final plat with the following conditions:

1. The developer shall finish the storm water retention pond improvements in Phase 1.
2. The warranty deed to the mini park shall be approved prior to recording the final plat.
3. A prorated amount of \$77,118 be placed in a three year trust, to be returned when the park improvements are completed in Phase II.
4. Final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

A letter dated December 14, 2006, from Mike Mason, Vice President of Administration, College of Southern Idaho, opposed the development. Their concern involved the possible loss of water flow to the CSI fish hatchery.

City Engineer Fields stated that the College of Southern Idaho has requested that the City place the following condition on the approval of the final plat: Incorporation of mitigation plan which would address the possible loss of water flow due to construction of the development. Staff does not recommend approval of the condition. Plans approval requires the City Engineer address the tiles and tunnels on all projects

City Attorney Wonderlich discussed the easements, installation, and maintenance of tunnels by the Twin Falls Canal Company.

Gary Storrer, applicant, stated that the tunnels are 50' to 60' feet deep; the farming depth is 12" to 18". No basements are planned and the CCR's it would state there would be no blasting if rock was encountered in that area.

Gerald Martens, EHM Engineers, stated the conditions by Community Development Director Humble are acceptable conditions. The tunnel referenced in the letter from Mike Mason, CSI, is in the second phase of the project. Restrictions will be placed on blasting. Drainage tiles could be impacted by blasting activity and will restrict blasting if rock is encountered. If rock is encountered it will be taken out by a chipping hammer or saw. The developer will maintain the integrity of the drains.

Council discussion followed:

- The Canal Company will be contacted if the tunnels need to be repaired.
- Tunnels are throughout the community.
- No recorded easements on the tiles.
- Irrigation rights stay with the property.

Public input:

Deskin Waters, 3168 Highlawn Drive, beneficiary of the aquaculture program, gave a brief summary of the CSI fish hatchery program, and his concern was the interruption of flow causing impact.

Les Hazen, 7265 Cedar Park Circle, involved with the hatchery since 1968. The hatchery belongs to the Twin Falls Wildlife Federation which has been in the process of transferring to the CSI for several years. His concern is that the storm water continues to be funneled to the tunnels.

Don Zuck, 486 Rose Street North, past president of the Twin Falls Wildlife Federation. His concern is that the CSI fish hatchery could possibly be interrupted.

Councilperson Johnson made the motion to approve the final plat of Benno's Point Subdivision, Phase 1, 110 residential lots on 25 ± acres, located at the northeast corner of Park Avenue and Harrison Street South with the following conditions:

1. The developer shall finish the storm water retention pond improvements in Phase 1.
2. The warranty deed to the mini park shall be approved prior to recording the final plat.
3. A prorated amount of \$77,118 is placed in a 3 year trust, to be returned when the park improvements are completed in Phase II.
4. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

The motion was seconded by Councilperson Hall.

Council discussion followed:

- Storm water retention seepage may contain pollutants.
- Pressure irrigation system may create a water retention basin.

City Engineer Fields stated that the City is working with the Twin Falls Canal Company to do a direct draw off the Low Line.

Roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Public input and/or items from the City Manager and City Council. None

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

Councilperson Lanting reported that there is one opening on the Golf Advisory Board through January 5, 2007.

IV. **PUBLIC HEARINGS:** 6:00 P.M. None

V. **ADJOURNMENT:** The meeting adjourned at 6:35 P.M.

Leila A. Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND A	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING

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*Mayor* *Vice Mayor*



**MINUTES**

**Meeting of the Twin Falls City Council**  
**MONDAY, January 8, 2007**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, Idaho**

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: January 2, 2007 – January 8, 2007
2. Consideration of the December 18, 2007, Minutes

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of Twin Falls Fire Department Level III Firefighter Certifications to Ed Morris and Tim Lauda.
2. Presentation by J-U-B Engineer and Brockway Engineering, PLLC., on the status of the south well field water supply projects.
3. Public input and/or items from the City Manager and City Council.

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

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

1. Request of Property Acquisition, Inc., c/o Gary R. Perron, for a Zoning District Change and Zoning Map Amendment from SUI CRO to SUI CRO PUD for 70.67 (+/-) acres to develop a 41 lot residential subdivision (Quail Ridge) on property located west of 3400 East and south of the Snake River Canyon Rim.
2. Request of Twin Falls School District No. 411, c/o Scott Straubhar/Hummel Architects for the annexation of 80 (+/-) acres on property located northwest of North College Road and Washington Street North.
3. Request of St. Luke's/Magic Valley Regional Medical Center on the annexation of 40 (+/-) acres for property located at the southeast corner of Pole Line Road and Grandview Drive North.
4. Request of North Pointe Park, c/o Gerald Martens, on the annexation of 15.4 (+/-) acres on property located west of Park View Drive (formerly known as Wendell Street) and north of Cheney Drive West.

**V. ADJOURNMENT:**

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**ATTENDANCE**

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Present

**Vice Mayor Glenda Dwight**  
**Shawn Barigar**  
**Trip Craig**  
**Don Hall**  
**David E. Johnson**  
**Greg Lanting**

Absent

**Mayor Lance Clow**

**CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Zoning and Development Director Renee Carraway, City Engineer Jackie Fields, Management Assistant Gretchen Scott, Captain Jim Massey, Fire Chief Ron Clark, Deputy City Clerk Leila Sanchez.**

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**AGENDA ITEMS**

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Acting Mayor Dwight called the meeting to order at 5:03 P.M. and invited all present, who wished to, to recite the Pledge of Allegiance.

**II. CONSENT CALENDAR:**

1. Consideration of accounts payable: January 2, 2007 – January 8, 2007 total: \$102,359.10.
2. Consideration of the December 18, 2007, Minutes

**Motion:**

Councilperson Hall made a motion to approve the Consent Calendar excluding the December 18, 2007, Minutes. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of Twin Falls Fire Department Level III Firefighter Certifications to Ed Morris and Tim Lauda.

Presentation of certifications made by Chief Clark, Acting Mayor Dwight, and Councilperson Lanting to Ed Morris and Tim Lauda.

2. Presentation by J-U-B Engineer and Brockway Engineering, PLLC., on the status of the south well field water supply projects.

**Presenter:**

Mark Holtzen, J-U-B Engineers, Inc., and Chuck Brockway, Sr., Brockway Engineering, PLLC., gave the presentation.

Chuck Brockway, Sr., reviewed the "City of Twin Falls Drinking Water Improvement Project" preliminary results of well pumping tests in southwest well area.

Mark Holtzen, J-U-B Engineers, Inc., explained the pros and cons of the southwest wells. He asked for direction from Council on how they would like to proceed:

- Drill and pump test new test well?
- Bid still valid: \$30,400, lower of the two bids, 10" well with 24-hour test.
- Agreements with property owners required prior to drilling.
- Discontinue Southwest Well option?

**Questions/comments:**

- Engineers and staff recommendations.
- Risks associated with options.
- Least costly way of developing additional water supply.
- Low arsenic levels.
- Property owner permission to drill and have access to the production well.

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- Test well drilled in approximately two months.
- Salmon Tract Buyout option.

### **Motion:**

Councilperson Johnson made the motion to approve further studies by J-U-B Engineers, Inc., and/or Brockway Engineering, PLLC., on the status of the south well field water supply projects. The motion was seconded by Councilperson Lanting. Roll call vote showed all members voted in favor of the motion. The motion passed.

Mark Holtzen reviewed the project schedule.

3. Public input and/or items from the City Manager and City Council. **None**

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

Acting Mayor Dwight invited Council and City staff to attend a presentation at Henningsen Cold Storage on January 9, 2007, on receipt of an OSHA Sharp Award, at 2:00 P.M., located at 432 South Park Avenue West.

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

1. Request of Property Acquisition, Inc., c/o Gary R. Perron, for a Zoning District Change and Zoning Map Amendment from SUI CRO to SUI CRO PUD for 70.67 (+/-) acres to develop a 41 lot residential subdivision (Quail Ridge) on property located west of 3400 East and south of the Snake River Canyon Rim.

#### **Applicant presentation:**

Gary Perron, applicant, explained the request using overhead projections. He would like to keep this a private subdivision with no community access through the subdivision.

#### **Staff review:**

Zoning and Development Manager Carraway reviewed the request using overhead projections.

The Master Development Plan does indicate interior streets shall be private with two gated entries into the project at this point and time. The lots do appear to be in compliance with the SUI zone and are one minimum acre lots. The Planning and Zoning Department has not received approval from the South Central Health Department. There have been commitments by the developer for development of the Canyon Rim Trail along the north face of his property to include building the path with stairs from the rim to Hidden Lakes. The developer also agreed to provide parking along or near 3400 East for trail access and pedestrian path to the Hidden Lakes stairway.

On May 15, 2006, the Council accepted the developer's request for an in lieu contribution for the development of a neighborhood park with 50% being attributed to the trail system improvements as presented. The Master Development Plan presented to the Commission on November 28, 2006, did not show any of the improvements.

The Commission heard the request on November 28, 2006, and recommended approval with the following conditions:

1. Subject to conditions attached to the approval of the in lieu contribution for park land associated with Quail Ridge Estates on May 15, 2006, by the City Council, to include the following:
  - a. Developer to build the canyon rim trail on City owned property across the north face of the developer's property along the rim,
  - b. to build a stairwell down to Hidden Lakes,
  - c. to build an overlook on City owned property,
  - d. to build a parking area for the public along 3400 East, and
  - e. to build a pedestrian pathway along 3400 East connecting to Snake River Canyon Trail to include the path to Hidden Lakes stairway.
2. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City code requirements and standards.

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Following the public hearing staff met with the developer to discuss implementation of the conditions approved on May 15, 2006, of the City Council, and as recommended by the Commission. A revised master development plan was submitted on December 18, 2006, which does not implement the conditions of approval.

Staff's concern is that there is no connectivity at a trail system that would be connecting to the west. The commitment to go with the stairs down to the Hidden Lakes is what the applicant has committed to, as well as the easements along the path.

Staff concurs with the Commission's and Council's May 15, 2006, recommendations.

The property is located within the area of impact; therefore, the City Council shall make a recommendation only. It will then go to the County Commissioners for a decision.

### **Questions/comments:**

-The applicant stated there is 800' between the proposed parking area and the canyon rim.

### **Public hearing:**

The public hearing was opened and closed with no input.

### **Closing statements:**

Gary Perron, applicant, stated that it does not seem reasonable for the access to go from 3300 East. He would agree to build the stairs and overlook. It is a gated community and would definitely oppose to having any community access.

### **Deliberations:**

- Development of three subdivisions to the east.
- Clarification of City and developer's ownership of the rim.
- Stairs and overlook location.
- The park in lieu was approved on the assumption that the trail went through the subdivision.
- The developer stated that he would pay \$50,000 - \$60,000 for improvements with a \$9,000 credit.
- Controlled/electronic gates committed by the developer, which would benefit the development.
- Twin Falls Highway District is not opposed to the proposed path.

### **Motion:**

Councilperson Johnson made a motion to approve the request of Property Acquisition, Inc., c/o Gary R. Perron, for a Zoning District Change and Zoning Map Amendment from SUI CRO to SUI CRO PUD for 70.67 (±) acres to develop a 41 lot residential subdivision (Quail Ridge) on property located west of 3400 East and south of the Snake River Canyon Rim to include the recommendations of staff and the Planning and Zoning Commission, as noted. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

To be scheduled to be heard by the County Commissioners.

2. Request of Twin Falls School District No. 411, c/o Scott Straubhar/Hummel Architects for the annexation of 80 (+/-) acres on property located northwest of North College Road and Washington Street North.

### **Applicant/presentation:**

Scott Straubhar, Hummel Architects, representing the applicant, explained the request using overhead projections. He reviewed the master development plan, zoning classifications, and the roadway system. The gymnasium will have a parapet height of 60' and the stage of the auditorium will have a parapet height of 52'. The balance of the building will be 38' along the wings and so on.

### **Staff review:**

Zoning and Development Manager Carraway reviewed the request using overhead projections. The preliminary PUD presentation was held before the Commission on November 28, 2006, followed by the Public Hearing held December 12, 2006. The applicants presented a master development plan for the new high school. The portion of the property for the high school is approximately 65 acres, which would be used to accommodate the

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school auditorium, gymnasium, parking lot, and soccer fields, football practice fields, stadium softball and baseball diamond and tennis courts.

The R-2 PUD zoning request for the high school is to accommodate the school as a permitted use and under the PUD agreement to allow for additional height for the school as required for the gymnasium and auditorium parts of the building.

The site also includes a seven (7) acre parcel requested to be zoned R-2 PUD to be located northwest of Park View and North College Road. The residential development is intended to be compatible with the North Pointe Ranches subdivisions; however, the school would like to allow for a religious use to be permitted if that opportunity occurs.

A one (1) acre site, located southwest of Park View and Cheney Drive, designated for a City pressure irrigation station to be located just north of the site.

The C-1 PUD portion is approximately 4.7 acres designed for limited commercial development along the northeast part of the property, located at the southwest corner of Cheney and Washington Street North. This is proposed to have uses compatible with the C-1 property to the north and shall provide a buffer between the commercial development to the north of North Haven Subdivision and the high school. The applicant has been working with staff, surrounding property owners, and developers to plan for the north/south collector connection. The master development plan has been modified to reflect the agreed changes. The proposed collector Park View Drive will connect at a four way intersection at Cheney Drive and continue north.

On December 12, 2006, the Commission recommended approval, as presented, subject to the following conditions:

1. Subject to arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property.
2. Subject to amendments as required by building, engineering, fire and zoning officials to ensure compliance with all applicable City Code requirements and standards, including technical review of traffic studies.
3. Subject to Council approval of the annexation and zoning designation, as presented, for Northpoint Business Park PUD and St. Luke's/Magic Valley Regional Medical Center Business Park PUD.
4. Subject to right-of-way dedication from North Haven PUD Subdivision for Park View Drive, north of Cheney Drive West.
5. Subject to allowing a covered bus facility/pick-up shelter as a permitted use for the high school property.

### **Questions/comments:**

-Religious facility in the R-2 zone, requiring a Special Use Permit.

-Cheney Drive reflecting medians.

-Traffic lights. City Engineer Fields stated signals are planned as part of the Washington Street North project and addressed in this project's traffic study and other projects traffic study. Traffic lights are planned at the intersection of Washington North and Cheney Drive and at the intersection of Washington North and North College.

6:55 P.M. Councilperson Barigar recused himself at this time.

-Proposed number of lanes on Cheney Drive and North College Road. City Engineer Fields stated that Cheney Drive can accommodate a four lane section; staff is currently discussing a smaller section at this time. This may be a three lane section. North College Road is a collector width and can accommodate a four lane section.

-Access points.

### **Public hearing:**

Don Acheson, 629 Morgan Court, asked for the status of the PUD agreement for the school.

Karl Lessey, 1424 North Pointe Drive, has spoken with the school, and is requesting that in the R-2 section of the project, a 6' berm be placed.

The public hearing was closed.

**Closing statements:**

Scott Straubhar stated the following:

- Understood the PUD agreement would be approved at the time of the recording of the final plat.
- Three exits are planned.
- Berm: Details have not been worked out.
- No plans for the R-2 development on the west side.

Zoning and Development Manager Carraway explained the PUD agreement approval process.

**Deliberations:**

- Consideration for the neighbors on the west side of the R-2 zone.

**Motion:**

Councilperson Lanting made a motion to approve the request of Twin Falls School District, #411, c/o Scott Straubhar/Hummel Architects, for the annexation of 80 acres (+/-) with a zoning designation of R-2 PUD and C-1 PUD for the development of the new high school, for property that is currently zoned R-2 and R-4, on property located at the northwest corner of North College Road and Washington Street North with the Zoning recommendations. The motion was seconded by Councilperson Hall.

Councilperson Lanting amended his motion to include the following condition: Development other than permitted residential development for the 7 acres (+/-) located at the northwest corner of Park View Drive and North College Road will require a PUD amendment. Councilperson Hall agreed with the motion and roll call vote showed all members present voted in favor of the motion.

7:11 P.M. Recess

7:18 P.M. Reconvened.

**3. Request by St. Luke's/Magic Valley Regional Medical Center for annexation of 40 acres (+/-) located at the southeast corner of Pole Line Road West and Grandview Drive North.**

**Applicant/Presentation:**

Scott Straubhar, Hummel Architects, representing the applicant, stated that he has met with the other developers and City staff to discuss the roadway system.

Gary Sorensen, Hummel Architects, representing the applicant, explained the request using overhead projections. He reviewed the master development plan, roadways and access points, and signage. A conceptual signal plan was shown on overhead projection.

**Questions/comments:**

- Parking lot lighting. Gary Sorensen stated they would have cut offs at the lighting fixtures. Phased lighting at areas adjacent to the neighborhoods would be on a phase lighting schedule. Some of the perimeter lighting should shut off between 5:00 A.M. to 6:00 P.M. The 8:00 A.M. to 5:00 P.M. side lights should be significantly scaled back. The 24 hour site would stay lit predominantly 24 hours a day.
- Logo. The hospital would like to have the logo on the tower and internally illuminated.
- Ambulances would not be stored on the property.
- Helipad safety and dust issues. The dust would be minimized.
- Screening and/or landscape along the west and south sides, residential area. The current plan developed with the neighbors is to have a berm along Cheney Drive and Grandview, detached meandering sidewalk, which would be continuous around the site. The eastern and northern borders of the site haven't been planned.
- Diamond shapes for the in patient tower. Singular tower, and possibly in the future, if outgrown, would be an addition to that tower.
- Central heating plan, exhaust and odor.

**Staff review:**

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Zoning and Development Manager Carraway reviewed the request using overhead projections. The preliminary PUD presentation was held before the Commission on September 12, 2006, followed by the Public Hearing held on September 26, 2006. At that meeting the Commission expressed concern regarding the development of a north-south collector street (Wendell Street at the time) or an alternative north-south collector. This item was tabled until an acceptable collector could be coordinated through the site proposed to be developed in this area. The applicant has been working with staff, surrounding property owners, and developers to plan for the north-south collector through this section of the City. The master development change shows no changes as to what was presented to the Commission on December 12, 2006. The applicants presented a master development plan to allow the development of the master regional medical facility.

The applicant is showing elements on the site to buffer residential property to the south and make proposed development as compatible with the area as much as possible. The C-1 PUD Business Park designation will allow for a hospital to be built on the site as an outright permitted use. The master development plan shows four accesses into the site.

On December 12, 2006, the Commission recommended approval of a zoning designation of C-1 Business Park PUD subject to the following conditions:

1. Subject to arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property.
2. Subject to amendments as required by building, engineering, fire and zoning officials to ensure compliance with all applicable City Code requirements and standards including technical review of traffic studies.
3. Subject to Council approval of the annexation and zoning designations, as presented, of Northpoint Business Park PUD and Twin Falls School District, #411 R-2 & C-1 PUD.
4. Subject to right-of-way dedication from North Haven PUD Subdivision for Park View Drive, north of Cheney Drive West.

Staff concur with the December 12, 2006, Commission recommendations.

### **Questions/comments:**

-Water runoff. City Engineer Fields explained that commercial development may choose to use subsurface retention systems. The requirements are to retain 100% of the water on site and would need to pass the 100 year storm.

### **Public hearing:**

Karl Lessey, 1424 North Pointe Drive, spokesperson for homeowners, submitted a petition signed by 130 homeowners. He requested that there be no access/ entrances to the hospital property from Cheney Drive.

He spoke on the proposed business park. He opposed the allowance of a gas station, 24 hour businesses, drive-through windows, and drive-through window business, no restrictions of types of signs and lighting, access off a separate entrance. He asked the Council to insist the PUD be changed to basically equate to the North Haven PUD.

David McClusky, 123 Fillmore Street, spokesman for physicians and medical staff at Magic Valley Regional Medical Center, spoke in favor of the request.

Barbara Judd, 824 Grace Drive, requested that the roadway accesses on Cheney Drive be eliminated.

Liz Niccum, 846 Grace Drive West, spoke opposing the request. Her concerns are the allowance of a 24 hour businesses, excess noise, traffic in a four lane highway, and lighting onto a residential area.

Char DeRoche, 390 Sarah Ave., spoke opposing the request. Her concerns are a four or five lane highway traffic and safety of children in the area.

Kent Loosli, 3608 E. 3908 N., spoke on behalf of St. Luke's Magic Valley Regional Medical Center; spoke in favor of the request. He discussed the access entrances and said they would continue discussion with the neighborhood on the landscape buffer.

**Closing comments:**

Gary Slette, representing Pole Line Properties, LLC, spoke in favor of the request. He discussed the importance of using Cheney Drive as a means to accessing a 40 acre regional medical facility. The proposal is a multi-lane facility that has been articulated in the City's comprehensive plan traffic study, as a street that is designed to carry some traffic volume.

As a point of clarification, he spoke with Jeff Hull, project architect for the hospital, regarding the statement made by Scott Straubhar that he understood that the Pole Line Properties LLC., would pay for and develop the area, or the street segment of Cheney Drive on the south side of the property, issue as to who bears the full cost of construction of that roadway, particularly the south lane. Both have agreed that they would meet together to discuss.

Brent Jussel, 935 Meadowview Lane, Chairman of the Planning Committee for St. Luke's Magic Valley Regional Medical Center, spoke in favor of the request. He stated that the points of access are ingress/egress issues that should be left to the hospital and City engineers to be resolved. On overhead projections he reviewed the statistics of the May election, showing support of the hospital.

The public hearing was closed.

**Closing statements:**

Scott Straubhar stated the following:

- The roadway plan. He understood that the roadway was going to be provided by the developer to the east, was not 100% certain. The roadway plan presented will be the roadway plan ultimately implemented. The cost of the roadway is yet to be determined.
- Entrances and location. Redundancy is the reason why the entrances to the campus are laid out, as presented.
- Berms and buffer along the south and west areas. The distance will be 40' and a berm will provide the sound and light buffering; would anticipate the buffering would include trees.
- Location. The hospital is a regional medical center and will be servicing the Twin Falls City, County and the region.
- Traffic volumes at Cheney Drive. A traffic impact study was provided to the City staff, which recommends that Cheney Drive and Grandview remain as a three lane road, and Pole Line remain as it is.

**Questions/comments:**

- Site location. Scott Straubhar stated that he understood that the size of the lot was the largest contiguous piece remaining in this quadrant.

Jim Pline, Traffic Engineer for St. Luke's Magic Valley Regional Medical Center, stated that four or five sites were available for sale at the time the site was chosen.

- Access points. Scott Straubhar stated that Pole Line is ITD controlled and access is not allowed.

**Deliberations:**

Acting Mayor Dwight stated that Mr. Lessey's concerns regarding the development to the east are referring to Agenda Item #4.

City Attorney Wonderlich stated that the issue of the second access off of Parkview directly relates to the approval of Agenda Item #4 and the developer in Agenda Item #4 does not have to give that access.

- Anticipated speed limit on Cheney Drive, traffic safety and driveway issues. City Engineer Fields stated that all roads in Twin Falls are 25 mph unless posted otherwise. The speed limit on Cheney Drive has not been fully addressed and it would be possible that Cheney Drive in this section could be a 35 mph road. The City has been involved with St. Luke's in regards to the approaches on Cheney Drive. St. Luke's did not want to place an approach on Park View Drive (formerly known as Wendell Street) or place the approach on Northern Pine.
- Cheney Drive. City Engineer Fields stated that she will recommend that Cheney Drive be a four lane section with a median and a left turn bay.

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-Grandview Drive. City Manager Courtney stated that the long term intent is to be normal collector width, which would be more than three lanes. The issue right now is acquiring right of way.

Acting Mayor Dwight proposed that the Council move on to Agenda Item #4 and take no action on Agenda Item #3.

A consensus of Council showed approval.

8:45 P.M. Recess

9:02 P.M. Reconvened

4. Request of North Pointe Park, c/o Gerald Martens, on the annexation of 15.4 (+/-) acres on property located west of Park View Drive (Formerly known as Wendell Street) and north of Cheney Drive West.

### **Applicant presentation:**

Gary Slette, representing Pole Line Properties, LLC , explained the request using overhead projections. He stated that misrepresentations had been made of Gerald Martens in regards to North Pointe Ranches fencing, and the area north of Cheney Drive would be a residential area. He stated that the City approved the development and the developer's have complied with all of the aspects of the approvals of the property.

He discussed the following:

- The Comprehensive Plans, adopted by the City Council, approved the designation of this property along Pole Line Road.
- Pole Line Properties LLC, has worked closely with St. Luke's Magic Valley Regional Medical Center, City staff, and the high school, relative to transportation corridor issues through the property.
- Accesses on Cheney Drive.
- As a representative of Pelican Development, LLC., the neighboring property owner spoke in favor of the request as presented to the City Council and by the Commission.

### **Staff report:**

Zoning and Development Manager Carraway reviewed the request using overhead projections. The land uses are to be conducive with the proposed new hospital to the west. The development plan of the North Pointe Park project shows landscaping along the entire perimeter of the site, as well as internal. It shows one access off of Cheney with one internal access at the private drive.

Staff recommends that if approved, the accesses off of Cheney Drive West be determined in the future by City staff and to be reviewed by City Council prior to final plat approval. The preliminary PUD presentation was held before the Commission on September 12, 2006, followed by the Public Hearing held on September 26, 2006.

On December 12, 2006, the Commission recommended approval of a C-1 Business Park PUD Zoning designation subject to the following conditions:

1. Subject to arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property.
2. Subject to amendments as required by building, engineering, fire and zoning officials to ensure compliance with all applicable City Code requirements and standards, including technical review of traffic studies.
3. Subject to Council approval of the annexation and zoning designations, as presented, of St. Luke's/Magic Valley Regional Medical Center Business Park PUD and Twin Falls School District, #411 R-2 & C-1 PUD.
4. Subject to right-of-way dedication from North Haven PUD Subdivision for Park View Drive, north of Cheney Drive West.

Staff recommends the following condition and concurs with the Planning and Zoning Commission recommendations:

5. The accesses off of Cheney Drive West and Park View Drive to be determined in the future by City staff and to be reviewed by City Council prior to final plat approval.

**Questions/comments:**

-Private Drive. City Engineer Fields stated that the private drive was requested as part of the development planning process.

**Public hearing:**

Karl Lessey, 1424 North Pointe Drive, spoke opposing the request. He requested the following:

- No 24/hour business operation permitted.
- No operation of a retail gas station or car wash
- No drive through windows upon any business.
- No access on Cheney Drive.

Liz Niccum, 846 Grace Drive W., spoke opposing the request. Her concerns are excess traffic and noise.

Don Acheson, 629 Megan Court, spoke opposing the request. He stated that Cheney Drive cannot extend any further west than Grandview unless the City is ready to condemn the motor home park for access.

Stan Noble, 1435 Anny W., stated that he concurred with Karl Lessey and Don Acheson's comments.

The public hearing was closed.

**Conclusion:**

Gary Slette stated the following:

- The proposed PUD agreement of Pole Line Properties paralleled the hospital's planning and development agreement.
- 24 hour access be allowed as in the hospital development request.
- Acquiring the transportation infrastructure to avoid a piecemeal development.

**Deliberations:**

- The PUD process.

**Motions:**

Councilperson Johnson made the motion to approve the request by Northpoint Business Park for annexation of 15 acres (+/-) of property located west of Park View Drive (formerly known as Wendell Street) and north of Cheney Drive West with a zoning designation of C-1 PUD Business Park subject to the conditions set forth by the Planning and Zoning Commission and with the addition the accesses off Cheney to be approved by City staff and City Council prior to final plat approval. The motion was seconded by Councilperson Don Hall.

Councilperson Lanting made the motion to amend to provide direction to City staff that the area south of North Haven Drive have the same PUD restrictions as North Haven Subdivision. No second on the motion. The motion failed.

Zoning and Development Manager Carraway stated that in the North Point Park PUD agreement, Page 16 is missing, stating special uses. The drives through and 24/retail business hours are in conjunction with a special use permit.

Gary Slette stated that the North Pointe PUD agreement mirrors Page 2 of the St. Luke's PUD agreement, stating no restriction to hours of operation.

Zoning and Development Manager Carraway made the following clarification of hours of operation in City code: The only hours of operation that are limited are for retail uses within our City code professional services are outright permitted to operate 24 hours a day. The only times the hours of operation are limited are with a retail use or may be limited by SUP.

**Discussion followed:**

- North Pointe Park PUD Agreement Page 2 C. Hours of Operation.
- North Pointe Park PUD Agreement Page 17.

-St. Luke's Magic Valley Regional Medical Center PUD, page 17: 10-4-8.: Use Regulations.

City Attorney Wonderlich stated that the 24 hour restriction permission applies to non-retail, and retail has the restriction of 7:00 A.M. to 10:00 A.M. throughout the C-1 Zone.

Councilperson Lanting made a motion to table the request. The motion was seconded by Councilperson Craig.

Discussion followed:

-Gary Slette spoke regarding the 24 hour operation in a residential area.

Roll call vote showed Councilpersons Lanting and Acting Mayor Dwight voted in favor of the motion. Councilpersons Craig, Hall and Johnson voted against the motion. The motion failed.

Councilperson Lanting made a motion to amend that it would be required under City code that the area of the bottom one-half of the larger portion, and the southerly larger portion, and access to the Cheney Drive, would be subject to the SUP provisions.

Gary Slette asked for a clarification on the motion.

Councilperson Craig withdrew his second to the amendment.

**Public hearing:**

Acting Mayor Dwight reopened the Public Hearing for Agenda No. 4.

Karl Lessey, 1424 North Pointe Drive, requested that there would be no access on Cheney Drive.

Kent Loosli recommended that the access points be discussed at the time of platting.

Tim Stover, representing the School District, spoke in favor of the request.

Stan Robel, 1435 Anny Drive West, spoke in favor of Cheney Drive being subject to the special use permit provisions.

Brent Jussel, 935 Meadowview Lane, requested Council take action on this request.

The public hearing was closed.

**Deliberations:**

Councilperson Lanting made a motion that the portion from the access south (the retail portions) be subject to a special use permit. The motion was seconded by Councilperson Craig.

Councilperson Craig withdrew his second to the amendment.

Councilperson Lanting made the motion to amend that II. C. of the proposed PUD agreement should read: Hours of Operation as required by City code. No second on the motion. The motion failed.

Councilperson Craig made the motion that the east entrance into North Pointe, going straight west, the area south of Cheney, be described on page 16 and 17 of the packet. The motion was seconded by Councilperson Hall.

City Attorney Wonderlich clarified the intent of the motion, requiring retail operation south of that line, as shown on overhead projections, to have a special use permit if operating outside the hours of 7:00 A.M. to 10:00 P.M.

Roll call vote showed Councilpersons Craig, Hall, and Johnson voted in favor of the motion. Councilpersons Lanting and Acting Mayor Dwight voted against the motion. The motion passed.

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Roll call vote on the main motion as amended showed Councilpersons Craig, Hall, and Johnson voted in favor of the main motion. Acting Mayor Dwight and Councilperson Lanting voted against the motion. The motion passed.

**Decision on Agenda Item No. 3:**

Councilperson Johnson made the motion to approve the request of St. Luke's MVRMC for annexation of 40 ± acres, the zoning district change, the zoning map amendment, with a designation of C-1 Business Park for the development of a new regional hospital, located at the southeast intersection of Pole Line Road and Grandview North as recommended by the P & Z Committee, and access off of Cheney to be determined by City staff in the development of the plat. The motion was seconded by Councilperson Hall.

Councilperson Lanting made the motion to amend that all accesses which are currently shown as leading on to or off of Cheney, come back before the Council before final approval. The motion was seconded by Councilperson Craig.

Roll call vote showed Acting Mayor Dwight, Councilpersons Hall, Lanting, Craig voted in favor of the motion. Councilperson Johnson voted against the motion. The motion passed.

Councilperson Lanting made a subsequent amendment that stipulates that in order for the City to widen Grandview on the portion of the property operated by the hospital, the hospital provide the additional right of way to allow for the road to be widened and a slight curve. The motion was seconded by Councilperson Craig.

Scott Straubhar stated that the hospital has dedicated their portion of the right of way, in concert with Gary Young, former City Engineer, and in coordination of ITD.

Roll call vote on the subsequent motion as amended showed Councilperson Lanting voted in favor of the motion. Councilperson Hall, Johnson, Craig and Acting Mayor Dwight voted against the motion. The motion failed.

Roll call vote on the main motion to annex the land as a C-1 PUD Business Park with conditions by Planning and Zoning, with the access off of Cheney to be determined in the future by City staff, and to include the previous amendment which was to bring back to Council the accesses that are now shown on Cheney by St. Luke's back to Council before final plat approval, showed all members present voted in favor of the motion. The motion passed.

**V. ADJOURNMENT: 10:48 P.M.**

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
**TUESDAY, JANUARY 16, 2007**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: January 9, 2007 – January 16, 2007 total \$350,628.73.
2. Consideration of the December 18, 2007, and January 2, 2007 Minutes. Rescheduled for the January 22, 2007 Agenda.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Commissioner Tom Mikesell of a court cost fees reimbursement check.
2. Presentation made to Officer David Frick with his POST Basic Certificate and Dispatcher Teri Blair with her Level I Communications Specialist Certificate.
3. Presentation of a summary of the 2006 Conservation Program.
4. Consideration of a request to destroy any semi permanent or temporary records and to notify the Idaho State Historical Society before destruction of any records. *Proposed Resolution 1778*
5. Consideration of an agreement for Engineering Services with Riedesel Engineering for FAA Airport Improvement Project-26.
6. Consideration of adoption of the following ordinances:
  - a. Request of Twin Falls School District No. 411, c/o Scott Straubhar/Hummel Architects for the annexation of 80 (+/-) acres on property located northwest of North College Road and Washington Street North. *Proposed Ordinance 2893*
  - b. Request of St. Luke's/Magic Valley Regional Medical Center on the annexation of 40 (+/-) acres for property located at the southeast corner of Pole Line Road and Grandview Drive North. *Proposed Ordinance 2894*
  - c. Request of North Pointe Park, c/o Gerald Martens, on the annexation of 15.4 (+/-) acres on property located west of Park View Drive (formerly known as Wendell Street) and north of Cheney Drive West. *Proposed Ordinance 2895*
7. Public input and/or items from the City Manager and City Council.

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

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

Request of R.G. & Dean Mesersmith and The Earl and Barbara Williamson Family Trust DTD 12/6/93 for the Vacation of a public access easement located on Lot 16, Block 1, Villa Vista Subdivision, #4 for a total area of 4400 sq. ft. (app. 2046)

**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.***

**ATTENDANCE**

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<p><u>Present</u>  <b>Mayor Lance Clow</b>  <b>Vice Mayor Glenda Dwight</b>  <b>Shawn Barigar</b>  <b>Trip Craig</b>  <b>Don Hall</b>  <b>David E. Johnson</b>  <b>Greg Lanting</b></p>	<p><u>Absent</u>  <b>None</b></p>
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**CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Management Assistant Gretchen Scott, Police Chief Jim Munn, Airport Manager Bill Carberry, Deputy City Clerk Leila Sanchez.**

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**AGENDA ITEMS**

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Mayor Clow called the meeting to order at 5:00 P.M. and invited all present, who wished to, to recite the Pledge of Allegiance.

**II. CONSENT CALENDAR:**

1. Consideration of accounts payable: January 9, 2007 – January 16, 2007 total \$350,628.73.
2. ~~Consideration of the December 18, 2007, and January 2, 2007 Minutes. Rescheduled for the January 22, 2007 Agenda.~~

Vice Mayor Dwight made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Commissioner Tom Mikesell of a court cost fees reimbursement check.

Twin Falls County Commissioner Tom Mikesell presented a check for \$ \$630,042.00 to the City of Twin Falls for court cost fees reimbursement

2. Presentation made to Officer David Frick with his POST Basic Certificate and Dispatcher Teri Blair with her Level I Communications Specialist Certificate.

Police Chief Munn, Mayor Clow and Councilperson Hall presented Officer David Frick with his POST Basic Certificate and Dispatcher Teri Blair with her Level I Communications Specialist Certificate.

- 3 Presentation of a summary of the 2006 Conservation Program.

Management Assistant Scott gave a summary on the 2006 Conservation Program. She reviewed the following table listing the activity totals for 2005 and 2006:

	2005	2006
Water Violations	1184	914
New Lawn Exemptions	146	300
Fines Issued	0	9
Inspector Hours	426	600
Budget Expenditures		
Media	\$ 14,601.96	\$ 12,148.70
Inspector Supplies	\$ 1,555.72	\$ -
Inspector Salary	\$ 2,850.00	\$ 4,432.00
<b>Total</b>	<b>\$ 19,007.68</b>	<b>\$ 16,580.70</b>

Goal for 2007 – Because of the number of new water accounts that have been added to the distribution system and the City will no longer be able to compare total system water usage between years to measure conservation results. The City will begin

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using average water consumption per household to measure water use patterns. The conservation program will remain largely unchanged for 2007 unless the water situation worsens or the council wishes to see the program expanded.

Discussion followed on:

- Watering schedule.
- Sod and grasses.
- Conservation effort by local nurseries, including Pipeco Inc.
- Recognized the top ten commercial water savers in a media campaign.
- The Beautification Committee Landscape Awards criteria.

4. Consideration of a request to destroy any semi permanent or temporary records and to notify the Idaho State Historical Society before destruction of any records. *Proposed Resolution 1778*

City Manager Courtney gave an overview of the proposed resolution, and if passed, would notify the Historical Society, prior to destruction of any records.

Councilperson Johnson made the motion to adopt Resolution 1778 as grammatically corrected and as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of an agreement for Engineering Services with Riedesel Engineering for FAA Airport Improvement Project-26.

**Staff review:**

Airport Manager Carberry reviewed the request. The 2007 AIP project will consist of rehabilitation of Runway 12/30, Taxiway "K" and "H", and a portion of the west general aviation portion. The work will be executed with financial assistance from the Federal Aviation Administration under the Airport Improvement Program. The owner and the Idaho Division of Aeronautics will provide the remaining funds. The estimated probable construction project is \$1,000,000. The 2007 Airport construction fund includes the 5% matching dollars required for the FAA grant money covering the contract and the project.

Professional services to be provided shall include planning, design, design survey, and geotechnical engineering necessary to accomplish project formulation, grant administration, site planning, preliminary design, final design, bidding, construction administration and observation, quality assurance services, control surveying, and the overall coordination of all phases of the project with the owner and the FAA.

Two bids were received: Toothman-Orton at a cost of \$244,317.00, and Riedesel and Engineering at a cost of \$157,264.00.

Staff recommends that the City Council approve the contract for engineering services for AIP 26 with Riedesel Engineering in the amount of \$157,264.00 contingent upon FAA concurrence.

**Motion:**

Councilperson Barigar made the motion to approve the contract for engineering services for FAA AIP-26 with Riedesel Engineering in the amount of \$157,264 contingent upon FAA concurrence. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

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Don Acheson asked for the following point of clarification relative to the North Pointe Park PUD Agreement that was presented at the January 8, 2007, Council Meeting: He wanted to know if the City Staff and Council reviewed the PUD changes and if they have been codified in the PUD agreement.

City Attorney Wonderlich stated that he had not seen the PUD changes. The PUD Agreement would have to be in conformance with the representations and the vote that was made on the January 8, 200, approvals.

Don Acheson, speaking as a resident of North Pointe Ranch Subdivision, asked for the opportunity to review the PUD Agreement and to be notified by staff when the PUD Agreement can be reviewed.

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Mayor Clow stated that the North Pointe Park request is for annexation with a zoning designation. The PUD Agreement would come before Council as a separate item.

Don Acheson stated that he understood that the annexation, zoning and PUD Agreement were all lumped together.

City Attorney Wonderlich clarified that when North Pointe Park is annexed it is zoned as a PUD, but the PUD agreement is approved later when it is completely worked out. The applicant would not be allowed to do anything with the property until there is an executed PUD agreement.

**Mayor Clow and Councilperson Barigar abstained from voting on the following ordinances.**

6. Consideration of adoption of the following ordinances:

- a. Request of Twin Falls School District No. 411, c/o Scott Straubhar/Hummel Architects for the annexation of 80 (+/-) acres on property located northwest of North College Road and Washington Street North. *Proposed Ordinance 2893*

Councilperson Johnson made the motion to suspend the rules and place Ordinances #2893, #2894, #2895, on third and final reading by title only. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

Community Development Director Humble reviewed the request.

Deputy City Clerk Sanchez read the title to Ordinance #2893 entitled:

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

Councilperson Hall made the motion to adopt Ordinance #2893, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed Councilpersons Craig, Vice Mayor Dwight, Councilpersons Hall, Johnson and Lanting voted in favor of the motion. Mayor Clow and Councilperson Barigar abstained from voting. The motion passed.

- b. Request of St. Luke's/Magic Valley Regional Medical Center on the annexation of 40 (+/-) acres for property located at the southeast corner of Pole Line Road and Grandview Drive North. *Proposed Ordinance 2894*

Community Development Director Humble reviewed the request.

Deputy City Clerk Sanchez read the title to Ordinance #2894 entitled:

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

Councilperson Johnson made the motion to adopt Ordinance #2894, as presented. The motion was seconded by Councilperson Craig and roll call vote showed Councilpersons Craig, Vice Mayor Dwight, Councilpersons Hall, Johnson and Lanting voted in favor of the motion. Mayor Clow and Councilperson Barigar abstained from voting. The motion passed.

- c. Request of North Pointe Park, c/o Gerald Martens, on the annexation of 15.4 (+/-) acres on property located west of Park View Drive (formerly known as Wendell Street) and north of Cheney Drive West. *Proposed Ordinance 2895*

Community Development Director Humble reviewed the request.

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

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Councilperson Johnson made the motion to adopt Ordinance #2895, as presented. The motion was seconded by Councilperson Craig.

Discussion followed:

-Purpose of the PUD agreement.

City Attorney Wonderlich stated that as approved the area consisting of approximately about the southerly one-half portion of the drive in to St. Luke's would follow the same rules as other C-1 in the City of Twin Falls. The part north of that would be permitted 24 hour operation.

Community Development Director Humble stated that the PUD agreement would also firm up road alignments, with the Master Development Plan is being attached to the PUD.

Roll call vote showed Councilperson Craig, Vice Mayor Dwight, Councilperson Hall, Johnson and Lanting voted in favor of the motion. Mayor Clow and Councilperson Barigar abstained from voting. The motion passed.

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

Councilperson Johnson gave an update on the Tree Enhancement Program. The Parks and Recreation Department will be accepting applications.

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

Councilperson Lanting stated that the Twin Falls City Council will hold a Special Meeting with the Twin Falls Library Trustees and Library Foundation Board on February 5, 2007, at 3:30 P.M. at the Twin Falls Public Library Program Room at 201 Fourth Avenue East.

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

**Presenter:**

Request of R.G. & Dean Mesersmith and The Earl and Barbara Williamson Family Trust DTD 12/6/93 for the Vacation of an access easement located on Lot 16, Block 1, Villa Vista Subdivision, #4 for a total area of 4400 sq. ft. (app. 2046)

Gary Slette, representing the applicants, explained the request using overhead projections. The request is to seek vacation of a public access easement to develop in a manner consistent with other properties in the area for residential purposes. At the August 29 2006, Planning and Zoning meeting, the Commission recommended of the vacation with a vote of 3 to 5. The staff report states that the vacation is of a public access easement. The owner's certificate that is built in on the back of the plat that is an easement that is not dedicated to the public. As a reserved easement, the grantor or the owner of the property is the party possesses the right to utilize the easement or to get rid of it. From the Idaho Supreme Court an expressed easement by reservation reserves to the grantor some new right of property being conveyed. In this particular instance the reservation was made by the grantor. The property being conveyed was the adjacent property , not this particular lot.

**Staff review:**

Community Development Director Humble reviewed the request using overhead projections. At the August 29, 2006, Planning and Zoning Commission Public Hearing Meeting, City Attorney Wonderlich did confirm that the easement is not a public easement, but the owner of lot 1 is the owner of the easement. He reviewed the history of the request. Currently there is no plan of development of the adjacent property.

Staff concurs with the Planning and Zoning Commission recommendation. The easement is to the owner of the adjacent property. He stated that Brian Newberry, representing the property owner to the west, asked that the Commission not approve the request. The property owner would like to keep his options open for his property until such time as the development plan is available.

**Questions/comments:**

- The easement is to the lot, not to the owner.
- C-1 PUD Easement.
- Platted as a 40' wide lot.
- Ingress/egress access onto the property.

MINUTES

January 16, 2007

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City Engineer Fields stated that the State would allow one access. The approach on El Camino is closer to the intersection than the standards allow.

Community Development Director Humble stated that El Camino does not meet current City standards and would take some concession.

City Attorney Wonderlich stated he hadn't seen the deed for Lot 1 Block 1.

**Public hearing;**

Spencer Bagshaw, 1238 Inca Drive, spoke in favor of the request, and against a vehicular access.

Waylan Klundt, 1258 Inca Drive, spoke in favor of the request, and primary concern is that the access may provide easy access to the neighborhood.

Julie Klundt, 1258 Inca Drive, asked if the applicant is planning to use the lot for access into the adjoining property off of Washington, and if so, is speaking against the request.

Brandee Bagshaw, 1238 Inca Drive, spoke in favor of the request, and against a vehicular access.

Carleen Humphries, 112 Coronado, spoke in favor of the request and against a vehicular access.

Jim Brown, 1206 Inca Drive, spoke in favor of the request and against a vehicular access.

Community Development Director Humble read in to the record a letter from Steven and Susan Henderson, 1210 Inca Drive, who spoke in favor of the request and against a vehicular access.

**Closing statements:**

Gary Slette said the intent of the vacation would be for the property to be utilized as a single family home. The access to Lot 1 Block 1 of Villa Vista Subdivision 2 would be by Washington Street or El Camino.

**Questions/comments:**

- Neighborhood access pedestrian walkway.
- Original design of the preliminary plat of the 1970's of Phase II.
- Confirmation of the notification of the adjacent property owner to the west.
- Legal property owner has legal right to the access.

City Attorney Wonderlich discussed the legal issues of the ownership right to the access.

The public hearing was closed.

**Motion:**

Councilperson Barigar made a motion to approve the request of R.G. & Deaun Mesersmith and The Earl and Barbara Williamson Family Trust DTD 12/6/93 for the vacation of a public access easement located on Lot 16, Block 1, Villa Vista Subdivision. The motion was seconded by Councilperson Johnson.

Councilperson Lanting made the amendment that the easement be released except retention of 5' pedestrian access on the north or south side of that lot if the property to the west is developed into a neighborhood commercial. The motion was seconded by Vice Mayor Dwight.

Councilperson Lanting with Vice Mayor Dwight's approval withdrew his motion.

Roll call vote showed all members present voted in favor of the original main motion. The motion passed.

**V. ADJOURNMENT:** The meeting adjourned at 7:08 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, January 22, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

- I. **CONSENT CALENDAR:**
  1. Consideration of accounts payable: January 17 – January 22, 2007.
  2. Consideration of the Improvement Agreement for Developments for Benno's Point Subdivision c/o Gary's Westland, LLC.
  3. Consideration of an easement from S & V Developers, LLC.
  4. Consideration of the December 18, 2007 and January 2, 2007 Minutes.
  
- II. **ITEMS FOR CONSIDERATION:**
  1. Consideration of a request by Carolyn Hymas to adopt an ordinance regulating the production of nuisance smoke.
  2. Consideration of adoption of the following ordinance:  
Request of R.G. & Deaun Messersmith and The Earl and Barbara Williamson Family Trust DTD 12/6/93 for the Vacation of a public access easement located on Lot 16, Block 1, Villa Vista Subdivision, #4, for a total area of 4400 sq.ft. (app. 2046)
  3. Presentation on an update on the City's recycling program.
  4. Consideration of the request of CSHQA on behalf of AmeriTel Inns, Inc., for City Council approval of additional building height in accordance with Twin Falls City Code 10-7-3. (app 2080)
  5. Consideration of an extension of the final plat of Parkwood Subdivision, #3 approximately 14.36 acres located south of developing Parkwood Subdivision, No. 2, 400 block of Park Ave.
  6. Consideration of a request to review and approve the recommendations of the Municipal Powers Outsource Grants Committee.
  7. Public input and/or items from the City Manager and City Council.
  
- III. **ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**
  
- IV. **PUBLIC HEARINGS:** 6:00 P.M. - None
- V. **ADJOURNMENT:** Executive Session: To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. Idaho Code 67-2345(c)

*\*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.*

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**ATTENDANCE**

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Present

Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Shawn Barigar  
Trip Craig  
Don Hall  
David E. Johnson  
Greg Lanting

Absent

None

**CITY STAFF PRESENT:** City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Management Assistant Gretchen Scott, Utility Services Director Sherry Jeff, Fire Chief Ron Clark, Finance Assistant Lorie Race, and Deputy City Clerk Leila Sanchez.

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**AGENDA ITEMS**

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Mayor Clow called the meeting to order at 5:00 P.M. and invited all present, who wished to, to recite the Pledge of Allegiance.

II. CONSENT CALENDAR:

1. Consideration of accounts payable: January 17 – January 22, 2007 total: \$381,200.32.
2. Consideration of the Improvement Agreement for Developments for Benno's Point Subdivision c/o Gary's Westland, LLC.
3. Consideration of an easement from S & V Developers, LLC.
4. Consideration of the December 18, 2007 and January 2, 2007 Minutes.

**Motion:**

Councilperson Hall made a motion to approve the Consent Calendar, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request by Carolyn Hymas to adopt an ordinance regulating the production of nuisance smoke.

Carolyn Hymas, 1930 Bitterroot Drive, explained the request, using overhead projections. She stated that the wood burning stove smoke from her neighbor's chimney was affecting her health and destroying her quality of life. She gave the following overview of events:

November 12, 2006 – Initial contact with her neighbor to state her complaint.

November 16, 2006 - Contacted Steve Van Zant, Department of Environmental Quality, but did not file a complaint.

November 19, 2006 - Second contact with her neighbor to state her complaint.

November 27, 2006 - Filed a formal complaint with the Department of Environmental Quality.

December 20, 2006 – Department of Environmental Quality contacted Mrs. Hymas neighbor.

December 2006/January 2007 – Contact has been made with the City Manager, Mayor and Council to state her complaint.

She stated that the Department of Environmental Quality is set up to monitor business facilities, but not for residential burning. The request is to regulate excessive quantities of smoke.

City Attorney Wonderlich stated that he reviewed the drafted ordinance.

Steve Van Zant, Air Quality Compliance Officer for the Department of Environmental Quality, explained that DEQ is basically geared up for businesses, factories, and facilities. He reviewed the air quality index, opacity readings and standards of other cities and violation process. He stated his support of a local ordinance.

Deliberations followed:

- Revising the proposed ordinance.
- Not limiting to wood burning appliances.

City Attorney Wondelrich proposed changes to the drafted ordinance to read as follows:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE TWIN FALLS CITY CODE BY THE ADOPTION OF A NEW SECTION 7-1-21 REGULATING THE PRODUCTION OF SMOKE.

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

That Twin Falls City Code Title 7, Chapter 1 is amended by the addition of a new section 7-1-21 regulating the production of smoke as follows:

"7-1-21: CONTROL OF SMOKE:

The creation, maintenance or continuation of excessive quantities of smoke within the city is hereby declared a health hazard and a public nuisance.

(1) It shall be unlawful for any person to allow the production or continuation of excessive quantities of smoke which may be emitted by appliances or fireplaces, which disturbs, injures or endangers the comfort, repose, health, peace, safety and welfare of any other person or persons of any area within the city.

(2) It shall be unlawful for any person, after thirty (30) minutes from the initial start up of any appliance or fireplaces to allow emissions there from to exceed an opacity reading of twenty (20) percent as determined by Method 9 in the Procedures Manual for Air Pollution Control, Idaho Air Quality Bureau, and Department of Environmental Quality. This determination shall be made by a Certified Visual Emissions Evaluator."

Deliberations followed:

- Fire pits.
- Enforcement of the ordinance.
- Initial start up of appliances or fireplaces.

Councilperson Johnson made the motion to suspend the rules and place Ordinance No. 2896, on third and final reading by title only, as amended and corrected by City Attorney Wonderlich. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read the title to Ordinance No. 2896 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE TWIN FALLS CITY CODE BY THE ADOPTION OF A NEW SECTION 7-1-21 REGULATING THE PRODUCTION OF SMOKE.

**Motion:**

Councilperson Hall made a motion to adopt Ordinance No. 2896. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Consideration of adoption of the following ordinance:  
Request of R.G. & Deaun Messersmith and The Earl and Barbara Williamson Family Trust DTD 12/6/93 for the Vacation of a public access easement located on Lot 16, Block 1, Villa Vista Subdivision, #4, for a total area of 4400 sq.ft. (app. 2046)

Community Development Director Humble reviewed the request.

Councilperson Johnson made the motion to suspend the rules and place Ordinance No. 2897, on third and final reading by title only. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read the title to Ordinance No. 2897 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 THE ISSUANCE OF DEEDS AND THE VESTING OF TITLE TO THE PROPERTY SO VACATED.

**Motion:**

Councilperson Craig made a motion to adopt Ordinance No. 2897. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Presentation on an update on the City's recycling program.

Utility Services Director Jeff gave an overview on the City's recycling program. Public service announcements have been posted on water bills, handouts, and radio stations. Television announcements will be coming out in the near future.

Les Reitz, PSI Environmental, gave an update on the residents' participation in the recycling program.

Discussion followed:

- Possible incentives to encourage participation.
- Public awareness program.
- City's revenue share.

4. Consideration of the request of CSHQA on behalf of AmeriTel Inns, Inc., for City Council approval of additional building height in accordance with Twin Falls City Code 10-7-3. (app 2080)

Community Development Director Humble reviewed the request using overhead projections. A Special Use Permit was granted on December 12, 2006, to allow a hotel at this location. The developer is requesting approval of an overall height of the hotel at sixty feet four inches (60'4"). Within the C-1 zone the maximum building height is 35'. Twin Falls City Code Section 10-7-3 allows the developer to request approval of additional building height.

Staff recommends approval of the request subject to the following conditions of the Special Use Permit granted on December 12, 2006:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to the site plan, as presented, and to include detached and meandering sidewalks for pedestrians along Pole Line Road frontage.

Councilperson Johnson made a motion to approve the request as presented and as conditioned by the Planning and Zoning Commission of CSHQA on behalf of AmeriTel Inns, Inc., for the building height of 60'4". The motion was seconded by Councilperson Barigar.

Discussion followed:

- Signage is not approved in this request.

Scotty Bowman, CFO for the AmeriTel Inns, Inc., 10200 Emerald Street, Boise, explained the request. He stated that the building would not have neon lighting.

**Motion:**

Councilperson Lanting made a motion to amend that no accent neon highlighting the outline of the building would be permitted. The motion was seconded by Vice Mayor Dwight. Roll call vote showed Mayor Clow and Councilperson Lanting voted in favor of the motion. Councilpersons Barigar, Craig, Vice Mayor Dwight, Councilpersons Hall and Johnson voted against the motion. The motion failed.

Roll call vote on the main motion showed all members present voted in favor of the motion. The motion passed.

5. Consideration of an extension of the final plat of Parkwood Subdivision, #3 approximately 14.36 acres located south of developing Parkwood Subdivision, No. 2, 400 block of Park Ave.

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Community Development Director Humble reviewed the request. The Planning and Zoning Commission approved the preliminary plat on June 29, 2004, and the City Council approved the final plat on January 31, 2005. On October 23, 2006, the City Council granted an extension of the final plat expiring January 31, 2007.

Staff recommends granting an extension subject to the same decisions as set forth as with the original approval:

1. Subject to successful dedication of City staff approved park land.
2. Subject to final inspection of improvements of Tract "B", and
3. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

**Motion:**

Councilperson Johnson made a motion to approve the one year extension (January 31, 2008) of the final plat of Parkwood Subdivision, #3, as presented, subject to the following conditions: 1. Subject to successful dedication of City staff approved park land. 2. Subject to final inspection of improvements of Tract "B", and 3. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

6:31 P.M. Councilperson Hall recused himself.

6. Consideration of a request to review and approve the recommendations of the Municipal Powers Outsource Grants Committee.

Finance Assistant Race reviewed the request.

Councilperson Barigar, Chairman of the MPOG, reviewed the application process and made the following recommendations for the 2006-2007 Municipal Powers Outsource Grants:

Twin Falls Municipal Band	\$21,161
Trans IV Buses	\$21,000
Boys and Girls Club	\$21,000
Magic Valley Arts Council	\$10,000
Crisis Center of Magic Valley	\$ 8,100
SCITRDA	\$ 3,600

Discussion followed:

- Applications lacking sufficient information.
- Applicants may apply for additional funds.

**Motion:**

Councilperson Barigar made a motion to approve the Municipal Powers Outsource Grants of \$ 84,861, as presented, with \$15,139 available funds. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

6:40 P.M. Councilperson Hall took his seat.

7. Public input and/or items from the City Manager and City Council. None

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

Councilperson Lanting stated that the Twin Falls City Council will hold a Special Meeting with the Twin Falls Library Trustees and Library Foundation Board on February 5, 2007, at 3:30 P.M. at the Twin Falls Public Library Program Room at 201 Fourth Avenue East.

**IV. PUBLIC HEARINGS: 6:00 P.M. – None**

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- V. **ADJOURNMENT:** Executive Session: To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. Idaho Code 67-2345(c)

**Motion:**

Councilperson Johnson made a motion to adjourn to Executive Session, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

The meeting adjourned at 6:45 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES  
Meeting of the Twin Falls City Council  
MONDAY, February 5, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

3:30 P.M. to 4:30 P.M.

Joint Meeting of Library Board of Trustees, Library Foundation Board, and City Council  
to be held at the Program Room at the Library

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: January 30, 2007 and January 23 - February 5, 2007.
2. Consideration of the January 8 and January 16, 2007 Minutes.
3. Consideration of a Quitclaim Deed: City of Twin Falls to Gary and Connie Storer d/b/a Gary's Westland, LLC, 1042 Wildwood Way.
4. Consideration of an Alcohol License Application for Nazz Kart LLC.
5. Consideration of a Curb-Gutter Improvement Deferral Agreement for Jim Renaldi, 1528 Third Avenue East.
6. Consideration of a Deferral Agreement for Jayco, 510 and 512 Hankins Road South.
7. Findings of Fact and Conclusions of Law
  - a. Canyon Trail PUD # 6 Subdivision Final Plat
  - b. Evergreen Apartments Final Plat
  - c. Bosero Subdivision Final Plat
  - d. Benno's Point Subdivision Final Plat
  - e. Hunter's Estates PUD Subdivision Final Plat
  - f. Gary's Westland Annexation
  - g. Bosero Development Annexation
  - h. Doug Vollmer Annexation
  - i. Doug Vollmer Comprehensive Plan Amendment
  - j. Jeff Blick Rezone
  - k. Greenridge Development Rezone
  - l. Esidoro Nieto Jr. Rezone
  - m. Community Christian Church Rezone
  - n. Ken & Rebecca Harper Rezone
  - o. Gary's Westland Vacation

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of the re-appointment of Ken Robinette to the Board of Commissioners of the Twin Falls Housing Authority for a term starting February 9, 2007.
2. Consideration of the re-appointments of Brent Jussel and Paula Brown Sinclair to the Parks & Recreation Commission for another three year term starting April 2007.
3. Consideration of an agreement for Engineering Services to be provided by J-U-B, Engineers, Inc., for the Auger Falls Heritage Park Phase 1 facilities.
4. Consideration of the final plat of Hillcrest Acres Subdivision, 2 lots on 20 acres (+/-) located a ¼ mile west of Grandview South on the south side of 3650 North Road.
5. Consideration of an extension of the final plat of Evergreen Apartments Final Plat, 1.64 (+/-) acres, to develop a multi-family residential subdivision, located at the northwest corner of Park Avenue and Lois Street.

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February 5, 2007

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6. Consideration of an extension of the final plat of Bosero Subdivision 18 (+/-) acres, to develop 67 residential lots, located on the south side of the 900-1000 blocks of Filer Avenue West.
7. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. – None

V. ADJOURNMENT: Executive Session: To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. Idaho Code 67-2345(c)

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ATTENDANCE

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Present

Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Shawn Barigar  
Trip Craig  
Don Hall  
Greg Lanting

Absent

Dave Johnson

CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Project Coordinator Lee Glaesemann, Parks and Recreation Director Dennis Bowyer, Deputy City Clerk Leila Sanchez.

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AGENDA ITEMS

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3:30 P.M. to 4:30 P.M.

Joint Meeting of Library Board of Trustees, Library Foundation Board, and City Council  
to be held at the Program Room at the Library

Mayor Clow called the meeting to order at 5:00 P.M. and invited all present, who wished to, to recite the Pledge of Allegiance.

**II. CONSENT CALENDAR:**

1. Consideration of accounts payable: January 23 - February 5, 2007 total: \$272,617.24.
2. Consideration of the January 8 and January 16, 2007, Minutes.  
Consideration of a Quitclaim Deed: City of Twin Falls to Gary and Connie Storrer d/b/a Gary's Westland, LLC, 1042 Wildwood Way.
4. Consideration of an Alcohol License Application for Nazz Kart LLC.
5. Consideration of a Curb-Gutter Improvement Deferral Agreement for Jim Renaldi, 1528 Third Avenue East.
6. Consideration of a Deferral Agreement for Jayco, 510 and 512 Hankins Road South.
7. Findings of Fact and Conclusions of Law
  - a. Canyon Trail PUD # 6 Subdivision Final Plat
  - b. Evergreen Apartments Final Plat
  - c. Bosero Subdivision Final Plat
  - d. Benno's Point Subdivision Final Plat
  - e. Hunter's Estates PUD Subdivision Final Plat
  - f. Gary's Westland Annexation
  - g. Bosero Development Annexation
  - h. Doug Vollmer Annexation
  - i. Doug Vollmer Comprehensive Plan Amendment
  - j. Jeff Blick Rezone
  - k. Greenridge Development Rezone
  - l. Esidoro Nieto Jr. Rezone
  - m. Community Christian Church Rezone
  - n. Ken & Rebecca Harper Rezone
  - o. Gary's Westland Vacation

Vice Mayor Dwight made a motion to approve the Consent Calendar, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of the re-appointment of Ken Robinette to the Board of Commissioners of the Twin Falls Housing Authority for a term starting February 9, 2007.

MINUTES

February 5, 2007

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Penny Earl, Director of the Twin Falls Housing Authority, gave the presentation.

**Motion:**

Councilperson Hall made a motion to approve the re-appointment of Ken Robinette to the Board of Commissioners of the Twin Falls Housing Authority for a term starting February 9, 2007. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion.

2. Consideration of the re-appointments of Brent Jussel and Paula Brown Sinclair to the Parks & Recreation Commission for another three year term starting April 2007.

Parks and Recreation Director Bowyer gave the presentation. At the January 2007, Parks and Recreation Commission meeting, both Brent Jussel and Paula Brown Sinclair said they are willing to serve another full term. Both new terms will end in March 2010 if approved.

**Motion:**

Vice Mayor Dwight made a motion to approve the appointments as presented by Parks and Recreation Director Bowyer. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of an agreement for Engineering Services to be provided by J-U-B Engineers, Inc., for the Auger Falls Heritage Park Phase 1 facilities.

Project Coordinator Glaesemann introduced Bill Block and Ivan McCracken of J-U-B Engineers, Inc.

Bill Block introduced Jeremy Orton.

Ivan McCracken, P.E., J-U-B Engineers, Inc., gave a presentation on the handout *Auger Falls A City Legacy in the Making* using overhead projections.

The following was reviewed:

- Summary
- Time Line – 2002
- Time Line - 2005
- Time Line – 2006
- Proposed Contract: Design, Fees, Schedule

The agreement is for engineering services for design and construction support of the Phase 1 facilities to deliver treated wastewater from the City's existing treatment plant to the project. The project is at the stage where engineering services for design, permitting, and construction of project's facilities can begin.

Discussion followed:

- Time frame to allow public access.
- Time frame of pipeline.
- STAG Grant.

Project Coordinator Glaesemann stated that the City of Twin Falls cannot get reimbursed for the J-U-B Engineers, Inc., Contract until the NEPA is approved.

Ivan McCracken stated that the way the contract is written, payment is made as work is completed.

Staff recommends approval of the contract with J-U-B Engineers, Inc., for \$267,420. Funds may be reimbursed through the STAG program predicated on the approval of NEPA.

**Motion:**

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February 5, 2007

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Councilperson Barigar made a motion to approve the engineering services contract to J-U-B, Engineers Inc., for the Auger Falls Heritage Park Phase 1 contract for \$267,420.00. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration of the final plat of Hillcrest Acres Subdivision, 2 lots on 20 acres (+/-) located a ¼ mile west of Grandview South on the south side of 3650 North Road.

Burt Novak, J-U-B Engineers, Inc., representing the applicants, explained the request.

Community Development Director Humble reviewed the request using overhead projections.

On January 9, 2007, the Planning and Zoning Commission recommended approval of the preliminary plat as presented subject to the following condition:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Staff recommends approval of the final plat with the same condition.

**Motion:**

Councilperson Lanting made a motion to approve the final plat of Hillcrest Acres Subdivision, 2 lots on 20 acres ± located a ¼ mile west of Grandview South on the south side of 3650 North Road, as presented, subject to the following condition: 1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of an extension of the final plat of Evergreen Apartments Final Plat, 1.64 (+/-) acres, to develop a multi-family residential subdivision, located at the northwest corner of Park Avenue and Lois Street.

Tim Vawser, EHM Engineers Inc., representing the applicant, explained the request using overhead projections.

Community Development Director Humble reviewed the request using overhead projections. Due to a change in ownership and a late start in the construction season they will be unable to finalize recordation of the final plat before it expires on February 27, 2006.

Staff recommends approval of a one year extension of the filing requirement of the final plat for Evergreen Apartment Subdivision subject to the following condition: 1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

**Motion:**

Councilperson Hall made a motion to approve the one year extension (February 27, 2008) of the final plat of Evergreen Apartments Final Plat, 1.64 ± acres to develop a multi family residential subdivision, located at the northwest corner of Park Avenue, as presented, subject to the following condition: 1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Consideration of an extension of the final plat of Bosero Subdivision 18 (+/-) acres, to develop 67 residential lots, located on the south side of the 900-1000 blocks of Filer Avenue West.

Don Acheson, Riedesel Engineering, Inc., representing the applicant, explained the request using overhead projections.

Discussion followed:

-Dust complaints received.

-Irrigation system completed.

Community Development Director Humble reviewed the request. On March 13, 2006, the final plat of Bosero Subdivision was approved by the City Council. As stated in Don Acheson's letter dated January 23, 2007, the extension request is due to weather and redesign delays.

Staff recommends approval of the one year extension of the final plat of Bosero Subdivision subject to the following condition:  
1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards. Construction has begun but is not complete.

**Motion:**

Councilperson Barigar made a motion to approve the one year extension (March 13, 2008) of the final plat of Bosero Subdivision, as presented, subject to the following condition: 1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

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

Don Acheson, 629 Megan Court, President of the North Pointe Subdivision Homeowner's Association, explained the association's future improvement plans to be made. This would entail adding landscaping, striping, sidewalk, and signage. He would follow up with an application to the City Engineering Department.

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

Councilperson Hall reported that the Twin Falls Police Department banquet is to be held on February 8, 2007, at 6:00 P.M.

Mayor Clow gave a report on a legislative meeting he attended on the Urban Renewal Board for the House Revenue Taxation. He also reported that the Region IV AIC Spring Workshop is to be held on April 11, 2007, in the City Council Chambers.

IV. **PUBLIC HEARINGS:** 6:00 P.M. – None

V. **ADJOURNMENT:** Executive Session: To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. Idaho Code 67-2345(c)

Councilperson Barigar made a motion to move to Executive Session. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

The meeting adjourned at 6:01 P.M.

Leila A. Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



**MINUTES**  
**Meeting of the Twin Falls City Council**  
**MONDAY, February 12, 2007**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, Idaho**

**AGENDA ITEMS**

I. CONSENT CALENDAR:

1. Consideration of accounts payable: February 5 – 12, 2007: \$119,498.16
2. Consideration of the January 22 and February 5, 2007 Minutes.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request for the appointments of Doug Piper and Ray Wight to the Golf Advisory Commission for three year terms starting February 2007.
2. Consideration of multiple appointments to the Comprehensive Plan Update Steering Committee.
3. Consideration of bids for water distribution inventory parts and meters.
4. Presentation by Eli Searle on Geographic Information Systems and interactive services.
5. Discussion of certain properties for consideration of annexation into the City.
6. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. - None

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.

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**ATTENDANCE**

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Present

**Mayor Lance Clow**  
**Vice Mayor Glenda Dwight**  
**Shawn Barigar**  
**Don Hall**  
**Dave Johnson**  
**Greg Lanting**

Absent

**Trip Craig**

**CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, City Attorney Jackie Wakefield, Community Development Director Mitch Humble, City Engineer Jackie Fields, Public Works Director Lance Bates, Water Superintendent Mike Schroeder, Network Specialist Eli Searle, Deputy City Clerk Leila Sanchez**

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AGENDA ITEMS

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I. CONSENT CALENDAR:

1. Consideration of accounts payable: February 5 – 12, 2007: \$119,498.16
2. Consideration of the January 22 and February 5, 2007 Minutes.

**Motion:**

Vice Mayor Dwight approved the Consent Calendar, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request for the appointments of Doug Piper and Ray Wight to the Golf Advisory Commission for three year terms starting February 2007.

Councilperson Lanting, who is the Council's Golf Advisory liaison, reviewed the request.

**Motion:**

Councilperson Johnson made a motion to approve the appointments of Doug Piper and Ray Wight to the Golf Advisory Commission for three year terms starting February 2007. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Consideration of multiple appointments to the Comprehensive Plan Update Steering Committee.

Community Development Director Humble reviewed the request. A kick-off Steering Committee meeting will be held on Wednesday, February 28, 2007, at 12:00 P.M., in the Council Chambers.

Council discussion followed:

- Council additional recommendations.
- Meetings will be held once a month for the following five to six months.

The Council approved the recommendations of the following appointments to the Comprehensive Plan Update Steering Committee:

1. Lance Clow – Mayor
2. Glenda Dwight – Vice Mayor
3. David Johnson – City Council liaison to the Planning and Zoning Commission
4. Ryan Horsley – Planning and Zoning Commission, Historic Downtown and Chamber of Commerce
5. Karen Stroder – Planning and Zoning Commission
6. John Miller – Parks and Recreation Board and College of Southern Idaho
7. Wiley Dobbs – Twin Falls School District
8. Dave Snelson – Transportation Committee and Chamber of Commerce
9. Tony Hughes – Magic Valley Builders Association

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10. Tom Mikesell – Twin Falls County
11. Rick Dunn – Twin Falls County
12. Bill Koch - Urban Renewal Agency
13. Alex Castaneda – Hispanic Community and Realtor
14. Gerardo Muñoz – Hispanic Community and Planning and Zoning Commission

The nominations will include:

1. Jan Mittleider, The College of Southern Idaho
  2. Jill Sherman Skeem
  3. Russ Lively, Architect
  4. Dennis Crawford
  5. Troy Willie, Oasis Stop 'N Go
  6. Ann Alvarez, Con Agra
  7. Dwaine Weyland
  8. College of Southern Idaho student
3. Consideration of bids for water distribution inventory parts and meters.

Water Superintendent Mike Schroeder reviewed the bids for water distribution inventory parts and meters needed to meet requests for water services and repairs from water customers; including residential, commercial, and contractors. Staff recommends United Pipe & Supply receive the bid on 126 items, HD Waterworks should receive the bid on 74 items, and Ferguson Waterworks receive the bid on 21 items. No bid item was given on Item No. 101 – 80 LF – 4” Water Pipe. The 2006 – 2007 City Budget includes \$514,200.00 for Water Distribution inventory parts.

Council discussion followed:

- Review of the 2007 Waterworks Supplies Bid Comparison.
- Meter design.

**Motion:**

Councilperson Barigar made a motion to accept the bids, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members voted in favor of the motion.

4. Presentation by Network Specialist Eli Searle on Geographic Information Systems and interactive services.

Network Specialist Searle gave a Power Point presentation on the Geographic Information Systems and interactive services. He gave a preview of the upcoming City Works implementation, its expected impact upon Public Works services, and discussed how it will facilitate interactive web services and the management of calls for service.

Council discussion followed:

- Budget Impact:
  - a. City Works Purchase and Deployment - \$95,000.00
  - b. GIS Consulting & Training – City Works Deployment - \$50,000.00

5. Discussion of certain properties for consideration of annexation into the City.

Community Development Director Humble discussed the consideration of annexation of certain properties into the City, using overhead projections. Council approval will allow staff to proceed with the public hearing process for properties being considered for annexation and to do so requires political will and will be a lengthy process.

Council discussion followed:

- Currently tax related services are being provided to properties that are not annexed into the City.
- Water and sewer services.
- County roads may not meet City standards.
- Maintenance of private roads.

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-Legal non-conforming uses.

City Attorney Wonderlich discussed involuntary and voluntary annexations. Legal annexation occurs when accepted by the State.

Council directed staff to present a priority list and recommendations of certain properties for consideration of annexation into the City.

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

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None

IV. PUBLIC HEARINGS: 6:00 P.M. - None

V. ADJOURNMENT: The meeting adjourned at 6:29 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
**TUESDAY, FEBRUARY 20, 2007**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for February 13-20, 2007, total \$756,917.72.
2. Consideration of the February 12, 2007 Minutes.
3. Alcohol License Application  
Contingent upon:
  1. Completion of Application
    - a. Notarized Signatures
    - b. Legal description of business.
  2. Payment of fees - \$10.00
  3. State License
  4. Staff review and approval

II. ITEMS FOR CONSIDERATION:

1. Presentation by Landmark Design, Inc., for a Comprehensive Plan update.
2. Consideration of proposed Ordinance No. 2898 for Settler's Ridge, LLC c/o Jeff Blick.
3. Presentation by the Idaho State Police, Region IV Patrol Commander, to Twin Falls City Police Officers in recognition of their outstanding police efforts displayed during the ISP Trooper Chris Glenn shooting incident.
4. Presentation to recognize the service of the following Commission members:
  - David Mead, Tree Commission
  - Scot McNeley, Golf Advisory Commission
  - Bruce Fox, Golf Advisory Commission
5. Presentation of O & M Rebate from CH2M Hill-OMI for 2005-2006, and a presentation of the Annual Report for 2005 –2006 fiscal year.
6. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. Request for annexation of 190 (+/-) acres by Area LLC c/o Doug Vollmer and Don McFarland for property located northeast and southeast of the intersection of Grandview Drive and South Park Avenue West (app 2079)
2. Request for a PUD Modification of the Anderson Lumber Company PUD by Lighthouse Christian Fellowship, c/o Ron Heath, to change the allowed use(s) from a contractor lumber yard, County offices, and storage of equipment to a religious and educational facility for property located at 960 Eastland Drive (App 2088).

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.

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**ATTENDANCE**

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Present

**Mayor Lance Clow**  
**Vice Mayor Glenda Dwight**  
**Shawn Barigar**  
**Trip Craig**  
**Dave Johnson**  
**Greg Lanting**

Absent

**Don Hall**

**CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Zoning and Development Manager Renee Carraway, Parks and Recreation Director Dennis Bowyer, Deputy City Clerk Leila Sanchez**

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AGENDA ITEMS

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Councilperson Johnson made a point of clarification stating no connection to Consent Calendar Item #3, Vinifera Wines LLC., request.

II. CONSENT CALENDAR:

1. Consideration of accounts payable for February 13-20, 2007 total \$756,917.72.
2. Consideration of the February 12, 2007 Minutes.

The following is an additional item to the Consent Calendar:

3. Alcohol License Application  
Contingent upon:
  1. Completion of Application
    - a. Notarized Signatures
    - b. Legal description of business.
  2. Payment of fees - \$10.00
  3. State License
  4. Staff review and approval.

Councilperson Barigar made a motion to approve the Consent Calendar, as amended. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion

Mayor Clow attended the February 16, 2007, Congressional Awards Ceremony, recognizing students for their volunteer time served in the community. On behalf of the entire Twin Falls City Council, extended congratulations went to the following students:

Jordan Crider, Congressional Bronze Medal  
Brodie Hall, Congressional Bronze Medal  
Ashley Icazuriaga, Congressional Bronze Medal  
Lindsey Maughan, Congressional Bronze Medal  
Elizabeth Middleton, Congressional Bronze Medal  
Rebecca Schenk, Congressional Bronze Medal  
Rachel Schenk, Congressional Bronze Medal  
Julie Warner, Congressional Bronze Medal  
Danielle Essma, Congressional Bronze and Silver/Gold-Elect Medals  
Katie Williams, Congressional Bronze Medal  
David Seppi, Congressional Bronze & Silver Medals  
Alice Caval, Congressional Bronze & Silver Medals  
Kaylee Fauvell, Congressional Silver Medal  
Allison Tucker, Congressional Silver Medal  
Dana Wright, Congressional Silver Medal  
Dajana Kurbegovic, Congressional Gold-Elect Medal  
Samantha Roper, Congressional Gold-Elect Medal  
Alyssa Matsuoka, Congressional Gold-Elect Medal

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February 20, 2007

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II. ITEMS FOR CONSIDERATION:

1. Presentation by Landmark Design, Inc., for a Comprehensive Plan update.

Mark Vlasic, Landmark Design, Inc., consultant gave a presentation on the process to update the City's current Comprehensive Plan which was produced and adopted in 1993 and 1994.

A public meeting will be held February 20, 2007, from 7:00 A.M. to 9:00 P.M., at the City Library, located at 201 4<sup>th</sup> Avenue East. Residents from Twin Falls City, its Area of Impact, and interested parties are encouraged to attend. The purpose of the meeting is to provide Twin Falls residents a hands-on opportunity to define the needs, issues, concerns, and preferences for the community.

The information received will be used by Landmark Design, to help determine potential planning directions and ideas.

Mayor Clow thanked Landmark Design, Inc.

*Mayor Clow introduced Boy Scout Troop 100.*

2. Consideration of proposed Ordinance No. 2898 for Settler's Ridge, LLC c/o Jeff Blick.

Community Development Director Humble reviewed the request.

**Motion:**

Councilperson Johnson made the motion to suspend the rules and place Ordinance No. 2898, on third and final reading by title only. The motion was second by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read Ordinance No. 2898 entitled:

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

**Motion:**

Vice Mayor Dwight made the motion to adopt Ordinance No. 2898, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Presentation by the Idaho State Police, Region IV Patrol Commander, to Twin Falls City Police Officers in recognition of their outstanding police efforts displayed during the ISP Trooper Chris Glenn shooting incident.

Presentation made by Captain Kedrick Wills from the Idaho State Police, Region IV Patrol Commander. He and Investigating Lieutenant Dan Thornton, Patrol Sergeant Kent Oliver, and Trooper Shawn Walker, gave awards to Twin Falls City Police Officers in recognition of their outstanding police efforts displayed during the recent shooting incident of ISP Trooper Chris Glenn to Officer Arnold Morgado, Sgt. Chuck Garner, Officer Kevin Loosli, Staff Sgt. Dan McAtee and Officer Rick VanVooren

4. Presentation to recognize the service of the following Commission members:

David Mead, Tree Commission

Scot McNeley, Golf Advisory Commission

Bruce Fox, Golf Advisory Commission

Parks and Recreation Director Bowyer and Councilperson Lanting recognized and commended Bruce Fox and Scot McNeley for their service on the Golf Advisory Commission.

Parks and Recreation Director Bowyer, Councilperson Johnson, and Mayor Clow recognized and commended David Mead for his service on the Tree Commission.

MINUTES

February 20, 2007

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5. Presentation of O & M Rebate from CH2M Hill-OMI for 2005-2006, and a presentation of the Annual Report for 2005–2006 fiscal year.

John Keady, Project Manager II for CH2M Hill-OMI, presented the City of Twin Falls a refund check for the amount of \$49,265.62.

He also presented the City with the Annual Report which covers fiscal year 2005-2006. The report is an overview of the year highlighting work and accomplishments. All Twin Falls CH2M-Hill OMI associates participated in the compiling of information in one respect or another.

Discussion followed on:

- Application for awards with the EPA
- CH2M Hill-OMI received draft of an update on the facility.
- Future improvements at the plant.
- Phosphorous loading and removal.

Mayor Clow thanked CH2M Hill-OMI for their contributions to various City of Twin Falls organizations.

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

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Craig reported that a Groundwater Meeting would be held on February 21, 2007, at 1:30 P.M. at the Department of Environmental Quality building.

Councilperson Johnson and Parks and Recreation Director Bowyer gave an update on the Tree Commission program. Applications will be received through February 28, 2007.

Mayor Clow made a point of clarification that the Clean Air Act is a State law.

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

1. Request for annexation of 190 (+/-) acres by Area LLC c/o Doug Vollmer and Don McFarland for property located northeast and southeast of the intersection of Grandview Drive and South Park Avenue West (app 2079)

Doug Vollmer, applicant, chose not to speak at this time.

Zoning and Development Manager Carraway reviewed the request using overhead projections.

On January 23, 2007, the Planning and Zoning Commission recommended approval of the zoning designation of R-4 PUD and M-2 for this property, as presented, by a vote of 7 for and 1 against, should it be annexed, subject to the following conditions:

1. Subject to arterials and collector streets on or adjacent to the property being built and/or rebuilt to current City standards upon development of the property.
2. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
3. Subject to an approved PUD agreement including :
  - a. R-4 and M-2 uses specified and description of Zones A, B and C with language allowing for PUD agreement to permit tri-plexes and 4-plexes in the areas where designated as Zone "B" by the Master Development Plan.
  - b. Descriptions of greenscape and sound buffer indicated on the Master Development Plan, including materials, plants, berms, width, and other specifications between residential and railroad or roadway areas.

Staff concurs with the Planning and Zoning Commission's recommendation.

MINUTES

February 20, 2007

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Council discussion followed:

- Review of the annexation, PUD process.
- The railroad would serve as a buffer.
- Use of the spurline.

Doug Vollmer stated that the spurline is strictly a storage yard and ends at Grandview Drive North and is not used to transport. The spurline is used periodically. In the PUD agreement it states a security fence would be in place to keep children and pets off the track. At the Fairway Estates Subdivision, in the past five years, there has been no problem with the railroad being located close to the subdivision.

Public comment:

Brian Olmstead, Twin Falls Canal Company, stated that he is not opposed to the request. On overhead projections he showed the location of the drainage tile and explained the use of the tiles. He stated that lower areas near the railroad tracks have very shallow groundwater, which may result in flooding. He stated that he would like to work with developers in signing waivers and releases in regards to seepage and a release that the landowner knows what he is buying and the owner would have to preserve the tiles.

City Engineer Fields stated this would be reviewed in the platting process.

The public hearing was closed.

**Motion:**

Councilperson Johnson made a motion to approve the request for annexation of 190 ± acres by Area LLC c/o Doug Vollmer and Don McFarland for property located northeast and southeast of the intersection of Grandview Drive and South Park Avenue West (app 2079), as presented, subject to the following conditions recommended by the Planning and Zoning Commission. Councilperson Barigar, Craig, Vice Mayor Dwight, Councilperson Johnson and Lanting voted in favor of the motion. Mayor Clow voted against the motion. The motion passed.

2. Request for a PUD Modification of the Anderson Lumber Company PUD by Lighthouse Christian Fellowship, c/o Ron Heath, to change the allowed use(s) from a contractor lumber yard, County offices, and storage of equipment to a religious and educational facility for property located at 960 Eastland Drive (App 2088)

Ron Heath, applicant, explained the proposed Master Development Plan, using overhead projections.

Zoning and Development Manager Carraway reviewed the request using overhead projections.

On January 23, 2007, the Planning and Zoning Commission recommended approval of the request by a vote of 8 for and 1 against, subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. No open-air public address system or lighting allowed for the designated athletic/football field area.
3. A lighting plan be submitted and approved by staff that eliminates glare to adjacent properties.
4. Privacy screening along southern and eastern borders of the property, to be approved by staff.

Staff concurs with the Planning and Zoning Commission's recommendation.

Council discussion followed:

- Existing PA systems in the area.
- Busing of Children.

Ron Heath stated that currently there is no single destination and is not in residential areas.

- Removal of parking area would be addressed in the platting phase.

The public hearing was opened:

Walt Hess, 2050 Trail Creek Circle, spoke in favor of the request.

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February 20, 2007

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Barry Knoblich, 1174 Skyline Drive, spoke in favor of the request.

Ryan Horsley, 783 Holly Ann Court, spoke in favor of the request.

Paul Barnett, 2195 Alta Vista Drive, stated his concern of the increase of traffic and believes that the football field was not addressed at previous meetings.

Lyle Johnstone, 2603 Mt. Olympus Way, spoke in favor of the request.

Jerry Mottern, 849 Monroe Street, spoke in favor of the request.

Tami Storm, 512 Woodland Drive, spoke in favor of the request.

The public hearing was closed.

Ron Heath stated the following:

- That in terms of the football field, it was referred to an athletic field.
- Currently, he is not asking for lights or a PA system.
- There would be no increase of traffic.

The public portion was closed.

Council discussion followed:

-Speed zone.

City Engineer Fields stated that discussion has been made on 20 MPH school zone and loading/unloading children signage.

-Discussion of left turn lane on Eastland.

**Motion:**

Councilperson Barigar made a motion to accept the PUD Modification of the Anderson Lumber Company PUD by Lighthouse Christian Fellowship, c/o Ron Heath, to change the allowed use(s) from a contractor lumber yard, County offices, and storage of equipment to a religious and educational facility for property located at 960 Eastland Drive (App 2088), as presented, including the recommendations of the Planning and Zoning Commission. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

V. ADJOURNMENT: The meeting adjourned at 7:21 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



**MINUTES**

Meeting of the Twin Falls City Council  
MONDAY, February 26, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

I. CONSENT CALENDAR:

1. Consideration of accounts payable:  
February 21– February 26, 2007, total: \$302,791.46  
February 23, 2007, prepaid checks total: \$230.00  
February 26, 2007, payroll total: \$232,409.97
2. Consideration of a Letter of Assurance to the EPA for a deed restriction on the Auger Falls property.
3. Consideration of a Street Improvement Deferral Agreement for Bruce Madsen, 2775 East 3650 North.
4. Findings of Fact and Conclusions of Law
  - a. Paul Bedortha/P&L Land Company-Annexation
  - b. Orchard Park Plaza PUD Phase #1-Final Plat
  - c. Northern Sky Subdivision-Final Plat
  - d. Magic Valley Mall-Lytle Signs
  - e. New Providence Group, LLC-Annexation
  - f. Church of Jesus Christ of Latter Day Saints/Hal Jensen-Annexation
  - g. Pat Fenderson-Annexation
  - h. R.G. Messersmith-Vacation
  - i. Wilson Grove-Jeff Blick Settler's Ridge, LLC-Annexation.

II. ITEMS FOR CONSIDERATION:

1. Discuss and provide feedback to staff regarding the upcoming community and comprehensive plan survey.
2. Consideration of the PUD Agreement between the City of Twin Falls and TKO, Inc., for the Hunter's Estate R-4 PUD.
3. Consideration of an extension of the final plat of Laurelwood Subdivision No. 2, 12 (+/-) acres to develop a 9 lot single family residential subdivision, located on the north side of the 3200-3400 blocks of Falls Avenue East.
4. Consideration of a request to initiate a public hearing to consider amending City Code Sections 10-2-1 and 10-12-2.5 regarding the division of property and the provision of a conveyance plat process.
5. Consideration of the driveway approaches for St. Luke's Medical Center. **RESCHEDULED FOR MARCH 5, 2007.**
6. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. - None

V. ADJOURNMENT: Executive Session: To conduct deliberations concerning labor negotiations or to acquire an interest in real property this is not owned by a public agency. Idaho Code 67-2345(c)

***\*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.***

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**ATTENDANCE**

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<u>Present</u>	<u>Absent</u>
<b>Mayor Lance Clow</b>	<b>None</b>
<b>Vice Mayor Glenda Dwight</b>	
<b>Shawn Barigar</b>	
<b>Trip Craig</b>	
<b>Don Hall</b>	
<b>Dave Johnson</b>	
<b>Greg Lanting</b>	

**CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Deputy City Clerk Leila Sanchez**

**Mayor Clow 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. The City Council then considered the following items:**

II. CONSENT CALENDAR:

1. Consideration of accounts payable:  
February 21– February 26, 2007 total: \$302,791.46  
February 23, 2007 prepaid checks total: \$230.00  
February 26, 2007 payroll total: \$232,409.97
2. Consideration of a Letter of Assurance to the EPA for a deed restriction on the Auger Falls property.
3. Consideration of a Street Improvement Deferral Agreement for Bruce Madsen, 2775 East 3650 North.
4. Findings of Fact and Conclusions of Law
  - a. Paul Bedortha/P&L Land Company-Annexation
  - b. Orchard Park Plaza PUD Phase #1-Final Plat
  - c. Northern Sky Subdivision-Final Plat
  - d. Magic Valley Mall-Lytle Signs
  - e. New Providence Group, LLC-Annexation
  - f. Church of Jesus Christ of Latter Day Saints/Hal Jensen-Annexation
  - g. Pat Fenderson-Annexation
  - h. R.G. Messersmith-Vacation
  - i. Wilson Grove-Jeff Blick Settler's Ridge, LLC-Annexation.

Councilperson Johnson made a motion to approve the Consent Calendar, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

II. ITEMS FOR CONSIDERATION:

1. Discuss and provide feedback to staff regarding the upcoming community and comprehensive plan survey.

Community Development Director Humble reviewed the request. Community surveys are currently scheduled to be mailed out the fall of 2007. The City is currently working on updating its Comprehensive Plan and part of that update includes a community survey. Staff has discussed the issue and believes that it will be a more efficient use of resources and a better response rate by sending out a single survey to accomplish both purposes. He reviewed a draft copy of a letter to City residents and survey and asked the Council to provide any comments to staff so appropriate changes could be made before mailing.

Discussion followed on:

- Draft letter to reflect the following change, "Responses are summarized, combined and prioritized with the common themes collected from an internal department survey in which strengths, weaknesses, opportunities and ~~threats~~ challenges to the City are identified."
- Surveys to be sent out to a more balanced sample group.
- Opportunities to use pictures, illustration and concepts on the City of Twin Falls website.
- Cost of a telephone surveys vs. mail out surveys.

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- Change in draft survey question 19. to reflect the following:
  - a. How big is your lot now?
  - b. Are you comfortable with that size?
- Alphabetizing question 21 a.
- Number of surveys to be sent out.
- Sources of mailing list.

Councilperson Barigar made a motion to purchase a postal code mailing list and to mail out approximately 5,000 surveys. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

### Mayor Clow moved **Items for Consideration Item No. 3 to Item No. 2.**

2. Consideration of an extension of the final plat of Laurelwood Subdivision No. 2, 12 (+/-) acres to develop a 9 lot single family residential subdivision, located on the north side of the 3200-3400 blocks of Falls Avenue East.

Community Development Director Humble reviewed the request. The preliminary plat was approved by the Planning and Zoning Commission on February 29, 2006. City Code 10-8-4(D) process for approval of a final plat located within the Area of Impact requires a recommendation by the City Council with a decision to be made by the County Commissioners. On April 3, 2006, the final plat of Laurelwood Subdivision No. 2 was recommended for approval by the City Council, subject to final technical review by the City Engineering Department. The County Commissioners approved the final plat on April 10, 2006, subject to final technical review by the City's Engineering Department.

Staff recommends approval of a one-year extension of the filing requirement on the final plat for Laurelwood Subdivision No. 2, subject to final technical review by the City Engineering Department. Upon the Council's recommendation this will be scheduled for consideration by the County Commissioners with the City Council's recommendation.

Councilperson Johnson made a motion to recommend to the County Commissioners a one-year extension on the final plat of Laurelwood Subdivision No. 2, subject to final technical review by the Engineering Department. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of the PUD Agreement between the City of Twin Falls and TKO, Inc., for the Hunter's Estate R-4 PUD.

Community Development Director Humble reviewed the request. The City Council approved the final plat on October 23, 2006.

Staff recommends approval of the PUD agreement, as presented.

Councilperson Johnson made a motion to approve the PUD Agreement between the City of Twin Falls and TKO, Inc., for the Hunter's Estate R-4 PUD, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration of a request to initiate a public hearing to consider amending City Code Sections 10-2-1 and 10-12-2.5 regarding the division of property and the provision of a conveyance plat process.

Community Development Director Humble reviewed the request using overhead projections. He reviewed the definition of City Code Section 10-21-1: SUBDIVISION. The definition is the provision that a subdivision has to be more than two parts. If a division of land qualifies as a "subdivision" then the division has to occur by plat, meaning that a property owner can divide his/her property into two lots without going through the plat process. This can, and has caused problems for the City in the past and will certainly continue to cause problems in the future.

The first change that needs to be made is to amend the definition of a subdivision to include the dividing of land into two or more parts. What this change will do is will require any division of land to happen by plat with City approval. Upon approval and recordation of the plat the necessary right-of-way will be dedicated, eliminating the need to acquire right-of-way in the future.

The second proposed amendment is to create a plat instrument that would allow a quick process to split a parcel into two new parcels without plans to immediately develop either parcel. The request is to create a "conveyance plat" section in the City

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Code. The purpose of a conveyance plat would be to split one parcel into two for the purpose of conveying one or both parcels. It would not require development plans to be submitted. It would require Council approval and would be recorded at the County, thereby creating two new official parcels. A conveyance plat would have to dedicate necessary right-of-way and the subsequent development of either new parcel would trigger a development requirement to construct the road and utility improvements adjacent to both parcels. Approval of a conveyance plat alone would not constitute approval of any development on the property. A final plat and development plans would have to be subsequently submitted and approved prior to any development occurring on the property.

Staff recommends that the Council initiate a public hearing.

Council discussion followed:

-Conveyance of right-of-way and responsibility of the actual construction of improvements to be addressed by City Staff.

Councilperson Johnson made a motion to approve to initiate a public hearing to consider amending City Code Sections 10-2-1 and 10-12-2.5 regarding the division of property and the provision of a conveyance plat process. The motion was seconded by Vice Mayor Dwight.

Council discussion followed:

-Responsibility of improvements.

Community Development Director Humble stated that staff is currently working on a draft ordinance which would require the improvements along both properties to be done with the development of the first property, based on the assumption that the larger parcel would develop first, but if the smaller parcel develops first, perhaps an ordinance would not be required but a condition would be placed on the plat.

Mayor Clow directed staff to look into the possibility of using a Public Hearing Officer, appointed by the City Council, on items that are deemed to be simple, clean, and almost procedural in nature. A public hearing would be opened and if the applicant opposed the officer's decision he would be allowed to appeal to the Council.

Voice vote on the main motion showed all members present voted in favor of the motion. The motion passed.

5. Consideration of the driveway approaches for St. Luke's Medical Center. **RESCHEDULED FOR MARCH 5, 2007.**
6. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Mayor Clow stated that he will be meeting with Twin Falls High School students on February 28, 2007, and with O'Leary and Robert Stuart Junior High Students on March 1, 2007, to discuss the organization of a Twin Falls Youth Council.

IV. PUBLIC HEARINGS: 6:00 P.M. - None

V. ADJOURNMENT: Executive Session: To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. Idaho Code 67-2345(c)

Councilperson Barigar made a motion to adjourn to Executive Session, as presented. The motion was seconded by Vice Mayor Dwight and voice vote showed all members present voted in favor of the motion. The motion passed.

The meeting adjourned at 6:11 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND A	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
**MONDAY, March 5, 2007**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls. Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: February 27 – March 5, 2007, total: \$150,229.52.
2. Consideration of the February 20, 2007 Minutes.
3. Consideration of Independent Garbage/Rubbish Collection Contractors Licenses for:  
PSI Environmental Systems , Magic Valley Disposal, Inc., American Disposal, Magic Valley Recycling, Western Waste Services LLC, AAA Rental & Service Co., Inc.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of multiple appointments to the Planning & Zoning Commission.
2. Consideration of a request to waive the green fees for the 15th annual "Scramble for Books" Golf Tournament, sponsored by the Twin Falls Library Foundation. Presentation by *Diane Van Engelen, Executive Director*.
3. Consideration of a request to waive the green fees for the 10th annual "Fly Like an Eagle" Golf Tournament, sponsored by the College of Southern Idaho. Presentation by *Joel Bates, CSI Athletic Director*.
4. Presentation by Eli Searle, Information Services, on Geographic Information Systems.
5. Consideration of a request to approve Amendment No. 2 to the Southwest Test Wells and Water Treatability Study Contract and an update on the Southwest Test Wells progress.
6. Consideration of adoption of an ordinance rezoning 70.7± acres on the west side of 3400 East and south of the Snake River Canyon from SUI & CRO to SUI & CRO PUD. Proposed Ordinance 2899.
7. Review and discussion of a proposal for a Public Arts Funding Ordinance for the City of Twin Falls.
8. Consideration of the driveway approaches for St. Luke's Medical Center.
9. Public input and/or items from the City Manager and City Council.

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

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

**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***

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**ATTENDANCE**

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Present

**Mayor Lance Clow**  
**Vice Mayor Glenda Dwight**  
**Shawn Barigar**  
**Trip Craig**  
**Don Hall**  
**Dave Johnson**  
**Greg Lanting**

Absent

**CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Parks and Recreation Director Dennis Bowyer, Network Specialist Eli Searle, Deputy City Clerk Leila Sanchez**

The meeting was called to order by Mayor Clow at 5:00 pm.

Mayor Clow 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.

Mayor Clow proclaimed the week of March 11 – 17, 2007, as “Girl Scouts Make The World a Better Place Week.”

The following items were added to the Items for Consideration:

8. Update by City Manager Courtney on the northeast sewer project.
9. Consideration of a request by Councilperson Barigar to review and approve the recommendations of the Municipal Powers Outsource Grants Committee.

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**AGENDA ITEMS**

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**II. CONSENT CALENDAR:**

1. Consideration of accounts payable: February 27 – March 5, 2007, total: \$150,229.52.
2. Consideration of the February 20, 2007, Minutes.
3. Consideration of Independent Garbage/Rubbish Collection Contractors Licenses for:  
PSI Environmental Systems , Magic Valley Disposal, Inc., American Disposal, Magic Valley Recycling, Western Waste Services LLC, AAA Rental & Service Co., Inc.

Vice Mayor Dwight made a motion to approve the Consent Calendar, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of multiple appointments to the Planning & Zoning Commission.

Community Development Director Humble reviewed the request. Mayor Clow, Vice Mayor Dwight, Councilperson Johnson, and Planning and Zoning Chairman Horsley served on the recommendation panel. The panel discussed eliminating the alternates from the Commission. The panel is recommending the elimination of the two alternate positions, which can be done by not appointing any alternates. The process will require amending City Code to make official changes.

David Kemp and E. Rick Mikesell have indicated their interest to serve as the Area of Impact representatives. The panel has recommended to the County Commissioners the appointment of E. Rick Mikesell to be the Area of Impact Commissioner. This will provide the opportunity to eliminate the alternate position. At their March 1, 2007, meeting, the County Commissioners appointed Rick Mikesell as the Area of Impact Commissioner.

The panel recommends that Cyrus Warren and Carl Younkin be reappointed for another term and that Bonnie Lezamiz is appointed as a full commissioner, again, eliminating the City alternate position.

Councilperson Johnson made the motion to confirm the County Commissioner's area of impact appointment of E. Rick Mikesell to the Planning and Zoning Commission. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion.

Discussion followed:

- A quorum consists of five persons.
- Attendance of current members.

Vice Mayor Dwight made a motion to approve the reappointment of Carl Younkin and Cyrus Warren to a second term and the appointment of Bonnie Lezamiz as a full Commissioner, as recommended. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Consideration of a request to waive the green fees for the 15th annual "Scramble for Books" Golf Tournament, sponsored by the Twin Falls Library Foundation. Presentation by *Diane Van Engelen, Executive Director*.

Diane Van Engelen, the Executive Director of the Twin Falls Public Library Foundation, explained the request.

Vice Mayor Dwight made a motion to waive the green fees for the 15th annual "Scramble for Books" golf tournament, as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of a request to waive the green fees for the 10th annual "Fly Like an Eagle" Golf Tournament, sponsored by the College of Southern Idaho. Presentation by *Joel Bates, CSI Athletic Director*.

Joel Bates the CSI Athletic Director explained the request.

Councilperson Hall made a motion to waive the green fees for the 10<sup>th</sup> annual "Fly Like an Eagle" golf tournament, as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Presentation by Eli Searle, Information Services, on Geographic Information Systems.

Network Specialist Eli Searle gave a PowerPoint presentation. He reported on the following:

- Example of ArcMap – ArchInfo.
- Gathering data for sewer and water lines.
- Placement of control points.
- Manage with the Parks and Recreation CityWorks program.
- Ties in with the 911 System.
- Census type data.
- Continually update data for the GIS System.
- School District information would include other counties.
- DigLine would not be replaced with the system.
- CityWorks is a GIS based record system.
- Time frame of the implementation of the system.

Discussion followed:

- Don Acheson, Riedesel Engineering, Inc., asked what would have to be done to incorporate subdivision details through the program.

Network Specialist Searle stated that the City is currently reviewing a subdivision electronic submittal.

5. Consideration of a request to approve Amendment No. 2 to the Southwest Test Wells and Water Treatability Study Contract and an update on the Southwest Test Wells progress.

Mark Holstein explained the request. The original contract was approved on March 27, 2006. The Water Treatability Study portion of the contract has progressed to the point that additional work can be done to continue on schedule if water treatment is an option that the City Council ultimately selects. Approval of Amendment No. 2 will increase the existing Southwest Test Wells and Water Treatability Study contract by \$77,281.00. In order to stay on schedule with the IDEQ Compliance Agreement, the next step of evaluating the Water Treatment Alternatives is included in Amendment No. 2.

Discussion followed:

- Arsenic compliance commitment date is January 2011.
- City budget impact.

Vice Mayor Dwight made a motion to approve Amendment No. 2 to the Southwest Test Well and Water Treatability Study contract up to \$77,281.00, as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

Chuck Brockway gave an update of the southwest well project. Three existing irrigation wells have been pump tested and two of the wells were found to be good producers. An agreement for temporary easement and option to purchase permanent easements has been secured with the landowners.

Discussion followed:

- Defined four sites and will drill one at a time.
- Secured sites locations.
- Drilling 10" test wells.
- Time frame for a 700' well could be done in a week and completed by the end of March.

6. Consideration of adoption of an ordinance rezoning 70.7± acres on the west side of 3400 East and south of the Snake River Canyon from SUI & CRO to SUI & CRO PUD. Proposed Ordinance 2899.

Community Development Director Humble reviewed the request. The ordinance has been prepared as directed by the Council and is recommended for adoption as submitted. Also, since the property is located in the area of impact, the County Commissioners have held a public hearing and adopted an ordinance consistent with the Council's approval.

The Council's adoption of this ordinance will alter the zoning of the subject property, thereby amending the development requirements for this property.

Staff recommends that the Council adopt the ordinance as presented.

Councilperson Johnson made a motion to suspend the rules and place Ordinance No. 2899 on third and final reading by title only. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read Ordinance No. 2899 entitled:

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

Vice Mayor Dwight made a motion to adopt Ordinance No. 2889, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

7. Review and discussion of a proposal for a Public Arts Funding Ordinance for the City of Twin Falls.

Shawn Barigar explained the request. The City's 2006-2011 Strategic Plan includes reference to public arts projects. Within the "Financial Support Services" goal, one objective calls for pursuing creation of a new ordinance by fiscal year 2007, that will provide funding for public art through a percentage assessment (suggest 1%) on all public works projects. Within the "Quality of Life" goal, one of the objectives is to develop a community wide enhancement plan by May 2007, to include at minimum, prioritized projects, project leads and partners, determination of City involvement and a supporting funding strategy. This objective will be led by the Twin Falls Beautification Committee.

Mayor Lance Clow, Vice Mayor Dwight and Councilperson Barigar have reviewed public art funding ordinances for other Idaho communities including Coeur d'Alene and Rexburg.

The 2006-2007 City budget does not include funds for contribution to the proposed Public Art Fund. The intent would be to add 1% to the cost of eligible projects into the future to be committed to public art projects. Councilperson Barigar reviewed the City of Twin Falls Capital Improvement Projects for Fiscal Years 2005-2006 and 2006-2007.

He stated his concern is that this proposed ordinance may be too restrictive in identifying eligible capital improvement projects and therefore provides too little funding for public arts projects. Councilperson Barigar suggested loosening the restrictions on eligibility, increasing the percentage amount, or determining some other prudent funding mechanism to support public art.

Discussion followed:

- The monetary amount need to support one project.

Stacy Madsen, the Magic Valley Arts Council Executive Director, stated the Arts Council is currently working on a project budgeted at \$20,000. The money will be privately funded and the State Arts Commission. Money spent on projects depends on how much money is in the budget.

- Unfinished public parks.

- Discussion on the proposed ordinance.

- The request is to set funds aside for public art.

- Possible to match funds and grants.

- Suggesting setting money aside in the city coffers.

Councilperson Barigar will update the City Council in the future.

**Councilperson Barigar recused himself from discussion and voting on the following *Item for Consideration*:**

8. Consideration of the driveway approaches for St. Luke's Medical Center.

City Engineer Fields reviewed the request. At the January 8, 2007, Council meeting, the Council required that the access off of Cheney would be determined in the future by City Staff and would be brought back to Council for approval. A meeting was held with St. Luke's Medical Center representatives, their consultants, and the North Pointe Association Board where discussion was held regarding the approaches as presented.

It has been understood that the approaches are acceptable to City staff, St. Luke's Medical Center and the North Pointe Association Board. Staff is recommending approval of the approaches as presented.

Councilperson Johnson made a motion to accept the approaches as presented. The motion was seconded by Councilperson Hall.

Discussion followed:

City Manager Courtney stated that a meeting was held with St. Luke's Medical Center and the North Pointe Homeowner's Association the week of February 26, 2007. At the meeting the following was discussed:

- Center median.

- St. Luke's building a wall along the walkway.

- Landscaping.

- Quiet zone around the hospital.

Roll call vote on the main motion showed all members present voted in favor of the motion. The motion passed.

9. Status report of the northeast sewer project.

City Manager Courtney gave a review of status of the northeast sewer project. He stated that last fall CH2M Hill presented a report to the Council on the existing condition of approximately 40 miles of trunk sewer within the collection system. The report shows that most lines are in an acceptable condition with the exception of the Blue Lakes trunk line. Under peak flow conditions combined with a ten year storm event, the model shows that several manholes in the Blue Lakes trunk line have the

possibility of surcharging. Based on this threat, the City Council approved a resolution on December 4, 2006, declaring a State emergency.

Gerald Martens, EHM Engineers, Inc., reviewed a submittal given to staff for the PVC sewer pipe for the Northeast Sewer Project and a summary of the project cost utilizing the low bid submitted by McCoy Construction. The summary reflects a bid total of over \$2,000,000. The City cost would be \$985,000 when a change order is prepared to increase the sewer east of Mountain View to 30- inch diameter and increase the manhole size. He also noted that the City share includes an allowance of \$129,000 for rock, which may vary.

The approval of the expenditure is requested so that materials may be ordered and not delay the project.

He stated that the five developers involved in the project are anxious to move forward and are requesting Council direction.

Discussion followed:

- Developer's fronting the money.
- Widening of the roads.
- Future road closures and detours.
- Time frame of completion.
- Scheduling of utility companies.
- Budget impact.

City Manager Courtney stated that at the March 12, 2007, Council meeting, he would discuss court fees refunded from a lawsuit filed by the City and a decision by the Idaho Supreme Court, miscellaneous revenues and one time special projects.

Councilperson Johnson made a motion to approve the concept as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

**Councilperson Hall recused himself from discussion and voting on the following *Item for Consideration*:**

9. Recommendation for the granting of approval of the Municipal Powers Grant.

Councilperson Barigar reviewed the request. He recommended the approval of money be granted to the following: \$7,500 to the Twin Falls Library Foundation and \$7,639 to Trans IV.

Councilperson Johnson made a motion to approve the request as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

10. Public input and/or items from the City Manager and City Council. None

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None**

**IV. PUBLIC HEARINGS: 6:00 P.M. - None**

**V. ADJOURNMENT: The meeting adjourned at 7:08 P.M.**

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
**MONDAY, March 12, 2007**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for the week of March 6 – 12, 2007.
2. Consideration of a Licensing Agreement with Edge Wireless, LLC., to lease ground at the Magic Valley Regional Airport for the construction and operation of a 60' tall communications tower.
3. Consideration of the February 26, 2007, Minutes.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of service certificates to Tom Frank and David Kemp for their service on the Planning & Zoning Commission.
2. Consideration of a request to approve the annual Saint Patrick's Day Parade Special Events Application.
3. Consideration of a request for AMENDING TWIN FALLS CITY CODE §8-3-11(B) BY PERMITTING EJECTMENT FROM CITY PARKS BEYOND ONE CALENDAR DAY FOR PERSONS PREVIOUSLY EJECTED OR WHO COMMIT CRIMES IN CITY PARKS. *Proposed Ordinance No. 2900. Will be rescheduled.*
4. Consideration of a request to destroy any semi permanent or temporary records and to notify the Idaho State Historical Society before destruction of any records. *Proposed Resolution No. 1779*
5. Consideration of a request to accept land in exchange for curb, gutter and sidewalk on the corner of 4th Avenue and Eastland Drive. *Moved to Consent Calendar.*
6. Discussion regarding court fees, other miscellaneous revenues and one time special projects.
7. Public input and/or items from the City Manager and City Council.

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

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

1. Request for vacation of portions of utility, irrigation and roadway easements along the northern boundary of Lots 9-16 and along the southern boundary of Lots 1-8 of the Bowlin Addition Subdivision and on the perimeter and interior of Lots 1-4 of the Vanassche Subdivision by James Anderson on behalf of the property owners of Lots 1-16 Bowlin Addition and Lots 1-4 Vanassche Subdivision. (app. 2093)

**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.***

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**ATTENDANCE**

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Present

**Mayor Lance Clow**  
**Vice Mayor Glenda Dwight**  
**Shawn Barigar**  
**Trip Craig**  
**Dave Johnson**  
**Greg Lanting**

Absent

**Don Hall**

**CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Staff Sergeant Craig Stotts, Executive Assistant Tracy Reed.**

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for the week of March 6 – 12, 2007, total is: \$434,516.95.
2. Consideration of a Licensing Agreement with Edge Wireless, LLC., to lease ground at the Magic Valley Regional Airport for the construction and operation of a 60' tall communications tower.
3. Consideration of a request to accept land in exchange for curb, gutter and sidewalk on the corner of 4th Avenue and Eastland Drive. (Nu Vu Glass)
4. Consideration of the February 26, 2007, Minutes.

**Motion:**

Councilperson Johnson made a motion to approve the Consent Calendar, as presented. The motion was seconded by Vice-Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of service certificates to Tom Frank and David Kemp for their service on the Planning & Zoning Commission.  
  
Mayor Clow gave certificates of appreciation to Tom Frank and David Kemp. Tom Frank spoke his words of appreciation.
2. Consideration of a request to approve the annual Saint Patrick's Day Parade Special Events Application.

Craig Stotts gave a short presentation including a few things that were not highlighted in the memo. Wristbands for the cups of beer sold will be issued and barricades will go up at 9:00 A.M. and stay there throughout the day.

**Motion:**

Councilperson Barigar moved to approve the request, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of a request to destroy any semi permanent or temporary records and to notify the Idaho State Historical Society before destruction of any records. *Proposed Resolution No. 1779.*  
  
City Manager Courtney reviewed the request.

**Motion:**

Vice Mayor Dwight made a motion to adopt Resolution No. 1779, as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Discussion regarding court fees, other miscellaneous revenues and one time special projects.

City Manager Courtney spoke about the \$1,284,000 that we have left over. There is a list of projects the City would like to use the funds for. Mayor Clow mentioned the project on Pole Line Road that needed expediency.

Councilperson Johnson brought up that we declared emergency on the Madrona sewer line and asked if that has been taken care of.

City Manager Courtney explained that it was also part of this Pole Line project and connections to the Blue Lakes trunk line. Also that most of this work is utility work which could be charged to wastewater.

Councilperson Craig spoke about Falls Avenue and Filer Avenue West and requested that part of the funds be put to that area for sidewalks and curbs. Also maybe some of these funds would go towards the swimming pool boiler.

City Manager Courtney said we could possibly limp along with the boiler until next year.

Vice Mayor Dwight agrees with Councilperson Craig about Falls Avenue curbs and sidewalks.

Councilperson Johnson asked that if we use wastewater funds can we come up to the full amount for the Pole Line Project.

Councilpersons Johnson and Barigar both agree that Falls Avenue West must be fixed. All Council members want to know the breakdown of the funds for the projects.

City Engineer Fields does not have the numbers ready at this time.

Mayor Clow asked all in favor of Pole Line Road project – unanimous ayes.

Next item was swimming pool boiler and asked all in favor (along with the miscellaneous deck work) – unanimous ayes.

Lastly, the Engineering Lab being moved – unanimous ayes from all of Council.

Mayor Clow asked one last question about getting the streets up to par by the end of this year.

City Engineer Fields answered him 'no'.

Mayor Clow feels that we will have more funding left over again next year to cover part of these projects.

Councilperson Lanting spoke about Federation Road and the width.

City Engineer Fields answered that this is a different place, right at the curve, by Stone Go Subdivision.

Mayor Clow thinks we should let staff prioritize the top three projects and refine the estimate for Falls Avenue West.

Councilperson Johnson requested a priority list from Dennis Bowyer for Parks funding.

City Manager Courtney confirmed that we are authorized to proceed with Swimming Pool and Pole Line Road projects as soon as staff can bring estimates to Council for approval.

Councilperson Lanting asked the difference between what is bid and what is being proposed.

Gerald Martens spoke to the Council to explain the lane usage and that it was mainly to raise Federation Road up on the north side.

Mayor Clow spoke on the appointment of Curtis Stewart to the Pool Commission.

**Motion:**

Councilperson Lanting made a motion to approve the appointment, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

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

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

Mayor Clow said that it was suggested that some cities post small scholarships. He would like to start something like this.

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

1. Request for vacation of portions of utility, irrigation and roadway easements along the northern boundary of Lots 9-16 and along the southern boundary of Lots 1-8 of the Bowlin Addition Subdivision and on the perimeter and interior of Lots 1-4 of the Vanassche Subdivision by James Anderson on behalf of the property owners of Lots 1-16 Bowlin Addition and Lots 1-4 Vanassche Subdivision. (app. 2093)

James A. Anderson, applicant, explained the request.

Community Development Director Humble reviewed the request. On February 13, 2007, the Planning and Zoning Commission unanimously recommended approval of the request as presented, subject to the following conditions:

- A. Subject to approval of the affected utility companies issuing letters of support to abandonment of all lots.
- B. The 15' utility and irrigation easement along the western portions of lots 1, 2, 3, and 4 in the VanAssche Subdivision shall be retained solely as an irrigation easement except the northerly 30' of the western easement of lot 3 shall be a utility and irrigation easement.

All applications for final plats of subdivisions, for vacations, and for the rezoning of property within the Area of City Impact shall be submitted to the City Council for their recommendation, prior to submission to the Board of County Commissioners.

Cable One has objection to these vacations as well as Quest. The utilities would like to exclude the north 40 feet. Applicant explained that the City does not usually vacate irrigation easements and recommends that we keep them.

Mayor Clow asked that if Council were to consider this application considering the recommendation from Planning and Zoning Commission as well as staff recommendation, would that be what would be vacated.

Community Development Director Humble answered yes.

The public hearing was opened:.

Gary Storrer, 1042 Wildwood Way, stated his concern regarding the irrigation lateral. He spoke to Vince Alberdi at Twin Falls Canal Company and he did not feel this was a viable delivery system and feels that it would be fine to vacate the easement.

Mark Bulcher, 2381 Bowlin Lane, explained the current direction of drainage waters.

Ruth Mannwaring, 2397 Bowlin Lane, spoke as a property owner in Vanassche Subdivision. She said she does use this water. She appreciated the Council and Mr. Anderson giving her the opportunity to see what he was going to do.

The public portion was closed.

James A. Anderson spoke a moment to explain that they included all lots even though they were not on the original application. He spoke about the available water shares that are there at this time.

City Engineer Fields showed Council the location of the 100 year waterway.

The public hearing was closed.

Council deliberated.

**Motion:**

Councilperson Johnson made a motion to approve for recommendation the vacation of portions of utility, irrigation, and roadway easements along the northern boundary of lots 9-16 and along the southern boundary of lots 1– 8 of the Bowlin Addition Subdivision and on the perimeter and interior of lots 1–4 of the VanAssche Subdivision by James Anderson on behalf of property owners of lots 1-16 Bowlin Addition and lots 1 -4 VanAssche Subdivision. (app. 2093), with the Planning and Zoning recommendations, as presented.

The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

V. **ADJOURNMENT**: The meeting adjourned at 6:30 pm.

Tracy Reed  
Executive Assistant

**COUNCIL MEMBERS:**

SHAWN	LANCE	TRIP	GLEND A	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING

*Mayor*

*Vice Mayor*



**MINUTES**

Meeting of the Twin Falls City Council  
**MONDAY, March 19, 2007**  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**CALL MEETING TO ORDER: 5:00 P.M.**

**AGENDA ITEMS**

Purpose	By:
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**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: March 13 – 19, 2007. \$341,086.65
2. Consideration of the March 5, 2007, Minutes.
3. Findings of Fact and Conclusions of Law
  - a. St. Luke’s Magic Valley Regional Medical Center – Annexation.

Action	Staff Report
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**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request to confirm the appointments of existing Traffic Safety Committee members to staggered terms beginning in March, 2007.
2. Consideration of a request to purchase a travel trailer from Jayco Trailers with funds secured through the Justice Assistance Grant.
3. Consideration of a Ground Lease Termination Agreement with Steve York, Lessee for the Magic Valley Speedway; and consideration of a new Ground Lease with Eddy McKean, McKean Racing, Inc. , as the new Lessee for Magic Valley Speedway.
4. Consideration of bids for the water and sewer extension construction project to serve the Jayco Subdivision.
5. Consideration of a contract to Riedesel Engineers for completion of the design of Washington Street North, Phase III.
6. Consideration of a request to approve a contract with Civil Science for an update to the Transportation Master Plan.
7. Public input and/or items from the City Manager and City Council.

Action	J. Fields
Action	D. Lewin
Action	B. Carberry
Action	M. Humble
Action	J. Fields
Action	J. Fields

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None**

**IV. PUBLIC HEARINGS: 6:00 P.M. – None**

**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.***

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**ATTENDANCE**

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Present

Vice Mayor Glenda Dwight  
Shawn Barigar  
Trip Craig  
Don Hall  
Dave Johnson

Absent

Mayor Lance Clow  
Greg Lanting

CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Airport Manager Bill Carberry, Chief of Police Jim Munn, Capt. Brian Pike, Executive Assistant Katy Touchette.

Vice Mayor Dwight called the meeting to order at 5 p.m. She invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with her.

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**AGENDA ITEMS**

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Prior to consideration of the Consent Calendar, Vice Mayor Dwight stated that item #3, the Findings of Fact and Conclusions of Law for the St. Luke's Magic Valley Regional Medical Center annexation, would be voted on separately as Councilperson Barigar would be abstaining from that vote.

**II. CONSENT CALENDAR:**

1. Consideration of accounts payable: March 13 – 19, 2007. My total this week is: \$341,086.65
2. Consideration of the March 5, 2007, Minutes.

Councilperson Hall moved for approval of the consent calendar, items #1 and #2; Councilperson Barigar seconded the motion, and the motion passed 5-0.

3. Findings of Fact and Conclusions of Law
  - a. St. Luke's Magic Valley Regional Medical Center – Annexation.

Regarding item #3 of the consent calendar, Councilperson Hall made a motion to approve #3, Councilperson Johnson seconded the motion, and the motion passed 4-0 with Councilperson Barigar abstaining.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request to confirm the appointments of existing Traffic Safety Committee members to staggered terms beginning in March, 2007.

City Engineer Fields reviewed the request and stated that Staff recommends that the Council reappoint Paige Geske, Dave Snelson, and Rob Storm to a one-year term and Bill Kyle, Aaron Wert, and Ron Withers to a two-year term, with all terms beginning March 1, 2007. Councilperson Hall made a motion to approve the request, Councilperson Barigar seconded the motion, and the Council voted 5-0 to approve the request.

2. Consideration of a request to purchase a travel trailer from Jayco Trailers with funds secured through the Justice Assistance Grant.

S/Sgt. Dan Lewin of the Twin Falls Police Department presented this request to the Council and used overhead projections to illustrate the request. S/Sgt. Lewin told the Council that approximately \$11,400 remained in the 2005 grant funds, and with the trailer in question costing \$11,400, the Council would be asked to approve spending approximately \$500 to complete this purchase. S/Sgt. Lewin also told the Council that the City currently has three vehicles which could be used to pull the trailer. After a brief discussion on whether or not this request would comply with the bid process, and with the Council being assured that it did,

## MINUTES

March 19, 2007

Councilperson Craig made a motion to approve the purchase of the Jayco travel trailer, to be used as an incident/command/event vehicle with the use of remaining 2005 JAG funds. Councilperson Hall seconded the motion, and the motion passed 5-0.

3. Consideration of a Ground Lease Termination Agreement with Steve York, Lessee for the Magic Valley Speedway; and consideration of a new Ground Lease with Eddy McKean, McKean Racing, Inc., as the new Lessee for Magic Valley Speedway.

Airport Manager Carberry presented this request to the Council and explained why they were seeking to terminate one lease and sign a new lease rather than extending the current lease. Carberry also stated that a Level I environmental site assessment was done on the speedway property and no problems were identified.

Steve York, the current lessee, addressed the Council and explained the request as well.

Carberry concluded by stating that Staff recommends approval of both the Termination Agreement with Steve York and the new Ground Lease Agreement with Ed McKean. Councilperson Johnson made a motion to approve the request, Councilperson Barigar seconded the motion, and Council voted 5-0 in favor of the motion.

4. Consideration of bids for the water and sewer extension construction project to serve the Jayco Subdivision.

Community Development Director Humble reviewed the request, stating that of the three bids received, Stutzman, Inc., had submitted the lowest bid at \$434,727.23. Humble stated that Staff recommends that the Council award the construction project to Stutzman, Inc., in the above amount. After a brief discussion regarding the grant which awarded the City \$464,000 for this project and the projected length of time it would take to complete the project, Councilperson Johnson made a motion to approve the request as presented. Councilperson Barigar seconded the motion, and Council voted 5-0 to approve the request.

5. Consideration of a contract to Riedesel Engineers for completion of the design of Washington Street North, Phase III.

City Engineer Fields presented this item to Council and explained the reasoning behind the request. Fields stated the request was to extend the existing contract rather than to put out RFPs and start the process all over again. She stated that Staff recommended that the Council approve Riedesel Engineers' scope of work, with the schedule and cost estimate, for completion of the development of the Washington Street North Phase III project. After a brief discussion about the different phases of the Washington Street North project, Councilperson Hall made a motion to approve the request, Councilperson Barigar seconded the motion, and Council voted 5-0 to approve the request as presented.

6. Consideration of a request to approve a contract with Civil Science for an update to the Transportation Master Plan.

City Engineer Fields introduced Rob Ramsey of Civil Science, who briefly explained Civil Science's plan for an update to the Transportation Master Plan. Ramsey then introduced Stanley Crawforth of American Geo Technics, who with the use of hand-outs explained the concept of "pavement asset management" to the Council and how this would fit into the Transportation Master Plan.

At the conclusion of Crawforth's presentation, City Engineer Fields stated that Staff recommends that the Council accept the scope, budget, and schedule as presented and award a contract to Civil Science in the amount of \$273,470. After a brief discussion on pavement asset management and stop sign placement, Councilperson Barigar brought up for discussion one of the optional tasks mentioned in Civil Science's Draft Scope of Work, which was a transit provider survey. At the end of this discussion, Councilperson Johnson moved that the Council approve this request as presented, Councilperson Craig seconded the motion, and the Council voted 5-0 to approve the request.

At this time Vice Mayor Dwight took a moment to recognize and call to the lectern a Boy Scout who was in the audience.

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

None.

### III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None

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March 19, 2007

IV. **PUBLIC HEARINGS: 6:00 P.M. – None**

V. **ADJOURNMENT:** The meeting was adjourned at 5:55 p.m.

Katy Touchette  
Executive Assistant

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND A	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, March 26, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

- I. CONSENT CALENDAR:
1. Consideration of accounts payable for March 20-26, 2007, total: \$439,895.25.
  2. Consideration of the March 12, 2007 and March 19, 2007 Minutes.
- II. ITEMS FOR CONSIDERATION:
1. To recognize the service of Laird Stone serving on the Parks and Recreation Commission by presenting a plaque to him.
  2. Consideration of an 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.
  3. Consideration of a request for AMENDING TWIN FALLS CITY CODE §8-3-11(B) BY PERMITTING EJECTMENT FROM CITY PARKS BEYOND ONE CALENDAR DAY FOR PERSONS PREVIOUSLY EJECTED OR WHO COMMIT CRIMES IN CITY PARKS.  
Proposed Ordinance No. 2900
  4. Consideration of a contract for services with People for Pets. The contract is for the management of the Twin Falls Animal Shelter.
  5. Consideration of the PUD Agreement between the City of Twin Falls and Tuscarora, LLC c/o Jeff Blick.
  6. Consideration of a request to enter into a contract with ABC Construction for the purpose of constructing a sewer line in Pole Line Road and reconstruction of a portion of Pole Line Road generally between Bridgeview and Mountain View extended.
  7. Public input and/or items from the City Manager and City Council.
- III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:
- IV. PUBLIC HEARINGS: 6:00 P.M. – None
- V. ADJOURNMENT: Executive Session to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. 67-2345(1)(c)

*\*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.*

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ATTENDANCE

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Present

Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Shawn Barigar  
Trip Craig  
Don Hall  
Dave Johnson

Absent

Greg Lanting

CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Management Assistant Gretchen Scott, Community Development Director Mitch Humble, City Engineer Jackie Fields, Parks and Recreation Director Dennis Bowyer, Deputy City Clerk Leila Sanchez

Mayor Clow called the meeting to order at 5 p.m. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him.

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AGENDA ITEMS

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**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for March 20-26, 2007, total: \$439,895.25.
2. Consideration of the March 12, 2007 and March 19, 2007 Minutes.

Vice Mayor Dwight made a motion to approve the Consent Calendar, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

*(Moved to Item II. 5). 1. To recognize the service of Laird Stone serving on the Parks and Recreation Commission by presenting a plaque to him.*

1. Consideration of an 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.

Community Development Director Humble reviewed the request using overhead projections.

Staff recommends approval of a one-year extension of the filing requirement on the final plat for Robbins Street PUD Subdivision, subject to final technical review by the City Engineering Department.

Councilperson Hall made a motion to approve the extension of the final plat of the Robbins PUD Subdivision to April 3, 2008, subject to final technical review by the City Engineering Department. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Consideration of a request for AMENDING TWIN FALLS CITY CODE §8-3-11(B) BY PERMITTING EJECTMENT FROM CITY PARKS BEYOND ONE CALENDAR DAY FOR PERSONS PREVIOUSLY EJECTED OR WHO COMMIT CRIMES IN CITY PARKS. Proposed Ordinance No. 2900

Management Assistant Scott reviewed the request.

The YMCA has made a formal request that the City Code be updated to allow the ejection of a citizen from the park facility for longer than one calendar day. The changes to the code would provide for a one week ejection following a first time offense, and for any second offense the citizen would be ejected for one year.

The Pool Advisory Commission and the Parks and Recreation Commission have reviewed the suggested change and recommended approval.

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Council discussion followed:

- Suspension length.
- Definition of "under the influence" and "abusive substances."
- Park ejection.

City Attorney Wonderlich stated that problems have occurred primarily at the pool and golf course.

Management Assistant Scott stated that when behavior problems come to the attention of the Parks and Recreation Department it is typically associated with a program participant or spectator. The Parks and Recreation Department has the ability to remove both participants and spectators from programs when behavior is unacceptable.

City Attorney Wonderlich stated that in the following proposed ordinance section, the ejection from the **park** where the crime was committed, or all **parks**, would be at the discretion of the judge:

8-3-11: Enforcement: (B) Ejection... "Any person charged with committing a crime at any park shall be barred from returning to the **park** during the pendency of criminal charges, and for a period of one year following the incident if the person pleads guilty or is found guilty of any criminal offense as a result of the charge."

**Motion:**

Vice Mayor Dwight made a motion to suspend the rules and place Ordinance #2900, on third and final reading by title only. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion.

Deputy City Clerk Sanchez read Ordinance 2900, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §8-3-11(B) BY PERMITTING EJECTION FROM CITY PARKS BEYOND ONE CALENDAR DAY FOR PERSONS PREVIOUSLY EJECTED OR WHO COMMIT CRIMES IN CITY PARKS.

Council discussion followed:

- Councilperson Johnson stated that the proposed ordinance appeared to be unnecessary given to the current laws and he will be voting against the request.
- Vice Mayor Dwight stated that the parks are family oriented and she will vote in favor of the request.

**Motion:**

Vice Mayor Dwight made a motion to adopt Ordinance No. 2900, as presented. The motion was seconded by Councilperson Hall and roll call vote showed Councilperson Craig, Vice Mayor Dwight, Councilperson Hall, Barigar, and Mayor Clow voted in favor of the motion. Councilperson Johnson voted against the motion. The motion passed with a vote of 5 to 1.

3. Consideration of a contract for services with People for Pets. The contract is for the management of the Twin Falls Animal Shelter.

Management Assistant Scott reviewed the request.

At the regular Advisory Commission meeting held on February 15, 2007, the expired contract was reviewed. The Commission has recommended the contract be extended to a three year term. No other changes were recommended.

Staff recommends that the Council approve the contract as presented.

Council discussion followed:

- Animal licensing/registration through CityWorks in the future.
- The contract to be extended to September 2011.
- Liability insurance.

City Attorney Wonderlich stated that the Idaho Tort Claim of \$500,000 liability insurance is statutory.

MINUTES

March 26, 2007

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-Hours of operation.

Management Assistant Scott stated that the schedule of public hours is to be approved by the City and People for Pets and posted 30 days prior to any changes.

-“Until the new shelter is occupied” should be stricken from the agreement.

-Fee for service renegotiated each City fiscal year.

City Attorney Wonderlich stated that fee would require Council approval.

**Motion:**

Vice Mayor Dwight made a motion to accept and extend the Agreement, as presented, with the following change:

1. h.: Staff the animal shelter with certified and qualified personnel and maintain reasonable hours for the public, said schedule of public hours to be approved by the City and People for Pets and posted 30 days prior to any changes. ~~The schedule for public hours shall include no less than four hours on Saturday until the new shelter is occupied at which time hours are to be further expanded to meet the needs of the public, to be approved by the City and People for Pets.~~

The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration of the PUD Agreement between the City of Twin Falls and Tuscarora, LLC c/o Jeff Blick.

Community Development Director Humble reviewed the request on overhead projection. He stated that the City Council approved the rezoning of this site from R-4 to R-4 PUD on June 26, 2006, to allow the development of a multi-family (4-plex) residential housing development on property located on the south side of the 1800 block of Elizabeth Blvd.

Staff has worked with the developer to assure that the PUD Agreement correctly reflects Council's approval, and recommends approval of the PUD Agreement.

**Motion:**

Councilperson Johnson made a motion to approve the PUD Agreement between the City of Twin Falls and Tuscaurora, LLC, c/o Jeff and Julie Blick, as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. To recognize the service of Laird Stone serving on the Parks and Recreation Commission by presenting a plaque to him.

Parks and Recreation Director Bowyer, Councilperson Johnson, and Mayor Clow presented a plaque to Laird Stone for his six years of service on the Parks and Recreation Commission.

Laird Stone was present to accept the plaque.

6. Consideration of a request to enter into a contract with ABC Construction for the purpose of constructing a sewer line in Pole Line Road and reconstruction of a portion of Pole Line Road generally between Bridgeview and Mountain View extended.

City Engineer Fields reviewed the request using overhead projection.

The City's involvement in this project is driven by the recognition that the Blue Lakes trunkline has a serious capacity condition. The plan is to divert flows at Mountain View and Carriage Lane into a trunkline on Pole Line Road. This project will construct the portion of the trunkline in Pole Line Road and provide for the connection at Mountain View. Construction of this trunkline will accommodate the City's diversion, the load applied by the participating developers, and provide for future development upstream.

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March 26, 2007

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This project will provide a significant improvement to water supply in this area, remedy an existing sewer capacity problem, accommodation of imminent and future growth, and significant improvement to one of our arterial roadways. The project is expected to start this spring with completion in September.

Once the easements are acquired, staff will work towards completion of the diversion at Carriage Lane and upgrade to the existing downstream system as recommended by CH2M Hill.

The 2006-2007 City Budget did not include funding to address this situation. The project budget is currently \$ 2,135,012.30 with the City's portion at \$1,000,245.00. This work doesn't include funding for change orders such as for the sewer connection at Mountain View, driveway approaches, additional sewer taps, retaining walls, etc., and the reconstruction of the 3-lane section. These costs can reasonably approach an additional \$100,000. The City's portion of the project will be funded out of sewer reserves (\$850,000,000) and miscellaneous revenues/one-time funds (\$250,000).

Staff recommends that the Council authorize the Mayor to sign the agreement with ABC Sewer Construction Co., LLC and the City Engineer to sign the construction drawings.

Council discussion followed:

-Traffic lanes on Pole Line Road.

City Engineer Fields stated that on Pole Line Road heading eastbound would be a three lane road between Bridgeview and Candleridge and then would become five lanes between Candleridge and Cheney Drive.

-Corner at Pole Line Road and Eastland.

City Engineer Fields stated that the curve would have a regular turning movement.

-Undeveloped south side of the three lane portion of Pole Line Road.

City Engineer Fields stated that she understood that the owner at the location is not a partner of ABC Construction Co., but if the property would be developed, the owner would be responsible for the section of the development.

-Overlay on Pole Line Road between Rex Electronics and Bridgeview.

City Engineer Fields stated that a seal coat would be done prior to an overlay.

**Motion:**

Councilperson Barigar made a motion to approve the request to enter into a contract with ABC Construction Co., for the purpose of constructing a sewer line, subject to staff or City Engineer approval, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

Gerald Martens, EHM Engineers Inc., explained the plans for the project.

The intent is to put all utilities underground and that the landscaping would be consistent in character, size, and maturity, in which costs are outside of the contract.

7. Public input and/or items from the City Manager and City Council. None

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

Mayor Clow announced that a Retirement Party for Bill Riddleberger will be held on March 29, 2007, at 3:00 P.M., in the Council Chambers.

**IV. PUBLIC HEARINGS: 6:00 P.M. – None**

MINUTES

March 26, 2007

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- V. **ADJOURNMENT**: Executive Session to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. 67-2345(1)(c)

Approved to adjourn to Executive Session at 5:55 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, APRIL 2, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for March 27 – April 2, 2007, total: \$381,556.19
2. Consideration of the March 26, 2007, Minutes.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of bids for the 2007 Fire Station #3 Frontage Improvements Project.
2. Consideration of a request to sign a contract with CCMG for the remodel of the City Annex building to facilitate the construction and location of the current City run materials testing laboratory.
3. Consideration of Phase 1 Impact Fee Report from BBC Research & Consulting, and a decision on whether or not to proceed to Phase 2 of the project.
4. Consideration of proposed enhanced canyon rim trail corridor construction guidelines.
5. Consideration of a trail construction and maintenance agreement for Canyon Crest Restaurant.
6. Public input and/or items from the City Manager and City Council.

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

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

1. Request for the Annexation of 71.32 (+/-) acres with a zoning designation change and zoning map amendment from R-4 CRO & OS to R-4 CRO & OS PUD on property located on the east side of the 500-800 blocks of Blue Lakes Boulevard South by Ken Stutzman c/o the Land Group for property. (app. 2096)

**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.*

## ATTENDANCE

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### Present

Mayor Lance Clow  
Trip Craig  
Greg Lanting  
Don Hall  
Dave Johnson

### Absent

Shawn Barigar  
Vice Mayor Glenda Dwight

CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Public Works Director Lance Bates, Public Works Coordinator Lee Glaesemann, and Deputy City Clerk Leila Sanchez

Mayor Clow called the meeting to order at 5 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him.

## AGENDA ITEMS

The following item was added to the agenda:

- II. 6. Consideration of a request by Olivia Rowe of the Greater Twin Falls Association of Realtors and Southern Idaho Fireworks Chairman, for the annual fireworks display held at the College of Southern Idaho.

### I. CONSENT CALENDAR:

1. Consideration of accounts payable for March 27 – April 2, 2007, total: \$381,556.19
2. Consideration of the March 26, 2007, Minutes.

### **MOTION:**

Councilperson Johnson made a motion to approve the Consent Calendar, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

### II. ITEMS FOR CONSIDERATION:

1. Consideration of bids for the 2007 Fire Station #3 Frontage Improvements Project.

Project Coordinator Glaesemann reviewed the request.

On March 23, 2007, bids were opened for the 2007 Fire Station #3 Frontage Improvements project. The project is located on the corner of Orchard Drive and Washington Street South, which includes the widening of Orchard Drive, installation of curb, gutter, sidewalk, and storm water improvements. The project also ties into similar Orchard and Washington Street improvements currently being constructed by the adjacent Orchard Park Plaza development.

The low bidder is Idaho Sand & Gravel of Jerome, Idaho, in the amount of \$139,636.60.

This project will be funded from the 2006-2007 Street Department budget, which includes \$500,000 for construction projects.

Staff recommends that the project be awarded to Idaho Sand & Gravel.

Discussion followed:

-Engineer's Estimate of \$112,752.31.

**MOTION:**

Councilperson Hall made a motion to award the contract for the 2007 Fire Station #3 Frontage Improvements project to Idaho Sand & Gravel for the amount of \$139,636.60, as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

Andrew Swensen reported on the upcoming Orchard Park Plaza grand opening to be held on May 21, 2007.

2. Consideration of a request to sign a contract with CCMG for the remodel of the City Annex building to facilitate the construction and location of the current City run materials testing laboratory.

Public Works Director Bates reviewed the request.

The current lab is located in City Hall. The ventilation of the current lab is not adequate. The project went out to bid and no bids were received on this project. A telephone conversation was held between an architect and a contractor. The contractor, the architect, and the Engineering Department have negotiated a contract price in the amount of \$284,662.00. This amount will include all price changes in addendum 1, 2, 3, 4, and 5.

The 2006-2007 City budget includes \$192,500 for the lab relocate. On March 12, 2007, the City Council approved \$150,000, the use of one-time money for additional funds needed to meet the proposal for the project.

Staff recommends that the Council authorize the contract for CCMG to perform the remodel of the annex to create a new engineering materials testing lab.

Discussion followed:

- Future site location.
- Plans are available in the Engineering Department.
- Current lab does not meet standards.
- Heating, air conditioning, and lighting.
- Two full-time lab employees.
- Current lab location.
- Remodeling of existing facilities.
- Existing facilities could possibly be used for interns.

Public Works Coordinator Bates stated that the concrete testing equipment needed is expensive and currently not in the budget.

**MOTION:**

Councilperson Lanting made a motion to award the contract to CCMG for the remodel of the City Annex building to facilitate the construction and location of the current City run materials testing laboratory, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of Phase 1 Impact Fee Report from BBC Research & Consulting, and a decision on whether or not to proceed to Phase 2 of the project.

Community Development Director Humble reviewed the request.

MINUTES

April 2, 2007

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On November 27, 2006, the City Council selected BBC Research & Consulting to prepare an Impact Fee Study for the City.

On February 7, 2007, the BBC team researched financing mechanisms and discussed these with a committee of City employees and officials. The results of this meeting and BBC's research are in Phase 1 Impact Fee Report.

The following recommendations were made:

1. Retain dedication requirements for neighborhood parks, but consider impact fees for community and regional parks.
2. Consider an impact fee for police infrastructure.
3. Consider an impact fee for fire infrastructure.
4. Consider an impact fee for specific system-wide arterials and collectors.
5. Prepare water CIP as a first step in possibly adopting impact fees, also consider capacity fees.
6. Prepare a sewer CIP as a first step in possibly adopting impact fees, also consider capacity fees.
7. Explore exactions and user charges for pressurized irrigation rather than impact fees.
8. Retain current system of exactions for drainage improvements.

When the City Council selected BBC Research & Consulting to proceed with Phase 1 of the proposed impact fee study, it was with the understanding that Phase 2 would be a future decision. The Phase 2 cost, as recommended in the attached Impact Fee Report, will be \$37,000. As with the Phase 1 approval, the funding for this project should come from the Capital Improvement Fund.

Staff recommends that the Council accept the Phase 1 Impact Fee Report and authorize BBC Research & Consulting to proceed to Phase 2.

Discussion followed:

- Preparation of CIP charges.
- Phase 1 report with recommendations.

Community Development Director Humble stated that the agreement would have to be amended to include CIPs for water and wastewater.

Discussion followed:

- Project timeline.

**MOTION:**

Councilperson Johnson made a motion to authorize BBC Research & Consulting to proceed with Phase 2 of the Impact fee project and to amend the agreement to include the preparation of CIPs for water and wastewater, totaling \$12,000, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion was passed.

4. Consideration of proposed enhanced canyon rim trail corridor construction guidelines.

Community Development Director Humble reviewed the request using overhead projection.

On January 2, 2007, the Council approved a final plat of Westpark Commercial Subdivision #4. This plat was a one-lot plat for the construction of a restaurant. The applicant's proposal included a request to relocate and redevelop portions of the canyon rim trail along the property. At that meeting, the Council determined that allowing enhanced construction standards along portions of the canyon rim trail would be appropriate for those

portions of the trail adjacent to commercial development. The Council directed staff and the applicant to work together with other commercial developers to prepare a set of guidelines for enhanced trail construction.

In working with the developers, staff had three primary goals. First, the proposed standards should come from the developers and reflect what they'd like to see adjacent to their properties. The second goal is to try to preserve a smooth surface along the trail for the safety and convenience of bikes, wheel chairs, skateboards, roller skates, and roller blades. Thirdly, staff felt very strongly that whatever the proposal is, it should ensure that there will be some continuity to the trail. The public trail should be able to be easily identified as such. Staff believes that the draft guidelines accomplish these three goals.

The guidelines will require that the minimum width of the canyon rim trail will be 10 feet. That minimum width shall be provided as asphalt to maintain the smooth surface and the trails continuity. Outside the 10 foot trail, a 2 foot shoulder is to be provided. However, that shoulder could be gravel, landscaping, or enhanced pavement. The guidelines allow for enhanced landscaping and trail connections to the adjacent properties to be developed. Also, the guidelines include standards for safety fencing on the canyon side of the trail. Any enhancements would have to be maintained by the development providing the enhancements as well.

Jeremy Ainsworth, The Land Group, explained the purpose, goals, enhancement standards, and maintenance of the *Criteria for Enhanced Canyon Rim Trail Corridor System* using overhead projection. The purpose of the enhancements is to increase the users' experience along the trail corridor while capturing the beauty of the canyon.

Discussion followed:

- Responsibility of maintenance of trail if property changes hands.
- Seal coat problems at Thompson Park.

Community Development Director Humble stated that the request will allow developers to choose to implement the enhanced standards. It will be a voluntary compliance. However, should a developer desire to make more than the minimum level of improvements along the trail, the developer will be directed to make those improvements in conformance with these guidelines.

Gerald Martens, EHM Engineers, Inc., spoke in favor of the request.

Discussion followed:

Mayor Clow requested that staff verify the trail corridor fencing height and make appropriate changes to the guidelines.

**MOTION:**

Councilperson Johnson made a motion to approve the Enhanced Canyon Rim Trail Corridor Guidelines, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of a trail construction and maintenance agreement for Canyon Crest Restaurant.

Community Development Director Humble reviewed the Public Trails Construction & Maintenance Agreement "Exhibit B" site plan of the Canyon Crest Development using overhead projection.

Staff recommends that the Council approve the attached agreement subject to final review and approval of the agreement by the City Attorney.

Gerald Martens, EHM Engineers, Inc., representing the applicant, Dan Willy, reviewed the request.

Councilperson Johnson made a motion to approve the Public Trails Construction & Maintenance Agreement for Canyon Crest Restaurant, as presented, with the following condition: 1. Subject to final review and approval of the agreement by the City Attorney. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Consideration of a request by Olivia Rowe of the Greater Twin Falls Association of Realtors and Southern Idaho Fireworks Chairman, for the annual fireworks display held at the College of Southern Idaho.

City Manager Courtney reviewed the request. The City of Twin Falls 2006-2007 budget includes \$5,000 of revenue sharing money for the annual fireworks display held at the College of Southern Idaho. In addition, \$1,500 is available from fireworks permit fees.

Councilperson Craig made a motion to approve a contribution of \$6,500 to the 2007 annual fireworks display, as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

7. Public input and/or items from the City Manager and City Council. None

### III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Johnson gave an update of the Comprehensive Plan.

Councilperson Craig stated that a County Centennial meeting will be held on April 25, 2007, at 7:00 P.M., at the County at the Twin Falls Historical Museum on Hwy 30

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

1. Request for the Annexation of 71.32 (+/-) acres with a zoning designation change and zoning map amendment from R-4 CRO & OS to R-4 CRO & OS PUD on property located on the east side of the 500-800 blocks of Blue Lakes Boulevard South by Ken Stutzman c/o the Land Group for property. (app. 2096)

Scott Allen, The Land Group, representing Ken Stutzman, reviewed Exhibit B Master Development Plan for Canyon Creek Subdivision using overhead projection.

North and east of the subject property is Rock Creek Canyon. In many areas the canyon is overgrown with Russian Olive Trees. The owner has had the area grazed and irrigated to maintain it in good condition. Across Rock Creek Canyon is an M-2, heavy manufacturing zone. The Canyon will provide a buffer to the proposed residential development from the industrial area. To the south and west the property is surrounded by residential and agricultural issues. The Comprehensive Plan designates this area as Urban Residential and the proposed medium density housing is in conformance with the Plan.

On February 27, 2007, the Planning & Zoning Commission recommended the zoning designation to be R-4, R-6 CRO & OS PUD, if the City Council annexes the property, subject to the following conditions:

1. Subject to arterials and collector streets on or adjacent to the property being built and/or rebuilt to current City standards upon development of the property.
2. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
3. The area shown as nursing home/retirement home/hospice facility is designated as R-6 zoning with verbiage in the PUD Agreement stating the R-6 zoning is specific to this use and that the nursing home/retirement

home/hospice facility is to be outright permitted. All other uses shall comply with the R-4 zoning requirements.

4. The minimum building setback shall be 50' from the canyon rim with an approved geological study, however, a 35' set-back variance from the canyon rim with an approved geological study may be allowed for the portion of the property north of the entry road into the project from Blue Lakes Blvd. South.
5. The base zoning of the property currently zoned OS will remain OS

The applicant concurs with the recommendations with the following exception in condition 4. and requested that the wording to be changed from as follows: 4. The minimum building setback shall be 50' from the canyon rim with an approved geological study, however, a 35' set-back variance from the canyon rim with an approved geological study ~~shall be may be~~ allowed for the portion of the property north of the entry road into the project from Blue Lakes Blvd. South.

Community Development Director Humble reviewed the request using overhead projection.

This is a request for annexation of 71.32 (+/-) acres of land with the zoning designation R-4 CRO & OS PUD. The land is currently zoned R-4 CRO, Medium Density Residential with Canyon Rim Overlay District, and OS, Open Space. The request for a zone change is because it is required by City Code §10-4-19.5, which states that "All development except existing residential lots in the Canyon Rims Overlay District shall be part of an approved planned unit development." The property can request annexation as it is contiguous to City limits on its northeastern border.

The applicant intends to develop a mixed-use residential subdivision with open space. The residential development would include single family homes, townhomes, multi-family homes, and elderly or retirement facilities. The applicant would like to develop the area utilizing City services which requires annexation into the City limits. The R-4 zone allows for detached single family homes, attached single family homes along arterial or collector streets, and duplexes. Triplexes and four-plexes are allowed by Special Use Permit. The applicants are requesting that triplexes and four-plexes be permitted outright in their designated areas by the Planned Unit Development Agreement. The R-4 zone allows single family dwellings on 4,000 square foot lots, duplexes on 7,000 square foot lots, and triplexes and four-plexes require minimum lot sizes of 7,000 square feet plus 2,000 square feet per dwelling unit or 1,000 square feet per unit above or below the ground level unit. Some of the issues discussed at the previous hearings were Rock Creek Canyon, access, and setbacks. Rock Creek Canyon would be opened to the public and for expansion of park space and trail systems. The applicants have indicated in the PUD agreement that they would dedicate a 3-acre park to the City. The City generally accepts dedications of a minimum of 3 acres, which is considered a community park. Park acreage requirements are based on the number of units in the development and so it is possible that the property would develop more than 300 units and more park space may be required.

The applicants have had a geotechnical engineering report completed on the Rock Creek Canyon Rim. The study indicated that the minimum setback for construction along the rim in this area is 25'. The applicants are indicating in their PUD agreement that they would like to have a 35' minimum setback from the rim and maximum height of 25'. City Code §10-4-19.4(D)3 says the following: "...the minimum canyon rim setback in the CRO district with an approved geological report meeting the requirements set forth...shall either be the minimum setback recommended in the geological report or the minimum setback set out...whichever is greater....". For Rock Creek Canyon, the minimum setback is 50'. The maximum height is 25' above the canyon rim at 50' from the canyon rim and rising evenly to 35' at 100' from the rim. As this is a large development along Rock Creek it will have a large impact in setting a precedent for the development of the area. In order to maintain the possibility of public access of a community amenity, such as Rock Creek Canyon, staff feels it may be desirable to maintain the current Code standards of 50' minimum building setbacks from the rim.

A Preliminary presentation on the PUD was held February 13, 2007 followed by a public hearing on February 27, 2007. The Planning and Zoning Commission's recommendation on the zoning is presented to the City Council with the annexation request and public hearing. Approval of the R-4 , R-6 CRO & OS PUD zoning will allow the applicant to develop a residential subdivision subject to City Code and subject to compliance with the Planned Unit Development Agreement approved by the City Council.

Discussion followed:

- Canyon Rim Overlay setbacks.
- Retirement home building height.

City Attorney Wonderlich explained the CRO setback and variance requirements.

The public portion of the hearing was opened:

Gary Huntington, 4360 A Clear Lakes. Buhl, Idaho, stated his concern on the planned water and sewer system. He asked if his property located at the south end of the proposed annexation was also included in the annexation being requested.

Shawna Howe, 457 Blue Lakes Boulevard South, stated that she landscaped on an Intermountain Gas Co., easement that is located adjacent to her property and asked what would become of that area. She stated the following:

- Opposed the requested 35' setback.
- Would she be required to place curb and gutter on her property.
- Location of the City park.

Ross McNurlier, 327 4<sup>th</sup> Avenue East, owner of property located at 707 Blue Lakes Boulevard South, asked if he would be forced into the City limits.

The public comment portion of the hearing was closed:

Scott Allen, the Land Group, stated the following:

- Water and sewer infrastructure would be paid by the developer.
- The landscaped area located on the easement will be reviewed at the platting stage.
- The geotechnical engineering report study stated the location of the 35' setback.
- The required park will be negotiated with the City and the developer and will be in the PUD agreement.
- The developer cannot force property into the City.
- The developer has no jurisdiction of the bridge.

City Engineer Fields stated there is no future plan for the bridge. Property owners, who are not included in the proposed annexation, would not be required at this time, to be hooked up to City services. The sewer line could possibly run down Blue Lakes Boulevard.

Discussion followed:

- Annexation of properties currently not in the City.
- The CRO is defined at a slope.

The public comment portion of the hearing was reopened.

City Manager Courtney stated that the City is currently reassessing the water distribution area.

The public hearing portion was closed.

**MOTION:**

Councilperson Johnson made a motion to approve the annexation of 71.32 (+/-) acres with a zoning designation change and zoning map amendment from R-4 CRO & OS to R-4 CRO & OS PUD on property located on the east side of the 500-800 blocks of Blue Lakes Boulevard South by Ken Stutzman c/o the Land Group for property. (app. 2096), as presented, subject to the following conditions:

1. Subject to arterials and collector streets on or adjacent to the property being built and/or rebuilt to current City standards upon development of the property.
2. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
3. The area shown as nursing home/retirement home/hospice facility be designated as R-6 zoning with verbiage in the PUD Agreement stating the R-6 zoning is specific to this use and that the nursing home/retirement home/hospice facility be outright permitted. All other uses shall comply with the R-4 zoning requirements.
4. The minimum building setback shall be 50' from the canyon rim with an approved geological study, however, a 35' set-back variance from the canyon rim with an approved geological study **shall be** allowed for the portion of the property north of the entry road into the project from Blue Lakes Blvd. South.
5. The base zoning of the property currently zoned OS will remain OS.
6. **The nursing home/retirement home/hospice facility to be residential style.**

The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

V. **ADJOURNMENT:** The meeting adjourned at 6:50 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND A	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, APRIL 9, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable April 3, 2007 – April 9, 2007.
2. Consideration of the April 2, 2007, Minutes.
3. Consideration of a request to approve the deferral agreement for road construction on Hillcrest Acres Subdivision.
4. Findings of Fact and Conclusions of Law
  - Kim & Todd Ostrom-Rezone
  - Kim & Todd Ostrom-Rezone
  - South Hampton Subd.-Final Plat
  - Hillcrest Acres-Final Plat
  - Pheasant Meadows Subd. Phase 2-Final Plat
  - River Ridge Estates Subd. #4-Final Plat
  - Westpark Commercial Subdivision #4 PUD-Final Plat
  - Stonehedge Subdivision-Final Plat
  - Timberlake Village-Annexation
  - Twin Falls School District #411-Annexation
  - St. Luke's Magic Valley Regional-Annexation
  - North Pointe Park-Annexation

**II. ITEMS FOR CONSIDERATION:**

1. Recognition plaques for Ernie Wills and Dr. Charlie Lenkner for their service on the Animal Shelter Advisory Commission.
2. Consideration of a proclamation declaring April 2007 to be Fair Housing Month.
3. Consideration of a request to approve the summer concert schedule for Kruger's Night Life.
4. Consideration of a request to initiate a public hearing to consider amending City Code Sections Title 3 Chapter 18; FOOD CONCESSIONS AND COMMERCIAL DISPLAYS regarding mobile food concessionaires operating on private property, and increasing the annual permit fee to \$100. TO BE RESCHEDULED AT A LATER DATE
5. Public input and/or items from the City Manager and City Council.

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

1. Request for annexation of 77 acres (+/-) for property located at the southwest corner of Kimberly Road and 3300 East Road by Geoffrey S. and Nancy A. Bushell. (app. 2100)
2. Request for a Zoning Title Amendment to amend the definition of "subdivision" and to add a new section to §10-12-2.5 providing for conveyance plats by the City of Twin Falls. (app. 2099)

**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.*

**ATTENDANCE**

<u>Present</u>	<u>Absent</u>
Mayor Lance Clow	None
Vice Mayor Glenda Dwight	
Shawn Barigar	
Trip Craig	
Greg Lanting	
Don Hall	
Dave Johnson	

CITY STAFF PRESENT: City Manager Tom Courtney, Community Development Director Mitch Humble, Management Assistant Gretchen Scott, Staff Sergeant Craig Stotts, City Engineer Jackie Fields, Deputy City Clerk Leila Sanchez

Mayor Clow 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.

Mayor Clow read the Fair Housing Month Proclamation and presented it to Community Development Director Humble.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable April 3, 2007 – April 9, 2007, total \$168,504.10.
2. Consideration of the April 2, 2007, Minutes.
3. Consideration of a request to approve the deferral agreement for road construction on Hillcrest Acres Subdivision.
4. Findings of Fact and Conclusions of Law
  - Kim & Todd Ostrom-Rezone
  - Kim & Todd Ostrom-Rezone
  - South Hampton Subd.-Final Plat
  - Hillcrest Acres-Final Plat
  - Pheasant Meadows Subd. Phase 2-Final Plat
  - River Ridge Estates Subd. #4-Final Plat
  - Westpark Commercial Subdivision #4 PUD-Final Plat
  - Stonehedge Sudvision-Final Plat
  - Timberlake Village-Annexation
  - Twin Falls School District #411-Annexation
  - St. Luke's Magic Valley Regional-Annexation
  - North Pointe Park-Annexation

**Motion:**

Councilperson Hall made a motion to approve the Consent Calendar, as presented, with the exception of the April 2, 2007, Council Minutes. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion.

**II. ITEMS FOR CONSIDERATION:**

1. Recognition plaques for Ernie Wills and Dr. Charlie Lenkner for their service on the Animal Shelter Advisory Commission.

Management Assistant Gretchen Scott and Animal Shelter Director Debbie Blackwood gave a review of the presentation.

Ernie Wills and Dr. Charlie Lenkner have served on the Animal Shelter Advisory Commission for the past four years. They are two of the original members that were appointed to the Commission in 2003.

Ernie and Charlie have served with compassion, humor and distinction. Their efforts on behalf of the City have resulted in the creation of the Injured Animal Care Fund, the development of a cooperative and open relationship with the Magic Valley Veterinary Association, and a review and update to the animal control and kennel permit codes.

Mayor Clow, Vice Mayor Dwight, and Councilperson Lanting presented the plaques to Ernie Wills and Dr. Charlie Lenkner.

2. Consideration of a proclamation declaring April 2007 to be Fair Housing Month.

PROCLAMATION READ AFTER THE PLEDGE OF ALLEGIANCE.

3. Consideration of a request to approve the summer concert schedule for Kruger's Night Life.

Kurt Kruger reviewed the request. The following is a list of the proposed concerts and dates:

- June 1st or 2nd Budweiser Battle of the Bands (in negotiations)
- June 28th Rodney Atkins
- August 3rd Warrant, Fire House, and LA Guns
- August 24th or 25th End of Summer Concert (alternative band)

Staff Sergeant Stotts explained the request.

Staff recommends that the City Council approve the Special Events Application submitted for the summer concert schedule based on the following criteria:

- A minimum of six (6) Deputy Reserves provide security for each event.
- Concerts will conclude at 10:00 p.m.
- Twin Falls Police Department supervisor will notify Kurt or Ronya if dispatch becomes inundated with noise complaints and will require them to adjust the volume level.
- The twenty-one (21) and up area will be roped off and bracelets will be provided.

Discussion followed:

- Beer garden buffer zone.
- The area behind Kruger's parking lot (Hansen Street) would require Kruger's to keep a lane open for a fire truck.

Motion:

Councilperson Barigar made a motion to approve the summer concert schedule for Kruger's Night Life, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration of a request to initiate a public hearing to consider amending City Code Sections Title 3 Chapter 18; FOOD CONCESSIONS AND COMMERCIAL DISPLAYS regarding mobile food concessionaires operating on private property, and increasing the annual permit fee to \$100.

TO BE RESCHEDULED.

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

Councilperson Lanting on behalf of the Golf Advisory Committee invited the City Council to attend a tour of the golf course on May 7, 2007, at 3:30 P.M.

Vice Mayor Dwight congratulated Mayor Clow on his appointment to the Water Committee by Governor C. L. "Butch" Otter.

Mayor Clow stated there are two vacancies on the Animal Shelter Advisory Commission and one vacancy on the Pool Committee.

RECESS: 5:26 P.M.

RECONVENED: 6:00 P.M.

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

1. Request for annexation of 77 acres (+/-) for property located at the southwest corner of Kimberly Road and 3300 East Road by Geoffrey S. and Nancy A. Bushell. (app. 2100)

Geoff Bushell, Box 599, Sun Valley, ID 83353, explained the request.

The subject property is zoned C-1 on the 36.97 acres along Kimberly Road, and is zoned M-2 over the remaining 40 acres. Currently, the City of Twin Falls cannot provide sewer and water services to properties beyond the City limit; therefore Mr. Bushell is requesting the property be annexed into the City in order to develop the property in accordance with its existing zoning.

Community Development Director Humble reviewed the request.

The request is to annex 76.97 (+/-) acres with zoning designation of C-1 and M-2; currently the property is zoned C-1 and M-2. The applicant intends to develop the property under these standards. They are requesting annexation to be able to develop the property, subject to availability of City water and sewer. The property is contiguous to City limits at its southwest tip and thus is able to request annexation.

City Council approval of this request will allow the applicant to request development of the subject area under C-1 and M-2 property development standards, subject to availability of City water and sewer. As City staff is currently re-evaluating the City's water service area, staff are recommending no action be taken on requests for annexation that are currently going through the public hearing process until the City Council establishes where the new water service boundary will be.

On March 13, 2007 the Commission unanimously recommended the C-1 and M-2 zoning designation as appropriate and said it should remain the same. If the Council approves the annexation, they requested that it would be 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 arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

Discussion followed:

-Water and sewer services.

Community Development Director Humble stated that the annexation is not a guarantee of sewer and water services, but it would be a requirement to get services.

-The current water boundary.

Community Development Director Humble stated that north of Kimberly Road the boundary is 3200 Road.

-The City's obligation to provide services.

Community Development Director Humble stated that annexation without a plan does not obligate the City to anything, other than the development requirements that are in place at the time of development with the zoning districts.

Mayor Clow asked City Engineer Fields, in general, if this much land was put into residential usage, would the water demands be greater than, say, for a typical retail/commercial type strip mall?

City Engineer Fields stated that residential would use more water.

Mayor Clow opened up the public comment portion of the public hearing.

Mayor Clow closed the public comment portion.

Geoff Bushell stated that he does not have a specific plan, but with services you can make a plan. Renee' Carraway has been very helpful and also very strict in saying that whether doing ten acres at a time, each piece would have to be duly processed.

Mayor Clow closed the public hearing.

Motion:

Councilperson Barigar made a motion to approve the request for annexation of 77 acres (+/-) for property located at the southwest corner of Kimberly Road and 3300 East Road by Geoffrey S. and Nancy A. Bushell. (app. 2100), 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 arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

The motion was seconded by Councilperson Craig.

Discussion followed:

Councilperson Johnson asked Community Development Director Humble to point out the current City boundaries and the current adjacent property on overhead projection.

Vice Mayor Dwight asked for a point of clarification of the annexation and ordinance process.

Councilperson Lanting stated the City would hold the ordinance as requested by City staff.

City Manager Courtney stated that if the request for annexation is approved, it is not complete until publication of the ordinance.

Roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Request for a Zoning Title Amendment to amend the definition of "subdivision" and to add a new section to §10-12-2.5 providing for conveyance plats by the City of Twin Falls. (app. 2099)

Community Development Director Humble reviewed the request.

On overhead projection he showed a current example of the problems that the City of Twin Falls incurs under the current definition of City Code Section 10-2-1, at property located at the southeast corner of Orchard Drive and Harrison Street South, when a long time owner of the 65± acres sold 62± acres of his land to a developer.

The request is to redefine the current definition of the following City Code Section 10-2-1:

SUBDIVISION: The result of an act of dividing an original lot, tract or parcel of land into more than two (2) parts for the purpose of transfer of ownership or development; which shall also include the dedication of public streets and other rights of way and the addition to, or creation of, a cemetery...

Of note in this definition is the provision that a subdivision has to be more than two parts. If a division of land qualifies as a "subdivision" then that division has to occur by plat. That means that a property owner can divide his/her property into two lots without going through the plat process. This can, and has caused problems for the City in the past and will certainly continue to cause problems in the future.

The request is to amend our ordinance to prevent similar scenarios from happening in the future. The first change that needs to be made is to amend the definition of a subdivision to include the dividing of land into two or more parts. What this change will do is that it will require any division of land to happen by plat with City approval. Then, when that plat is approved and recorded, all the necessary right-of-way will be dedicated, eliminating the need to acquire right-of-way in the future.

One problem with this change is that under our current ordinance provisions, a person wanting to simply split his/her property into two parts would then have to go through the preliminary and final plat process, even if he/she had no intent of developing immediately. Therefore, the second proposed amendment is to create a plat instrument that would allow a quick process to split a parcel into two new parcels without plans to immediately develop either parcel. The attached ordinance creates a "conveyance plat" section in the City Code. The purpose of a conveyance plat is to split one parcel into two for the purpose of conveying one or both parcels, or the interests thereon. It does not require development plans to be submitted. It will be treated as a final plat is now treated, meaning that it will not require a public hearing, it will be approved by the City Council, and it will be recorded at the County, thereby creating two new official parcels. A conveyance plat will have to dedicate necessary right-of-way. The ordinance also allows the Council to place conditions on a conveyance plat's approval that will cause the subsequent development of either new parcel to trigger a development requirement to construct the road and utility improvements adjacent to both parcels. However, approval of a conveyance plat alone does not constitute approval of any development on the property. A final plat and development plans will have to be subsequently submitted and approved prior to any development occurring on the property.

Following the adoption of this ordinance, any and all property splits will have to occur via a plat. This is significant because it will allow the City an opportunity to review and approve all property splits. The creation of the conveyance plat simply provides a way to do so that is faster than our current platting process would allow.

On March 13, 2007, the Commission recommended approval of the request as presented.

Discussion followed:

- The three dissenting votes from the Planning and Zoning Commission included two from the Area of Impact members.
- Review of a February 27, 2007, letter submitted by Gerald Martens and his concern of the "significant impact and delay development."

Community Development Director Humble stated that approval of the request would not delay the development process, but delays the split and sale. If the change of City Code is approved, a plat will be reviewed by staff and brought to Council for approval and recordation.

A letter submitted by Roger Kruger, dated February 27, 2007, was discussed with City Attorney Wonderlich.

Mayor Clow opened the public comment portion of the public hearing.

Mayor Clow closed the public comment portion.

Discussion followed:

- Current County of Twin Falls restrictions.
- Avoiding non-recorded splits and infrastructure problems.

Community Development Director Humble stated that the proposed ordinance is the section that is out of the area of impact. The City of Twin Falls many need to do another ordinance and get approval from the County Commissioners.

City Manager Courtney stated that with the southeast corner of Eastland and Falls Avenue, the City of Twin Falls cannot afford the infrastructure.  
The public hearing was closed.

Motion:

Vice Mayor Dwight made a motion to approve the request for a Zoning Title Amendment to amend the definition of "subdivision" and to add a new section to §10-12-2.5 providing for conveyance plats by the City of Twin Falls. (app. 2099). The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

V. ADJOURNMENT: The meeting adjourned at 6:48 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, APRIL 16, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: April 10 – April 16, 2007, total: \$314,328.86.
2. Consideration of a request to approve the Improvement Agreement for Canyon Crest Dining LLC.
3. Findings of Fact, Conclusions of Law, and Decision.
  - a. Rezone Application, Property Acquisition c/o Gary Perron for Quail Ridge
4. Consideration of the April 2, 2007 Minutes.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Nancy Choker, Moss Greenhouses, of a Landscape Award to Dexter Ball, Twin Falls Title & Escrow, 905 Shoshone Street North.
2. Consideration of a request for the appointment of Shawna Reeves to the Parks & Recreation Commission for a three year term from April 2007 to March 2010.
3. Consideration of a request for the City Council to appoint Jim O'Donnell to fill an Airport Advisory Board seat.
4. Consideration of a request by Deborah Gabardi, Crisis Center of Magic Valley, for the adoption of ***proposed Resolution 1780*** to publicly support the mission and objectives of the Crisis Center of Magic Valley, Inc.,
5. Consideration of a Transportation Master Plan Technical Advisory Committee (TAC) member list.
6. Consideration of a request to approve the cooperative agreement between ITD and the City of Twin Falls for construction of a signal at the intersection of US-30 (Kimberly Rd.) and Hankins Road and adoption of ***proposed Resolution 1781***.
7. Consideration of a request to authorize the Mayor to execute the cooperative agreement for the CSI Student Safety Initiative (2), Key A070(734) and adoption of ***proposed Resolution 1782***.
8. Consideration of a request to authorize the City Manager and City Engineer to execute the right-of-way agreement for Parcels 33 and 47 of the Washington Street North Phase III.
9. Consideration of adoption of ***proposed Ordinance 2901*** for a Zoning Title Amendment to amend the definition of "subdivision" and to add a new section to §10-12-2.5 providing for conveyance plats by the City of Twin Falls. (app. 2099)
10. Consideration of a request to rename Illinois Street to Harrison Street South.
11. Consideration of the request for approval of the final plat for Davis Subdivision c/o EHM Engineering-Trent McBride.
12. Consideration of the request for approval of the final plat for Eldridge Commercial Subdivision c/o Ken Edmunds.

**ADDITIONAL ITEM ADDED TO THE AGENDA**

13. Consideration of the request to work with property owners to acquire 40 water shares of property, attached to land in the City; and to receive authorization from the City Council to acquire water shares when they become available.
14. Public input and/or items from the City Manager and City Council.

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

**IV. PUBLIC HEARINGS:** 6:00 P.M. – None

**V. ADJOURNMENT:**

## ATTENDANCE

Present

Absent

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Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Shawn Barigar  
Trip Craig  
Greg Lanting  
Don Hall  
Dave Johnson

CITY STAFF PRESENT: City Manager Tom Courtney, City Engineer Jackie Fields, Zoning and Development Manager Renee' Carraway, Public Library Director Susan Ash, Parks and Recreation Director Dennis Bowyer, Airport Manager Bill Carberry, Deputy City Clerk Leila Sanchez.

Mayor Clow 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.

The following was added to the agenda as Item 13.:

13. Consideration of the request to work with property owners to acquire 40 water shares of property, attached to land in the City; and to receive authorization from the City Council to acquire water shares when they become available.

Mayor Clow read the National Library Week 2007 Proclamation and presented it to Renee Haight.

Library Director Susan Ash introduced the Library staff and announced the following:

- New Library Card Kickoff! New applicants will receive library cards featuring a picture of the library and a key ring card.
- Twin Falls Public Library Foundation has scheduled a Used Book Sale: 10:00 A.M. to 4:00 P.M. Regular books will be 1/2 price from 2 PM to 4 PM. Inside Magic Valley Mall next to Macy's.

Renee Haight thanked the Council for their continual support.

Vice Mayor Dwight was not present at this time.

## AGENDA ITEMS

### II. CONSENT CALENDAR:

1. Consideration of accounts payable: April 10 – April 16, 2007, total: \$314,328.86.
2. Consideration of a request to approve the Improvement Agreement for Canyon Crest Dining LLC.
3. Findings of Fact, Conclusions of Law, and Decision.
  - a. Rezone Application, Property Acquisition c/o Gary Perron for Quail Ridge
4. Consideration of the April 2, 2007 Minutes.

#### **Motion:**

Councilperson Johnson made a motion to approve the Consent Calendar, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion.

### II. ITEMS FOR CONSIDERATION:

1. Presentation by Nancy Choker, Moss Greenhouses, of a Landscape Award to Dexter Ball, Twin Falls Title & Escrow, 905 Shoshone Street North.

Nancy Choker of Moss Greenhouses presented a Landscape Award plaque to Dexter Ball of Twin Falls Title & Escrow.

2. Consideration of a request for the appointment of Shawna Reeves to the Parks & Recreation Commission for a three year term from April 2007 to March 2010.

Parks and Recreation Director Bowyer reviewed the request. The Interview Committee recommends that the City Council approve the appointment of Shawna Reeves to the Twin Falls Parks & Recreation Commission for a three year term.

**Motion:**

Councilperson Hall made a motion to approve the appointment of Shawna Reeves to the Parks & Recreation Commission for a three year term from April 2007 to March 2010, as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of a request for the City Council to appoint Jim O'Donnell to fill an Airport Advisory Board seat.

Airport Manager Carberry reviewed the request. The Interview Committee recommends that the City Council approve the appointment of Jim O'Donnell to the Airport Advisory Board.

**Motion:**

Councilperson Johnson made a motion to approve the appointment of Jim O'Donnell with the term expiring in September 2008, as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration of a request by Deborah Gabardi, Crisis Center of Magic Valley, for the adoption of *proposed Resolution 1780* to publicly support the mission and objectives of the Crisis Center of Magic Valley, Inc.,

Deborah Gabardi, Executive Director of the Crisis Center of Magic Valley, explained the request.

Each year the Crisis Center of Magic Valley applies for and has received funds from the Idaho Housing and Finance Emergency Shelter Grant. This grant pays for utilities, maintenance, upkeep, and property insurance of the Crisis Center shelter facility.

**Motion:**

Councilperson Craig made a motion to adopt Resolution 1780, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of a Transportation Master Plan Technical Advisory Committee (TAC) member list.

City Engineer Fields reviewed the request.

The City of Twin Falls selected the Civil Science team to develop the Transportation Master Plan. This plan will fold into the transportation component of the Comprehensive Plan. In discussions with Mayor Clow and City Manager Courtney, the direction is to request that the Comprehensive Plan Steering Committee Members also participate in the TAC.

The scope presented by the Civil Science Team suggests the composition of the TAC Committee include representatives from the Police Department, Street Department, Twin Falls Highway District, two from the Greater Twin Falls Transportation Committee, the Idaho Transportation Department, a bike/pedestrian representative, the Downtown BID, the Traffic Safety Committee, and a representative of a trucking company.

Staff welcomes Council input of persons who could represent bicycle and BID interests.

Staff recommends these additional representatives:

Rod Mathis of Riedesel Engineers and Troy Vitek of EHM Engineers, members of the engineering/development community, have expressed interest in participating in the development of the plan. Councilperson Hall, City Council liaison to the Greater Area Twin Falls Transportation Committee and the Traffic Safety Committee, has also expressed interest in participating in the update of the Transportation Master Plan.

The City Council recommended persons throughout the community to serve on the Transportation Master Plan Advisory Committee. Staff will recommend approval of members to the Council at a future date.

6. Consideration of a request to approve the cooperative agreement between ITD and the City of Twin Falls for construction of a signal at the intersection of US-30 (Kimberly Rd.) and Hankins Road and adoption of ***proposed Resolution 1781***.

City Engineer Fields reviewed the request.

This project is construction of a signal at the intersection of Kimberly Road and Hankins Road. ITD was approached several years ago by the City or by Greater Twin Falls Area Transportation Committee with a request for a signal. The GTFATC endorsed this project and placed it on the project list. The project is ready to bid upon acceptance of this contract and submittal of our share of the construction costs.

The City's share of signal construction projects is calculated based on the number of approach legs we have compared to the other approach legs. This project was not budgeted because the City did not believe we had any approach legs. Others (ITD and the Twin Falls Highway District) believed that the City has southbound Hankins. This may be due to a potential annexation request late last winter, which did not materialize. The Twin Falls Highway District is concerned about appropriating money for a road that will soon be within the City limits. Staff is concerned about the statement the City makes if it refuses to participate in a project that the City advocated. The City's share is approximately \$50,000 and ongoing traffic support to the controller, lamp replacement, etc. There is some financial responsibility associated with catastrophic failures (lighting, accidents) that are a standard part of our agreement. This funding will come out of the street construction budget.

Staff recommends that the Council accept the agreement and authorize the Mayor to sign.

Council discussion followed:

- Complaints received on the size of the poles at Washington and Pole Line Road.
- Time Line of project.

**Motion:**

Councilperson Johnson made a motion to approve Resolution 1781 as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

***5:39 P.M. Vice Mayor Dwight took her seat on the Council.***

7. Consideration of a request to authorize the Mayor to execute the cooperative agreement for the CSI Student Safety Initiative (2), Key A070(734) and adoption of ***proposed Resolution 1782***.

City Engineer Fields reviewed the request.

The CSI Student Safety Initiative project is a multi-year funded project to construct improvements on the CSI campus, including a bus drop-off and signalized intersection at Monroe Street and Falls Avenue. These are FHWA funded, administered by ITD. The City is involved because the project includes a local street. The cooperative agreement is with the City because the federal funds must be sponsored by a jurisdiction that qualifies, specifically the State, a Highway District or a City. This is the second funding allocation and the cooperative agreement requires the City to pay for the work, submit the appropriate documentation, and receive 100% reimbursement. The budget is temporarily impacted while reimbursements are being processed. This is covered by the streets reserve.

Staff recommends that the Council accept the agreement and authorize the City Mayor to sign.

Discussion followed:

- Alignment of the signalized intersection.
- Funding of the project.

Aaron Wert of Riedesel Engineering stated that the signal will line up with Quincy and Falls. The funds originally were set up to go for a traffic study and signal. The funds have paid for the design of the signal.

Discussion followed:

- Time line of the project.

City Engineer Fields stated that the project should be completed by June 2008.

**Motion:**

Councilperson Johnson made a motion to adopt Resolution 1782 as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

8. Consideration of a request to authorize the City Manager and City Engineer to execute the right-of-way agreement for Parcels 33 and 47 of the Washington Street North Phase III.

City Engineer Fields reviewed the request.

Right of Way Solutions, LLC completed the negotiations for parcels 33 and 47 of the Washington Street North Phase III project. The owner, H30 LLC (aka Todd Ostrom) has completed and signed the right-of-way contract and warranty deed. The parcels were settled within 10% of the appraisal. The agreed upon contracts are \$13,970 for Parcel 33 and \$12,760 for Parcel 47.

Execution of the right-of-way agreement will authorize payment to H30 LLC in the amount of \$26,730.

Staff recommends that the Council accept the agreement and authorize the City Manager and City Engineer to sign the agreement.

**Motion:**

Councilperson Barigar made a motion to execute the right of way agreement authorizing payment to H30 in the amount of \$26,730 as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

9. Consideration of adoption of *proposed Ordinance 2901* for a Zoning Title Amendment to amend the definition of "subdivision" and to add a new section to §10-12-2.5 providing for conveyance plats by the City of Twin Falls. (app. 2099)

Zoning and Development Manager Renee' Carraway reviewed the request.

The City Council approved the request at the April 9, 2007 meeting. The ordinance has been prepared as directed by the Council and is recommended for adoption as submitted.

**Motion:**

Vice Mayor Dwight made a motion to suspend the rules and place Ordinance No. 2901 on third and final reading by title only. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read Ordinance No. 2901 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE DEFINITION OF "SUBDIVISION" IN TWIN FALLS CITY CODE §10-2-1 TO INCLUDE THE DIVISION OF LAND INTO TWO OR MORE PARTS; AND AMENDING TWIN FALLS CITY CODE BY THE ADDITION OF A NEW §10-12-2.5 PROVIDING FOR CONVEYANCE PLATS.

**Motion:**

Councilperson Craig made a motion to adopt Ordinance No. 2901 as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

10. Consideration of a request to rename Illinois Street to Harrison Street South.

City Engineer Fields reviewed the request.

Presently, Harrison Street South begins at a point on Park Avenue and continues in a southerly direction. Residential property currently under development to the north of Park Avenue will provide for the extension of Harrison Street South. Harrison Street South will now continue in a northerly direction from Park Avenue and intersect the portion of Illinois Street that is currently platted, north of Highland Avenue.

Staff recommends that the Council approve the request to rename Illinois Street to Harrison Street South.

Discussion followed:

-Existing Impact of name change to current property owners.

**Motion:**

Vice Mayor Dwight made a motion to rename Illinois Street to Harrison Street South as presented. The motion was seconded by Councilperson Barigar. Mayor Clow, Vice Mayor Dwight, Councilpersons Barigar, Craig, Hall, and Lanting voted in favor of the motion. Councilperson Johnson voted against the motion. The motion passed.

11. Consideration of the request for approval of the final plat for Davis Subdivision c/o EHM Engineering-Trent McBride.

Zoning and Development Manager Carraway reviewed the request.

The Planning and Zoning Commission approved the preliminary plat on May 18, 2005. On March 27, 2007, the Commission granted an extension of approval of the preliminary plat until July 12, 2007, subject to the following conditions:

1. As per City Code §10-7-6(C), a 65' building setback will be allowed from the centerline of Falls Avenue East if lots do not directly access Falls Avenue East.
2. The storm water calculations must be rationally based on the driveways, parking areas, and building roof areas plus paved appurtenances such as entryways, patios, etc.
3. Skew the bike path curb cuts to improve flow.
4. Build an arterial approach to the subdivision.
5. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
6. Subject to compliance with City Code 10-12-3.11 prior to final plat approval. (City Council granted an in-lieu request on October 11, 2005.)

Trent McBride, EHM Engineering, representing the applicant, explained the request.

Discussion followed:

-65' centerline building setback affecting the widening of Falls Avenue.

Zoning and Development Manager Carraway said there would be no affect on Falls Avenue.

Trent McBride stated that the infrastructure has been completed and that Falls Avenue East hasn't been widened at this section.

- Risks of infrastructure completed before final plat approval.
- Condition 5.

Zoning and Development Manager Carraway stated that it is policy to place, "Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards" in conditions.

Councilperson Barigar made a motion to approve the final plat for Davis Subdivision as presented subject to the following conditions:

1. As per City Code §10-7-6(C), a 65' building setback will be allowed from the centerline of Falls Avenue East if lots do not directly access Falls Avenue East.
2. The storm water calculations must be rationally based on the driveways, parking areas, and building roof areas plus paved appurtenances such as entryways, patios, etc.
3. Skew the bike path curb cuts to improve flow.
4. Build an arterial approach to the subdivision.
5. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
6. Subject to compliance with City Code 10-12-3.11 prior to final plat approval. (City Council granted an in-lieu request on October 11, 2005.)

The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

12. Consideration of the request for approval of the final plat for Eldridge Commercial Subdivision c/o Ken Edmunds.

Zoning and Development Manager Carraway reviewed the request.

The Planning and Zoning Commission approved the preliminary plat of Eldridge Commercial Subdivision on November 14, 2006, subject to the following conditions:

1. Perimeter streets are brought up to current City standards upon development
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Ken Edmunds, the applicant, explained the request. He stated that he has received complaints from the neighbors in regards to flooding issues. He stated that each of the lots is required to contain its own storm water and there would be a common retention site.

Discussion followed:

- Common retention site will be in place.
- Madrin Street.

Ken Edmunds stated that Madrin Street would be built to City standards.

Councilperson Johnson made a motion to approve the final plat for Eldridge Commercial Subdivision, subject to the following conditions:

1. Perimeter streets are brought up to current City standards upon development

2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

### ADDITIONAL ITEM ADDED TO THE AGENDA

13. Consideration of the request to work with property owners to acquire 40 water shares of property, attached to land in the City; and to receive authorization from the City Council to acquire water shares when they become available.

City Manager Courtney reviewed the request. Staff is requesting from Council authorization to buy 40 water shares currently available for purchase and to acquire future water shares as they become available.

Discussion followed:

- Advertisement to purchase water shares.
- Diversion of water.
- Pressure irrigation water.

**Motion:**

Councilperson Barigar made a motion to authorize the City Manager and appropriate City staff to purchase water shares of Twin Falls Canal Co., as they become available, including the estimated 40 water shares at \$1,175.00 per share as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion.

Discussion followed:

- Purchasing of Palisades water.
- Major expense in building a dedicated pipeline.
- Meetings with Twin Falls Canal Co.

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

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. – None

V. ADJOURNMENT: The meeting adjourned at 6:39 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



**MINUTES**

**Meeting of the Twin Falls City Council  
MONDAY, APRIL 23, 2007  
City Council Chambers**

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: April 17 – 23, 2007.
2. Consideration of the following Improvement Agreement for Developments:
  - a. Rock Creek Trail Estates #2 - #5, Greenridge Development, LLC./Jack Bauer
  - b. Davis Subdivision, Ag Land Mortgage & Real Estate, Inc./Elbert Davis
  - c. Sto-N-Go, Lyons Development/Dale Frazell
3. Consideration of the April 9, 2007, Minutes.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of the Annual Jim A. Mildon Traffic Safety Award by Traffic Safety Commission Chairman Dave Snelson to Idaho State Police Trooper Chris Glenn. Mr. Snelson will also present a Certificate of Excellence to Con P. Paulos.
2. Consideration of the re-appointment of Anita Henna to the Animal Shelter Advisory Commission.
3. Consideration of a request by Tom Reynolds to approve the American Cancer Society's Relay for Life fundraiser, hosted by O'Dunken's.
4. Consideration of a request to accept the bid for a sludge truck for OMI to use in the land application of sludge from the Waste Water Treatment Plant (WWTP).
5. Public input and/or items from the City Manager and City Council.

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

**IV. PUBLIC HEARINGS:**

**NOTICE OF HEARING SCHEDULE  
NO HEARING WILL BEGIN BEFORE ITS SCHEDULED TIME**

**6:00 P.M.**

1. Consideration of adoption of an Ordinance to expand the Urban Renewal Agency Revenue Allocation Area #4-2. Proposed Ordinance 2902
2. Request for a PUD Modification of the Magic Valley Mall PUD to allow for the addition of two (2) new pad sites and the expansion of two (2) existing sites on property located at 1485 Pole Line Road East, c/o EHM Engineering-Roger Kruger. (app. 2098)
3. Request for a PUD Modification to the Northbridge No. 2 PUD Agreement to allow for a development that consists of more than ten (10) acres and that constitutes a Private/Public Mixed Use Development and to allow for additional building height on 16 (+/-) acres located SE of the intersection of the Snake River Canyon Rim and Washington Street North, c/o Federation Point, LLC-Fran Florence. (app. 2101)

IV. PUBLIC HEARINGS: (Continued)

7:30 P.M.

4. Request for 17 (+/-) acres to be annexed with a zoning designation of R-4 MHO-PUD for property located at 234 and 350 Grandview Drive, c/o Kenneth Armas. (app. 2103)
5. Request for 19.1 (+/-) acres to be annexed with a zoning designation of C-1 & M-2 for property located on the south side of the 3100 block of Kimberly Road East, c/o Red Coat, LLC & Broken Arrow, LLC. (app. 2107)
6. Consideration of an appeal regarding the Commission's decision for a request of KIDA/TV, c/o Lytle Signs, Inc. (Nathan Fuller), for a Special Use Permit to operate an LED Message Center Sign on property located at 1440 Blue Lakes Boulevard North. (Application 2089)

*WITHDRAWN BY APPLICANT TO BE RESCHEDULED.*

9:00 P.M.

7. Consideration of a PUD MODIFICATION to the North Haven PUD agreement to allow for a tire and lube shop with closed doors, a drive-thru facility for a pharmacy, a drive-thru facility for a garden center, 24-hour retail operations, and modified signage for property located at the southwest corner of Washington Street North and Pole Line Road, c/o CLC Associates and Gerald Martens. (app. 2102)

V. ADJOURNMENT:

## ATTENDANCE

### Present

Mayor Lance Clow  
Shawn Barigar  
Trip Craig  
Greg Lanting  
Don Hall  
Dave Johnson

### Absent

Vice Mayor Dwight

CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Finance Director Gary Evans, City Engineer Jackie Fields, Community Development Director Mitch Humble, Economic Development Director Melinda Anderson, Management Assistant Gretchen Scott, Parks and Recreation Director Dennis Bowyer, Staff Sgt. Craig Stotts, Deputy City Clerk Leila Sanchez.

Mayor Clow 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.

Mayor Clow read the Arbor Day Proclamation.

## AGENDA ITEMS

### II. CONSENT CALENDAR:

1. Consideration of accounts payable: April 17 – 23, 2007 total: \$596,719.34.
2. Consideration of the following Improvement Agreement for Developments:
  - a. Rock Creek Trail Estates #2 - #5, Greendridge Development, LLC./Jack Bauer
  - b. Davis Subdivision, Ag Land Mortgage & Real Estate, Inc./Elbert Davis
  - c. Sto-N-Go, Lyons Development/Dale Frazell
3. Consideration of the April 9, 2007, Minutes.

#### **Motion:**

Councilperson Hall made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

### II. ITEMS FOR CONSIDERATION:

1. Presentation of the Annual Jim A. Mildon Traffic Safety Award by Traffic Safety Commission Chairman Dave Snelson to Idaho State Police Trooper Chris Glenn. Mr. Snelson will also present a Certificate of Excellence to Con P. Paulos. Con P. Paulos was presented a Certificate of Excellence by Dave Snelson, Chairman of the Traffic Safety Commission.

Idaho State Trooper Chris Glenn was presented the Annual Jim A. Mildon Traffic Safety Award by Idaho State Police Lieutenant Rob Storm.

2. Consideration of the re-appointment of Anita Henna to the Animal Shelter Advisory Commission.

Management Assistant Scott reviewed the request.

Staff recommends that the Council approve the appointment of Anita Henna to the Board.

Councilperson Barigar made a motion to approve the re-appointment of Anita Henna to the Animal Shelter Advisory Commission, continuing her service with a second four year term as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of a request by Tom Reynolds to approve the American Cancer Society's Relay for Life fundraiser, hosted by O'Dunken's.

Staff Sergeant Stotts reviewed the request. The date of the event will be Saturday, May 12, 2007, starting at 4:00 P.M., and will conclude by 10:00 P.M. All alcohol and food services will be provided by O'Dunken's. A live band or DJ will be on hand to provide entertainment.

The Police Administrative Staff recommends that two Twin Falls County Sherriff's Deputy Reserve Officers provide security from 4:00 P.M. until 10:00 P.M.

Staff recommends that the City Council approve the Special Events Application submitted for the American Cancer Society's Relay for Life fundraiser to be held on May 12, 2007.

**MOTION:**

Councilperson Barigar made a motion to approve the American Cancer Society's Relay for Life fundraiser as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

Mayor Clow introduced Troop 180, sponsored by the LDS Church.

**4. Consideration of a request to accept the bid for a sludge truck for OMI to use in the land application of sludge from the Waste Water Treatment Plant (WWTP).**

John Wyneska, OMI Maintenance Supervisor, reviewed the request.

Staff recommends that the Council approve the amount of \$104,200 to Lake City Trucks for the purchase of a new truck chassis, including the removal and reinstallation of the slinger bed on the new chassis.

Discussion followed:  
-Engineer's Estimate

**MOTION:**

Councilperson Craig made a motion to approve the bid of Lake City Trucks in the amount of \$104,200. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

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

City Manager Courtney requested that a meeting date be set to arrange for JUB and Brockway Engineering to review both supply and demand projections.

Mayor Clow set Monday, May 7, 2007, at 3:00 P.M. for the meeting.

Mayor Clow announced that the Twin Falls Youth Council applicants have been formally invited to attend a meeting on May 8, 2007, in the Council Chambers.

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

Councilperson Lanting announced that he will be scheduling a Golf Advisory Tour in the near future.

The meeting adjourned at 5:28 P.M.

IV. PUBLIC HEARINGS:

**NOTICE OF HEARING SCHEDULE  
NO HEARING WILL BEGIN BEFORE ITS SCHEDULED TIME**

**6:00 P.M.**

**1. Consideration of adoption of an Ordinance to expand the Urban Renewal Agency Revenue Allocation Area #4-2. Proposed Ordinance 2902**

Economic Development Director Anderson reviewed the request using overhead projections.

To encourage Jayco to locate a second plant in Twin Falls, the Urban Renewal Agency agreed to participate in the cost of the construction of Eldridge Road through their subdivision in the amount of \$525,000. The actual road construction costs are estimated to be \$885,000. The Agency will fund this participation by issuing tax increment bonds in the amount of \$605,000 to also fund costs of issuing the bonds and to provide a bond reserve. The bonds will be repaid over the next ten years.

On February 26, 2007, the Urban Renewal Agency unanimously voted to create a new Revenue Allocation Area that includes the new Jayco Subdivision. The Planning and Zoning Commission agreed with this and recommended the Council approve the ordinance.

Staff recommends Council approval.

Community Development Director Humble reviewed the proposed area. He also stated that the Planning & Zoning Commission's review was primarily for compliance to the Comprehensive Plan and other long term plans for the area.

Finance Director Evans reviewed the tax increment bonds and the financial aspect of the request.

Discussion followed:

-The money will go back to the agency after the bonds have been paid.

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

Deliberations followed:

-Jayco and the additional development value.

-Additional revenues will go to the Urban Renewal Agency.

-Investors have limitations on how early the bonds are to be paid.

Economic Development Director Anderson stated that two of Jayco's suppliers will be relocating to Twin Falls.

-Ownership of Eldridge. Community Development Director Humble stated that ownership and maintenance of Eldridge would belong to the City.

The public hearing was closed.

Deliberations: None.

**MOTION:**

Councilperson Johnson made a motion to suspend the rules and place Ordinance No. 2902, on third and final reading by title only. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read Ordinance No. 2902, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, APPROVING A MODIFICATION TO THE URBAN RENEWAL PLAN 34 BY THE ADDITION OF REVENUE ALLOCATION AREA #4-2; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS.

**MOTION:**

Councilperson Craig made a motion to adopt Ordinance 2902, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. **Request for a PUD Modification of the Magic Valley Mall PUD to allow for the addition of two (2) new pad sites and the expansion of two (2) existing sites on property located at 1485 Pole Line Road East, c/o EHM Engineering-Roger Kruger. (app. 2098)**

Brent White, Manager of the Magic Valley Mall, representing the owner, explained the request.

Brent White stated that The Woodbury Corporation bought the property in 2004. He explained that the project is moderate in scale, adequate parking would be provided, and he discussed the aesthetics of the proposed project.

Roger Kruger, EHM Engineers, showed on overhead projections the proposed expansion. He reviewed the following:

- Landscaping would be affected on Pole Line and Bridgeview.
- Utilities would be available onsite.
- The owner would comply with landscaping requirements.

Community Development Director Humble reviewed the request.

On March 27, 2007, the Planning and Zoning Commission, by a vote of 9 – 0, recommended approval of the request subject to the following conditions:

1. Subject to full compliance with the PUD Agreement.
2. Should 90-degree parking stalls along the interior roadway on the northeastern portion of the property be developed, as shown on the site plan, Exhibit A-2, City staff can require traffic calming devices to help mitigate some of the impacts of the 90 degree parking.
3. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.

Staff concurs with the Planning & Zoning Commission's recommendation.

Discussion followed:

- Reconfiguration areas.
- Building setback and signage.

Roger Kruger stated that the building from the right-of-way would be around 20' and would not be less than the required setback.

-Councilperson Johnson asked if there might be a need for a stop light at Elm and Pole Line Road and if it is anticipated to widen Bridgeview at that proposed location of the mall. City Engineer Fields stated that currently there is no plan for a signal at Elm and Pole Line Road and the widening of Bridgeview is to be significantly wider than a two lane section.

-Dangerous intersection on Bridgeview, when making a left turn on Blue Lakes, heading south. City Engineer Fields stated that at the driveway approach, the left turn on Blue Lakes heading south is necessary. Acquisition or road widening has not been discussed.

-Future plans for Locust and Pole Line Road. City Engineer Fields stated that we do not have plans for a signal at Locust and Pole Line Road.

Community Development Director Humble stated the moving of the property line will increase the setback.

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

The public hearing was closed.

Deliberations: None

**MOTION:**

Councilperson Barigar made a motion for a PUD Modification of the Magic Valley Mall PUD to allow for the addition of two (2) new pad sites and the expansion of two (2) existing sites on property located at 1485 Pole Line Road East, c/o EHM Engineering-Roger Kruger. (app. 2098), as presented, subject to the following conditions:

1. Subject to full compliance with the PUD Agreement.
2. Should 90-degree parking stalls along the interior roadway on the northeastern portion of the property be developed, as shown on the site plan, Exhibit A-2, City staff can require traffic calming devices to help mitigate some of the impacts of the 90 degree parking.
3. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.

The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Request for a PUD Modification to the Northbridge No. 2 PUD Agreement to allow for a development that consists of more than ten (10) acres and that constitutes a Private/Public Mixed Use Development and to allow for additional building height on 16 (+/-) acres located SE of the intersection of the Snake River Canyon Rim and Washington Street North, c/o Federation Point, LLC-Fran Florence. (app. 2101)

Fran Florence, representing Federation point, LLC, and the landowners of the 16 to 17 acres, introduced Jeff Rolig, Attorney at Law, Dave Frigo, Project Manager, Steve Slagle, Jeremy Ainsworth and Scott Allen of The Land Group.

Using a PowerPoint presentation he showed a three dimensional rendering of the proposed project. He discussed the following:

- Citizen's Review Committee has reviewed the request.
- The location of the trail.
- The building will serve as a plaza and will have a dedicated right-of-way for the public use.
- Historical artifacts will be on the site.
- Magic Valley Arts Council is expected to occupy the main floor of the plaza.
- Water features are planned.

Discussion followed:

-Underground parking. Fran Florence stated there would be underground parking with 28 spots. A geotechnical study was done. The floor levels of the buildings are 4.5' above the curb height.

-Buildings located on eastern portion of the property. Fran Florence stated that he would have to come back to Council to request additional building heights.

Community Development Director Humble reviewed the request using overhead projections.

The Citizen Review Committee reviewed the request of Fran Florence for additional building height in the Canyon Rim Overlay Zone for the River Vista buildings at multiple meetings. At their September meeting the Committee unanimously voted to pass on a favorable recommendation to the Planning & Zoning Commission on approval of the additional height request for the project as presented. The maximum height proposed was 84' 4" from top of curb to the highest roof element with a concrete structural system or 91' if constructed with a structural steel frame.

A preliminary presentation on the currently proposed PUD modifications was held March 13, 2007, with the Planning and Zoning Commission.

On March 27, 2007, the Planning & Zoning Commission, by a vote of 7 – 1, with one Commissioner abstaining, recommended approval of the request subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Limited to the two (2) buildings that were reviewed by the Citizen's Design Review Committee on September 25, 2006, and subject to a maximum height, as presented at that meeting, of 84' 4" from top of curb to the highest roof element with a concrete structural system or 91' if constructed with a structural steel frame.

Staff concurs with the Planning & Zoning Commission's recommendation.

Discussion followed:

Mayor Clow asked for clarification on page 5 of the agreement 2. A. OPEN SPACE. Fran Florence stated that before there was a Canyon Rim Overlay, that language was superseded and that the Canyon Rim Overlay takes precedence.

The public hearing portion of the meeting was opened.

Travis Tarter, 429 Coiner Circle, spoke in favor of the request.

Travis Ray, 2302 Settler's Ridge, spoke in favor of the request.

Karl Lessey, 1424 N. Pointe Drive, stated his concern of the amplified noise in the outdoor performance area.

Nikki Daisher, 204 Avenue North, spoke in favor of the request.

Heidi Ainsworth spoke in favor of the request.

The public hearing comment portion of the meeting was closed.

Fran Florence stated that the amplified music would be during normal business 7:00 A.M. to 10:00 P.M.

City Attorney Wonderlich stated that the City has a general disturbing the peace ordinance, which has not been used for loud music complaints. This condition is tied in with a Special Use Ordinance.

Councilperson Barigar stated that the loud music would be addressed in a Special Events Application.

The public hearing portion of the hearing was closed.

Deliberations followed: None

The public hearing was closed.

**MOTION:**

Councilperson Johnson made a motion to approve the request for a PUD Modification to the Northbridge No. 2 PUD Agreement to allow for a development that consists of more than ten (10) acres and that constitutes a Private/Public Mixed Use Development and to allow for additional building height on 16 (+/-) acres located SE of the intersection of the Snake River Canyon Rim and Washington Street North, c/o Federation Point, LLC-Fran Florence. (app. 2101), as presented, subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Limited to the two (2) buildings that were reviewed by the Citizen's Design Review Committee on September 25, 2006, and subject to a maximum height, as presented at that meeting, of 84' 4" from top of curb to the highest roof element with a concrete structural system or 91' if constructed with a structural steel frame.

The motion was seconded by Councilperson Barigar.

**MOTION:**

Councilperson Lanting made a motion to amend to restrict performance to 10:00 P.M., unless a Special Events Application is in place.

There was no second to the motion. The motion failed.

Roll call vote on the main motion showed all members present voted in favor of the motion. The motion passed.

The meeting adjourned for a break at 7:42 P.M.

The meeting reconvened at 7:55 P.M.

**7:30 P.M.**

4. **Request for 17 (+/-) acres to be annexed with a zoning designation of R-4 MHO-PUD for property located at 234 and 350 Grandview Drive, c/o Kenneth Armas. (app. 2103)**

Debra Requa, Nelson Realty, explained the request using overhead projections.

Community Development Director Humble reviewed the request.

The applicant intends to expand the existing mobile home park onto the adjacent property. The expansion area will likely be developed in three phases. The applicant would like to be on City water and sewer connections. Annexation of the property does not guarantee City services.

On March 27, 2007, the Planning & Zoning Commission, by a vote of 8-0, recommended approval of an R-4 MPH PUD Zoning Designation subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.
3. Subject to compliance with City Code 10-6-2; Mobile Home Park PUD.
4. Closure of the southerly access shown on the Master Development Plan.
5. Subject to additional parking for guests and visitors being provided at one (1) space per three (3) residential units.

Staff concurs with the Planning & Zoning Commission's recommendation.

Discussion followed:

Dry Creek Gulch accessibility. Community Development Director Humble stated that the plans do not show public access. The Fire and Police Department and Fire Marshall would review the plans.

- Parks Ordinance.
- Grandview would require that collector streets to be built up by City Standards.
- A storage area is planned.

The public hearing portion of the meeting was opened:

Keith Engman, 350 Grandview Drive #100, spoke in favor of the request.

Dan Creek, 3660 N. 2700 E., stated that he owns adjacent property. His concern is the location of the proposed road and if the applicants are planning to hook up to City services.

The public hearing portion of the meeting was closed.

Keith Engman, 350 Grandview Drive #100, stated the following:

- Parking would eventually be within the development and the owner is willing to change the location of the road.
- The recommendation was to place an 8' wall to give Dan Creek privacy on his adjacent property.
- The south entrance of Grandview Drive will be repaved.
- A 12" water line is currently in place.

Debra Requa stated that she understands, from staff, that the south entrance is too close to Grandview Drive. City Engineer Fields stated a distance of one entrance in every 130' would be recommended.

-The loop road is too close to the existing entrance. Mayor Clow stated that the request is not for a subdivision at this point.

The public hearing portion of the meeting was closed.

Deliberations followed:

-Sewer line. City Engineer Fields stated that the private sewer, as it is is unacceptable. Public infrastructure would have to be brought up to City Standards.

**MOTION:**

Councilperson Johnson made a motion to approve the request for 17 (+/-) acres to be annexed with a zoning designation of R-4 MHO-PUD for property located at 234 and 350 Grandview Drive, c/o Kenneth Armas. (app. 2103), as presented, subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.
3. Subject to compliance with City Code 10-6-2; Mobile Home Park PUD.
4. Closure of the southerly access shown on the Master Development Plan.
5. Subject to additional parking for guests and visitors being provided at one (1) space per three (3) residential units.

The motion was seconded by Councilperson Lanting.

Discussion followed:

- Screening.

**MOTION:**

Councilperson Barigar made a motion to amend to include the following condition:

6. Screening to be provided on the northern boundary of the property as well as along common property lines with the two adjacent residential out-parcels along Grandview Drive and that the road on the northern most part of the property be placed.

The motion was seconded by Councilperson Lanting.

Councilperson Lanting and Johnson spoke against the amendment and recommended that the owner work with Dan Creek on the placement of the road.

Councilperson Barigar withdrew the following part of the amendment, "and that the road on the northern most part of the property be placed." The motion was seconded by Councilperson Lanting.

Roll call vote on the amendment showed all members present voted in favor of the motion. The motion passed.

Roll call vote on the main motion showed all members voted in favor of the motion. The motion passed.

5. **Request for 19.1 (+/-) acres to be annexed with a zoning designation of C-1 & M-2 for property located on the south side of the 3100 block of Kimberly Road East, c/o Red Coat, LLC & Broken Arrow, LLC. (app. 2107)**

Mark Koffer, Red Coat LLC, representative for the applicant, explained the request using overhead projections.

The request is for annexation for properties located on the south side of Kimberly Road. The adjacent properties are owned by Broken Arrow LLC and Red Coat LLC. The request is made so they may connect to City services. The front half of both parcels is zoned C-1 and back half is zoned M-2. Broken Arrow LLC is joining with Red Coat LLC to develop the road and utilities and has no firm plans on future uses. Red Coat LLC plans to build an office, shop, and equipment yard on the north half of the M-2 zone with possible mini warehouses on the south half. They have no firm plans for C-1 portion of the property. Both Broken Arrow LLC and Red Coat LLC plan to develop their respective properties consistent with the neighborhood, zoning, and Comprehensive Plan.

Community Development Director Humble reviewed the request using overhead projections.

They are requesting annexation to be able to develop the property with City water and sewer, as City utilities and services are only available to properties within City limits. The property is contiguous to City limits on its southern boundary and thus able to request annexation. The owners of the western portion of the subject property do not have any firm plans on future uses.

On March 27, 2007, the Planning & Zoning Commission, by a vote of 8 – 0, recommended approval of a C-1 & M-2 Zoning Designation 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 arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.

Staff concurs with the Planning & Zoning Commission's recommendation.

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

Deliberations: None.

**MOTION:**

Councilperson Lanting made a motion to approve the request for 19.1 (+/-) acres to be annexed with a zoning designation of C-1 & M-2 for property located on the south side of the 3100 block of Kimberly Road East, c/o Red Coat, LLC & Broken Arrow, and LLC. (app. 2107), 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 arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.

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

Adjourned for a break at 8:48 P.M.  
Reconvened at 9:00 P.M.

6. **Consideration of an appeal regarding the Commission's decision for a request of KIDA/TV, c/o Lytle Signs, Inc. (Nathan Fuller), for a Special Use Permit to operate an LED Message Center Sign on property located at 1440 Blue Lakes Boulevard North. (Application 2089)**  
WITHDRAWN BY APPLICANT TO BE RESCHEDULED.

9:00 P.M.

7. **Consideration of a PUD MODIFICATION to the North Haven PUD agreement to allow for a tire and lube shop with closed doors, a drive-thru facility for a pharmacy, a drive-thru facility for a garden center, 24-hour retail operations, and modified signage for property located at the southwest corner of Washington Street North and Pole Line Road, c/o CLC Associates and Gerald Martens. (app. 2102)**

Karianne Fallow, 7154 W State Street, Boise, Public Relations for Wal-mart, explained the request using overhead projections. She stated the following in regards to Wal-mart:

- Currently operate 21 stores in the State of Idaho.
- Employs over 7,000 associates.
- Provides a wide range of health benefits.
- Offers profit sharing and 401 K to associates.
- The proposed Twin Falls store will employ 300 to 500 part-time and full-time employees.
- 50 persons showed up at an open house.

She submitted a letter dated April 23, 2007, from Stacy Madsen, Magic Valley Arts Council.

Paul Smith, Attorney-at- Law, representing Wal-mart, explained the request. On overhead projection he showed views of the proposed Wal-mart. The front faces south of Pole Line Road into a parking lot. Pole Line Road frontage has only one sign. The applicant is asking that the sign code of Twin Falls apply to the property versus what is allowed on this property currently. The sign would be a flush mounted, non glare sign. The lube and oil center would be facing west, the hospital side, with the doors closed.

The application is requesting the following:

- 24-hour retail operation.
- To be under the sign code of the City of Twin Falls.
- Drive thru pharmacy on the east side of the building.
- Garden center drive-thru.

-Pad site for future development.

The east side of the building is where the drive-thru for the pharmacy would be and it would not be visible along the surrounding streets due to the landscaping requirements. The garden center drive-thru is on the west side of the building. On the Pole Line Road side of the building there would be a view of mature landscaping. Wal-mart's policy on truck is to pull up to the loading docks, disconnect the loads, and load up another truck. The trucks will not be left idling. There also would be no signage on top of the building. The light poles will be 30' and completely shielded with 400 watt bulbs and would have automatic shut offs. All of these conditions will be binding upon the site and pad sites. Wal-mart has offered to take this in writing to the administration of the Herrett Museum.

Community Development Director Humble reviewed the request.

The North Haven Business Park Planned Unit Development was annexed and rezoned from R-2 & R-4 to C-1 Business Park PUD on June 14, 2004. A Preliminary Plat was approved on July 13, 2004, for a ten (10) lot subdivision and a final plat was approved on November 1, 2004, subject to ten (10) conditions. The North Haven PUD Subdivision has not been recorded as of the date of this report.

On January 24, 2005, the City Council approved the North Haven PUD Agreement.

In April of 2005, two (2) Special Use Permit applications were submitted; A) Troy Herold on behalf of Wal-mart submitted a Special Use Permit application requesting the following: 1) a retail business to operate 24 hours a day, 2) the operation of a drive-through pharmacy, and 3) the operation of a tire and lube facility, and B) Mr. Gary Slette on behalf of the Billiar Family and Pelican Development LLC for a signage plan that was not in conformance with the PUD Agreement.

The Planning & Zoning Administrator determined the requests were not in conformance with the approved C-1 Business Park PUD Agreement and both applications were returned. The Planning & Zoning Administrator's decision to return the applications was appealed. On May 31, 2005, the Commission unanimously voted to uphold the Administrator's decision to return both of the Special Use Permit applications.

Mr. Gary Slette on behalf of the Billiar Family and Pelican Development LLC appealed the Commission's decision and on July 5, 2005, the City Council unanimously upheld the Planning and Zoning Administrator's decision.

In June 2005, Troy Herold, CLC Associates on behalf of Frontera Acquisitions, LLC/Wal-mart submitted a request for a Special Use Permit to operate a retail business outside the permitted hours of 7:00 am to 10:00 pm. On July 26, 2005, the Planning and Zoning Commission denied the request. The decision was appealed to the City Council and on September 19, 2005, the Council upheld the Commission's decision.

As per Twin Falls County records a General Warranty Deed dated February 02, 2006, in the name of Wal-mart Stores, Inc., establishes ownership of a 30+/- acre site, known as the Wal-mart site, within the North Haven PUD Subdivision.

The North Haven PUD Subdivision approved plat was amended to include more lots and so it was resubmitted and the Amended Preliminary Plat was approved by the Commission on April 25, 2006. The Amended Final Plat of the North Haven PUD Subdivision was approved September 11, 2006, with the ten (10) conditions included on the previous plat approval plus two (2) additional conditions; a) subject to final technical review by the engineering department and b) subject to the private entrance shown as "Washington Street Access #1" on traffic study, as discussed at that meeting, to be limited to Right-In and Right-Out only with a median divider on Washington Street North. The list of ten (10) + conditions is included as an attachment in this packet. The North Haven PUD Subdivision has not been recorded as of the date of this report.

This request was initiated by CLC Associates on behalf of Wal-mart stores but the modifications to the PUD would apply to the entire development/subdivision unless indicated otherwise. A representative of Pelican Development submitted a letter indicating that they are joining with CLC Associates in their request for modifications to the PUD Agreement.

The request to change signage allowed by the PUD agreement language is due to the change in the nature of the tenants of the subdivision. The subdivision originally was intended to develop as a business park around a specific tenant that restricted signage due to the private professional nature of the development. That tenant has since backed out of this development. The subdivision will now be developed primarily with commercial retail tenants that require a higher level of signage for advertisement and to direct customers.

The PUD currently allows for one (1) one hundred (100) square foot wall-mounted sign OR one (1) monument signage up to ten (10) feet tall, and prohibits pylon free-standing and roof mounted signs. The applicants are requesting to permit monument signage as it was proposed in the PUD and also allow for site directional signage as allowed in the City Sign Code. The City Code allows for Service Directional Signs on buildings (§10-9-2[P]) and for Directional Off-Premise Signs only by Special Use Permit (§10-9-2[S]). The signs referenced in the proposed amendment are traffic directional signs. Pylon and roof mounted signs would continue to be prohibited in the development. Building signage is proposed to be limited to wall-mounted signs as allowed in the City's Sign Code section. The Sign Code regulates Flush Wall-mounted Signs and Projecting Wall-mounted Signs. It will need to be clarified in the PUD which of the sign types the modification is applying to permit. The signage proposed for the Wal-mart portion of the North Haven subdivision is less than what would be permitted under the PUD changes.

The second modification that is being requested is to allow for tire shops outright that meet certain conditions. In the existing PUD Agreement, "tire shops" was struck out as a use that could be considered with a Special Use Permit. The modification would allow for tire shops to be allowed if they were within an enclosed facility, meaning that the bay doors would be closed at all times while the shop was operating. The facility would also have to include lube and oil service but not be the main use of the building itself. Operations would be limited to 7:00 a.m. through 9:00 p.m. Wal-mart is requesting this use to be reinstated into the PUD, with conditions to mitigate possible impacts on neighboring properties, because it is a use that is desired by their customers. In the PUD agreement uses like Convenience stores are regulated by distance from certain streets and the proposed amendments also apply a distance standard to mitigate the impact of the uses. It may be appropriate for the Council to consider regulating the distance the tire shop use may occur in relationship to residential properties. The Planning & Zoning Commission recommended that this change apply only to Wal-mart and no other user within the PUD property.

Thirdly, the applicants are requesting that 24-hour retail operations be a permitted use when permitted in or around a structure that is at least 250' from an existing residential structure. Uses such as services do not have restrictions on hours of operation in the PUD nor the City Code. Wal-mart is requesting 24-hour operations as it is a convenience that their customers like to have provided. Permitted retail and trade uses operating outside the hours of seven o'clock (7:00 a.m.) to ten o'clock (10:00 p.m.) are allowed in the North Haven PUD with a Special Use Permit. Granting this modification would allow retail uses to operate 24-hours as an outright permitted use if the business is at least 250' from existing residential structures. The regulation of retail operations as a Special Use would remain and apply to retail uses within 250' of a residential structure. This is similar to what was permitted in the adjacent North Pointe Park PUD, which is closer to residential development. In the North Pointe Park PUD 24-hour retail operations are a permitted use beyond a point 385' into the development from c/l of Cheney Drive. The extent that 250' from an existing residential structure extends into the North Haven Park PUD is minimal- it only touches a portion of the landscaping and parking on the southwest corner of the subdivision. A standard from the intersection of the centerlines of Cheney Drive West and Parkview Drive may provide a more meaningful standard. The Planning & Zoning Commission recommended that this change also apply only to Wal-mart and no other user within the PUD property. Other users would still be permitted to request a SUP for additional hours of retail operation under the conditions of the Planning & Zoning Commission recommendation.

The last part of the request is to allow drive-through facilities as an outright permitted use when located more than 250' from existing residential structures. If a drive-through was desired on a facility within 250' of a residence then one would have to apply for a Special Use Permit. The applicants believe this is a desirable use to allow as it would provide a service to the community, especially in reference to the drive-thru pharmacy. The drive-thru provision would also be used to allow a drive-through garden center. This would allow customers to pay for items such as fertilizer at an outdoor kiosk and then drive through an area of the garden center and employees would load the purchased items.

On March 27, 2007, the Planning & Zoning Commission, by a vote of 5–4, recommended approval of the request is specific to the Wal-mart building and subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards, to include verbiage to be consistent with the current City Code.
2. Subject to the sign plan modification reading:
  - a. DEVELOPMENT SIGNAGE: Project site signage shall be limited to monument type with a maximum height of 10 feet, measured above the adjacent curb; with a maximum size of 100 square feet per sign. One (1) monument sign per lot per street frontage will be allowed. No pylon or roof mounted signs will be allowed. Site Traffic Service Directional signage (i.e. Enter/Exit Signs, Stop Signs, etc.) will be allowed per Chapter 9 – Sign Regulations of the Twin Falls City Zoning Code.
  - b. BUILDING SIGNS: Building signage shall be limited to flush wall mounted signs and shall conform to Chapter 9 – Sign Regulations of Twin Falls City Zoning Ordinance with regards to size and allowable number.
3. Subject to tire & lube shop modification reading:
  - [...] z. Tire shops – meeting the following criteria:
    - Must be contained within and a part of an enclosed facility;
    - Must be a subordinate use to a main use;
    - Be part of a lube & oil facility (i.e. not a stand-alone business);
    - Hours are limited to 7 a.m. – 9 p.m.;
    - Restricted to the Wal-mart building only.
4. Subject to the 24-hour retail operation modification reading:
  - [...] aa. 24 Hour Retail Operations are permitted for the Wal-mart building only.
5. Subject to the Drive-through facilities modification reading:
  - [...] bb. Drive-thru Facilities as a permitted use for the Wal-mart building only.
6. Require compliance for Wal-mart with building, signage, and landscaping plans as presented.
7. Require compliance for Wal-mart with lighting impact mitigation plans as presented, including using maximum 30' light pole standards, 400 watt bulbs, shuttered skylights or no skylights, and a lighting specialist working with representatives of the Herrett Center Observatory.

Discussion followed:

- The distance from the back of the store to the houses on the north side of Pole Line. Community Development Director Humble stated that the 250' meets standards on the north side.
- Lighting and landscaping. Community Development Director Humble stated that the conditions are for the Wal-mart building only.
- Drive-up window and 24/hour store. Community Development Director Humble stated that the drive-up window and a request for a 24/hour store is not an outright permitted use but would require a SUP.
- Tire and lube shop. Paul Smith stated that the tire and lube shop would be closed at 9:00 P.M.
- Building signage. Community Development Director Humble stated that condition 6. would prevent Wal-mart from seeking additional signage.
- Tire shop. Community Development Director Humble stated that the tire shop is outright permitted by the PUD agreement.
- The building is 250' from the intersection or 250' from a structure. Community Development Director Humble stated that the building is located 250' from a structure.

Paul Smith stated that the building setback of 250' from a structure is an attempt to give an additional barrier.

-Hours of operation for the drive-thru garden. Community Development Director Humble stated that the hours of operation for the drive-thru garden, pharmacy, and tire and lube shop are 7:00 A.M. – 9:00 P.M.

The public hearing portion of the meeting was opened:

Joanne Jackson, 2190 Filer Avenue East, spoke against the request. She stated that her concern is the noise coming from the store and asked who would police the property.

David Mead, 2045 Hillcrest Drive, spoke against the request. He stated that he does not trust Wal-mart building actions. Amendments have been turned down. The way of doing business is to keep coming back for amendments, start building, then get what they want. His concern is that once the Wal-mart is in place and problems occur with the facility Wal-mart will threaten to use their attorney every instance.

Roy Slotten, 1339 Washington South, spoke against the request. He stated that the Council's interest should be to protect the overall good of Twin Falls citizens and not yield to a giant corporation. The financial profits of Wal-mart do not remain in Idaho. A majority of the low price merchandise comes from outside of the USA.

Pat Harder spoke against the request. She stated that the PUD agreement is not outdated.

Fran Tanner, 106 Los Lagos Drive, spoke against the request. She stated that there are fine homes close to the Wal-mart unit. She requested that the Council keep the current PUD in place.

Jim Higgins, 135 Los Lagos Drive, spoke against the request and submitted a letter for the record.

Brian Peck, 2764 Elizabeth Blvd., spoke against the request. He stated his concern that small businesses and grocery stores will have to close their doors if Wal-mart is approved.

Troy Harold, CLC Associates, stated that he would be available for any questions.

Todd Blass, 2018 Candlewood Circle, spoke in favor of the request.

James Winterbourne, Wal-mart Associate, spoke in favor of the request.

Mark Marvin, 2670 Field Street, Idaho Falls, Wal-mart Associate, spoke in favor of the request.

Tracy Hansen, 313 Cedar Park Circle, spoke in favor of the request.

Lee Fife, 2681 Sundance Drive, Wal-mart Associate, spoke in favor of the request.

Jeff Ruprecht, 1520 Princeton Drive, spoke against the request.

Doug Ash, 1721 Bitterroot Drive, spoke against the request. He said that Wal-mart is un-American and Twin Falls does not need a 24 hour store.

Mary Ash, 1721 Bitterroot Drive, spoke against the request and asked the Council to uphold the current PUD agreement.

Marianne Wallace, 2589 E. 3700 N., spoke against the request.

Andrew Swenson, 214 Avenue East, spoke against the request.

Karl Lessey, 1424 N. Pointe Drive, spoke against the request. His concerns included the 24-hour drive-thru operation, and traffic congestion.

Vince Swensen, 850 Shoshone West, spoke against the request. He stated that PUD's are binding documents between the developer and the City of Twin Falls.

Michael Brown, 493 Rosewood West, stated that he is a fourth generation business owner, and asked the Council to make Twin Falls a community choice.

Kathy Rodriguez, 447 Harrison, spoke in favor of the request. She stated that she has seen the benefits that Wal-mart can bring to the community.

The public comment portion of hearing was closed.

The following letters were received:

- Tray Becker
- Donna Benkula
- Gary Slette
- Betty Theirman
- Don Acheson
- W. Lane Startin

Paul Smith stated that very little is sold at Wal-mart that is not sold downtown. Los Lagos Subdivision is 1/4 of a mile from Wal-mart. Traffic coming in from Washington and from Pole Line Road would be minimal. Changes are occurring over and over again on Pole Line Road.

The public hearing was closed.

The meeting adjourned for a break at 10:56 P.M.

The meeting reconvened at 11:03 P.M.

Deliberations:

Councilperson Barigar stated for the record that Wal-mart representatives made two presentations, one to the Chamber Committee and the Chamber Board the past week, but he excused himself from both of the meetings and has not discussed this issue outside of the hearing.

**MOTION:**

Councilperson Barigar made a motion to approve a PUD MODIFICATION to the North Haven PUD agreement to allow for a tire and lube shop with closed doors, a drive-thru facility for a pharmacy, a drive-thru facility for a garden center, 24-hour retail operations, and modified signage for property located at the southwest corner of Washington Street North and Pole Line Road, c/o CLC Associates and Gerald Martens. (app. 2102), as presented, subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards, to include verbiage to be consistent with the current City Code.
2. Subject to the sign plan modification reading:
  - a. DEVELOPMENT SIGNAGE: Project site signage shall be limited to monument type with a maximum height of 10 feet, measured above the adjacent curb; with a maximum size of 100 square feet per sign. One (1)

monument sign per lot per street frontage will be allowed. No pylon or roof mounted signs will be allowed. Site Traffic Service Directional signage (i.e. Enter/Exit Signs, Stop Signs, etc.) will be allowed per Chapter 9 – Sign Regulations of the Twin Falls City Zoning Code.

- b. BUILDING SIGNS: Building signage shall be limited to flush wall mounted signs and shall conform to Chapter 9 – Sign Regulations of Twin Falls City Zoning Ordinance with regards to size and allowable number.
3. Subject to tire & lube shop modification reading:  
[...] z. Tire shops – meeting the following criteria:
    - Must be contained within and a part of an enclosed facility;
    - Must be a subordinate use to a main use;
    - Be part of a lube & oil facility (i.e. not a stand-alone business);
    - Hours are limited to 7 a.m. – 9 p.m.;
    - Restricted to the Wal-mart building only.
  4. Subject to the 24-hour retail operation modification reading:  
[...] aa. 24 Hour Retail Operations are permitted for the Wal-mart building only.
  5. Subject to the Drive-through facilities modification reading:  
[...] bb. Drive-thru Facilities as a permitted use for the Wal-mart building only.
  6. Require compliance for Wal-mart with building, signage, and landscaping plans as presented.
  7. Require compliance for Wal-mart with lighting impact mitigation plans as presented, including using maximum 30' light pole standards, 400 watt bulbs, shuttered skylights or no skylights, and a lighting specialist working with representatives of the Herrett Center Observatory.

The motion was seconded by Councilperson Hall.

**MOTION:**

Councilperson Craig made a motion to amend to condition:

8. Limit the drive-thru facilities for pharmacy, garden center, and tire shop hours to 7:00 A.M. to 9:00 P.M. Councilperson Lanting seconded the motion.

Community Development Director Humble stated that the tire shop hours are 7:00 A.M. to 9:00 P.M. The change would include the operation from 7:00 A.M. to 9:00 P.M. for the garden center and pharmacy.

Councilperson Barigar stated that normal operating hours are 7:00 A.M. to 10:00 P.M. In the original PUD we have no restrictions as long as the activities are happening inside the building. Activities inside the building are what make the difference between retail and non-retail. The current PUD agreement has gas stations and hotels. He asked the Council to think more broadly and think about the big picture.

Roll call vote on the amendment showed Mayor Clow, Councilpersons Craig, and Lanting voted in favor of the motion. Councilpersons Barigar, Hall and Johnson voted against the motion. The motion failed with a vote of 3 to 3.

**MOTON:**

Councilperson Johnson made a motion to amend the PUD Agreement, that the setback requirements from residential would be measured from 250' from the center point at the intersection of Cheney and Parkview Drive. The motion was seconded by Councilperson Barigar.

-Point of clarification on the motion. City Attorney Wonderlich asked if the amendment would only apply to Wal-mart. The 250' is an alternative to applying the provisions to the Wal-mart property.

Councilperson Johnson withdrew his motion. The motion was seconded by Councilperson Barigar.

The motion was taken off the table.

Councilperson Johnson stated that he sees the property as a commercial corridor and would support the motion.

Councilperson Lanting stated that he would not vote in favor of the motion because the previous Council approved the PUD process that took a year to work out.

Councilperson Barigar stated that decisions are based on emotion not reality.

Councilperson Johnson stated that the Magic Valley Mall has come before Council on a fourth PUD amendment and the Council was unanimous on that decision. He stated that, "To live or die by it is unrealistic and we amend PUD's all the time."

Mayor Clow stated that what came to us from Planning & Zoning was Wal-mart, not the entire PUD and suddenly the piece of property has more rights. A recommendation came to us and a commitment has been made to the neighbors.

Roll call vote on the main motion showed Councilperson Barigar, Craig, Hall and Johnson voted in favor of the motion. Mayor Clow and Councilperson Lanting voted against the motion. The motion passed with a vote of 4 to 2.

**V. ADJOURNMENT:** The meeting adjourned at 11:24 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



**SPECIAL MEETING MINUTES**  
**Meeting of the Twin Falls City Council**  
**MONDAY, May 7, 2007**  
**City Council Chambers**

3:00 P.M.

1. Consideration of water supply and demand projections for FY 2007 to 2011 and review of the City's water service area.

5:00 P.M.

**Proclamations to be read:** Community Action Month  
American Legion Auxiliary Poppy Days.

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: April 24 – May 7, 2007.
2. Consideration of the following Improvement Agreement for Development:
  - a. Westpark #3 Subdivision – Westpark Partners
3. Consideration of an Alcohol License Application for Swensen's Magic Market dba Swensen's #6, located at 991 Washington Street South, contingent on approval of their State License.
4. Findings of Fact and Conclusions of Law, and Decision:
  - a. Magic Valley Mall PUD Modification
  - b. Northbridge No. 2 PUD Modification
  - c. North Haven PUD Modification
5. Consideration of a request to initiate a public hearing to consider amending City Code Section 10-7-17, Wireless Communications Facilities to include a provision for City owned communications towers and communications towers on City owned property.
6. Consideration of the April 16, 2007 Minutes.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request by Bill Laymen, Valley House representative, for the waiver of fees of \$3,790.73 on New Construction Building #3.
2. Consideration of a request by Rosalinda Paiz to approve the 18th Annual Mother's Day Latin Fiesta to be held at the City Park.
3. Consideration of bids for the 2007 Seal Coat Project.
4. Consideration of the following appointments to the Twin Falls County Historical Preservation Commission: Tom Neiworth, Norman Tilley, Sonia Alexander, Paul Smith, and Chris Talkington to 3 year terms.
5. Consideration of a request by Tom Gilbertson of the Twin Falls County Historical Preservation Commission and a funding request of \$5,000 for an archaeological survey performed at Auger Falls from April 19 – April 22, 2007.
6. Consideration of adoption of an ordinance vacating portions of utility, irrigation and roadway easements along the northern boundary of Lots 9-16 and along the southern boundary of Lots 1-8 of the Bowlin Addition Subdivision and on the perimeter and interior of Lots 1-4 of the Vanassche Subdivision by James Anderson on behalf of the property owners of Lots 1-16 Bowlin addition and Lots 1-4 Vanassche Subdivision. (app. 2093) Proposed Ordinances 2903 and 2904.
7. Consideration of the final plat for St. Luke's Subdivision consisting of 1 lot on approximately 40 (+/-) acres located at the Southwest Quadrant of Pole Line Road and Grandview Drive North.

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8. Consideration of a Land Trade Agreement between Casper Southgate, L.L.C. and the City for the Evel Knievel jump site.
9. Public input and/or items from the City Manager and City Council.

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

**IV. PUBLIC HEARINGS: None**

- V. ADJOURNMENT:** To Executive Session to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. 67-2345 (c)

## ATTENDANCE

Present

Absent

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Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Shawn Barigar  
Trip Craig  
Greg Lanting  
Don Hall  
Dave Johnson

CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, City Engineer Jackie Fields, Community Development Director Mitch Humble, Economic Development Director Melissa Anderson, Staff Sgt. Craig Stotts, Project Coordinator Lee Glaesemann, and Deputy City Clerk Leila Sanchez.

Mayor Clow called the meeting to order at 3:00 P.M.

## AGENDA ITEMS

### 1. Consideration of water supply and demand projections for FY 2007 to 2011 and review of the City's water service area.

Tracy Ahrens, JUB Engineers, reviewed the water demand projections using a PowerPoint presentation. The following was reviewed:

- Water Demand Considerations
- Demand Assumptions Starting Point
- Graph of the City of Twin Falls Actual Supply and Demand 2003-2006 Values in CFS
- Demand Assumptions: -Per Capita Water demand increase.
- Water Demand Assumptions: Projections
- Water Demand Projections

Chuck Brockway, Brockway Engineering, reviewed the supply projections using a PowerPoint presentation. The following was reviewed:

- Graph of the Blue Lakes Spring Discharge (1990-11/8/2006)
- Supply Projections
- Twin Falls Water Supply Capacity Update 2003 – 2006  
(South Wells, Hankins, and Blue Lakes)

Councilperson Lanting took his seat on the Council at 3:24 P.M.

Discussion followed:

- Status of the Blue Lakes Weir. Chuck Brockway stated it's a function of City pumping. The following was explained using overhead projections: The City of Twin Falls Water Supply and Demand Update - Current study, Conservative Projected Demand.
- Arsenic. City Manager Courtney stated that if the City of Twin Falls is unable to acquire water supply the City is still required to comply with the arsenic study.
- Water shares and pressure irrigation system. City Engineering Fields stated that the subdivisions that are planned and turn over of the water shares are included in the water model whether they are used or not.

City Manager Courtney stated that the model assumes those subdivisions are included. The City is dealing with assumptions and projections.

Chuck Brockway Sr., explained the following on overhead projections: Summary of Well Testing and Southwest Well Update.

Brockway Engineering is proposing that we drill another test well.

- Location of the Wells. Chuck Brockway Sr., explained the location of Test Well #1 and Test Well #2.
- Cost of drilling.
- Water rights and transferrig some existing water rights.

City Engineer Fields showed on overhead projections maps of the boundaries areas in and out of the City limits and in and out of the service area.

City Manager Courtney recommended that staff meet with developers to discuss the Update on Water Supply/Demand Southwest Well progress.

**MOTION:**

Councilperson Lanting made a motion to proceed with the second well in the south test field. The motion was seconded by Vice Mayor Dwight.

Discussion followed:

- Alternative resources.
- Tabling the motion until after adjournment to Executive Session.

Councilperson Barigar made a motion to adjourn to Executive Session to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. 67-2345 (c). The motion was seconded by Councilperson Hall and roll call vote showed Councilpersons Bariagr, Clow, Craig, Dwight, and Lanting voted in favor of the motion. Councilperson Johnson was not present to vote. The motion passed.

The meeting adjourned.

Mayor Clow 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.

5:00 P.M.

**Proclamations to be read:** Community Action Month  
American Legion Auxiliary Poppy Days.

Mayor Clow read the American Legion Auxiliary Poppy Days Proclamation and presented it to Diane Trabert.

Mayor Clow read the Community Action Month Proclamation and presented it to Ken Robinette.

**Roll Call Vote:**

Mayor Clow stated that the motion by Councilperson Lanting to proceed with the second well in the south test field and seconded by Vice Mayor Dwight was brought to the table and roll call vote showed that Mayor Clow, Vice Mayor Dwight, and Councilperson Johnson voted in favor of the motion. Councilpersons Barigar, Craig, and Hall voted against the motion. The motion passed with a vote of 4 to 3.

**II. CONSENT CALENDAR:**

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1. Consideration of accounts payable: April 24 – May 7, 2007.
2. Consideration of the following Improvement Agreement for Development:
  - a. Westpark #3 Subdivision – Westpark Partners
3. Consideration of an Alcohol License Application for Swensen's Magic Market dba Swensen's #6, located at 991 Washington Street South, contingent on approval of their State License.
4. Findings of Fact and Conclusions of Law, and Decision:
  - a. Magic Valley Mall PUD Modification
  - b. Northbridge No. 2 PUD Modification
  - c. North Haven PUD Modification
5. Consideration of a request to initiate a public hearing to consider amending City Code Section 10-7-17, Wireless Communications Facilities to include a provision for City owned communications towers and communications towers on city owned property.
6. Consideration of the April 16, 2007 Minutes.

**MOTION:**

Councilperson Johnson made a motion to discuss Item 5. and to remove the April 16, 2007, Minutes from the Consent Calendar. The motion was seconded by Councilperson Lanting. Roll call vote showed Councilpersons Barigar, Clow, Craig, Hall, Johnson, and Lanting voted in favor of the motion. Vice Mayor Dwight abstained from voting because she was not present at the April 16, 2007, meeting and had not reviewed the minutes.

5. Consideration of a request to initiate a public hearing to consider amending City Code Section 10-7-17, Wireless Communications Facilities to include a provision for City owned communications towers and communications towers on city owned property.

Community Development Director Humble reviewed the request.

Currently, City Code Section 10-7-17 requires new communications towers to be located in nonresidential zones to go through a Special Use Permit process and it outright prohibits new communications towers to be located in residentially zoned properties. The code does not make any provisions for whether or not these towers are owned by the City or located on City property. Staff would like to propose an amendment to the code that would allow the City to install a tower or allow a tower to be installed on City owned property regardless of zoning.

The City has a responsibility to provide communications services for both standards and emergency City services. We have communications equipment located in several places around town, but we still need additional locations. It would be beneficial to locate towers on any City owned property, regardless of zoning. For example, a tower located on the police gun range property would allow reliable emergency communications inside the Snake River Canyon, particularly at Shoshone Falls Park and Dierkes Lake. Currently wireless communications at those locations is negligible. However, the gun range property is zoned Suburban Urban Interface, a residential district. Therefore, the code currently prohibits us from installing a tower at that location.

Another benefit from this proposed change would be the ability to collect revenue from private communications providers by leasing space on City owned property. If the City can fast-track an antenna approval by removing a Special Use Permit requirement for antennas on City owned property, private providers will have an incentive to do that. The City can then charge a lease payment, require improvements, require co-location of City communications facilities, and/or require co-location or other private providers. This is an easy way to collect revenue and expand the City's communications ability without the initial cost of the poles.

Staff recommends that the Council initiate a public hearing to consider amending City Code section 10-7-17, Wireless Communications Facilities to include a provision for City owned communications towers and communications towers on city owned property.

Discussion followed:

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- Special Use Permit process.
- Changes in current code.

The general feel of the Council is that the City of Twin Falls needs to be held to the same standards as everyone else. The item was withdrawn.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request by Bill Laymen, Valley House representative, for the waiver of fees of \$3,790.73 on New Construction Building #3.

Bill Layman, Chairman of the Building Committee, explained the request. The community has been supportive of Valley House through donations, material and labor. He asked the City of Twin Falls for a waiver of fees by the City of Twin Falls.

**MOTION:**

Councilperson Hall made a motion to waive the fees on New Construction #3, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Consideration of a request by Rosalinda Paiz to approve the 18th Annual Mother's Day Latin Fiesta to be held at the City Park.

Rosa Paiz, applicant, explained the request which she said had already been discussed with Parks and Recreation Director Bowyer and Staff Sergeant Stotts.

**MOTION:**

Councilperson Johnson made a motion to approve the Annual Mother's Day Latin Fiesta. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of bids for the 2007 Seal Coat Project.

Project Coordinator Glaesemann reviewed the request. On April 13, 2007, bids were opened for the 2007 Seal Coat Project. The low bidder was Emery Inc., of Filer, Idaho, in the amount of \$247,095.00.

An additional \$165,841.00 of the project cost is a pass through City purchase of liquid asphalt applied by a separate supplier.

Staff recommends that the Seal Coat Project be awarded to Emery, Inc.

**MOTION:**

Councilperson Johnson made a motion to approve the 2007 Seal Coat Project to Emery, Inc., for the amount of \$247,095.00. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration of the following appointments to the Historic Preservation Commission:

Tom Neiwirth,  
Norman Tilley,  
Sonia Alexander,  
Paul Smith, and  
Chris Talkington to 3 year terms.

Economic Development Director Anderson reviewed the request.

**MOTION:**

Councilperson Barigar made a motion to reappoint Tom Neiwirth to a three year term and appoint Norman Tilley, Sonia Alexander, Paul Smith, and Chris Talkington to three year terms. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

Mayor Clow introduced Boy Scout Troop 74.

Item 6. was presented to the Council at this time.

5. Consideration of a request by Tom Gilbertson of the Twin Falls County Historical Preservation Commission and a funding of a request of \$5,000 for an archaeological survey performed at Auger Falls from April 19 – April 22, 2007.

Tom Gilbertson of the Twin Falls County Historical Preservation Commission explained the request.

Discussion followed:

-Survey to be completed. Tom Gilbertson stated that the area along the river is the last to be surveyed.

-STAG Grant. Project Coordinator Glaesemann stated the Historical Commission has performed two previous surveys at the Auger Falls site using funding from grants they received from other sources and \$7,500 from the City. Because of restrictions on the use of the grants the Commission received, neither of these surveys could be used to meet the City's Federal STAG grant requirements needed for the City's construction activities at Auger Falls. Since the surveys could not be used to meet the City's STAG grant requirements, the City hired consultants to perform the required surveys in 2006.

**MOTION:**

Vice Mayor Dwight made a motion to approve the funding request of \$5,000 for an archeological survey performed at Auger Falls from April 19 to April 22, 2007, as a match to other grants obtained by the Twin Falls County Historical Preservation Commission, as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Consideration of adoption of an ordinance vacating portions of utility, irrigation and roadway easements along the northern boundary of Lots 9-16 and along the southern boundary of Lots 1-8 of the Bowlin Addition Subdivision and on the perimeter and interior of Lots 1-4 of the VanAssche Subdivision by James Anderson on behalf of the property owners of Lots 1-16 Bowlin addition and Lots 1-4 VanAssche Subdivision. (app. 2093) Proposed Ordinances 2903 and 2904.

Community Development Director Humble reviewed the request.

On March 12, 2007, the City Council recommended approval of the following request for vacation of portions of utility, irrigation and roadway easements along the northern boundary of Lots 9-16 and along the southern boundary of Lots 1-8 of the Bowlin Addition Subdivision and on the perimeter and interior of Lots 1-4 Of the VanAssche Subdivision by James Anderson on behalf of the property owners of Lot 1-16 Bowlin Addition and Lots 1-4 VanAssche Subdivision. (App. 2093), subject to the following conditions:

1. Subject to approval of the affected utility companies issuing letters of support to abandonment of all lots.
2. The 15' utility and irrigation easement along the western portion of Lots 1, 2, 3, and 4 in the VanAssche Subdivision shall be retained solely as irrigation easements and except the northerly 30' of the western easement of Lot 3 VanAssche Subdivision shall be a utility and irrigation easement.

**MOTION:**

Councilperson Johnson made a motion to suspend the rules and place Ordinances No. 2903 and 2904, on third and final reading by title only. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read Ordinance No. 2903, 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 THE ISSUANCE OF DEEDS AND THE VESTING OF TITLE TO THE PROPERTY SO VACATED.

**MOTION:**

Councilperson Johnson made a motion to adopt Ordinance 2903, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read Ordinance No. 2904, 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 THE ISSUANCE OF DEEDS AND THE VESTING OF TITLE OF THE PROPERTY SO VACATED.

**MOTION:**

Councilperson Craig made a motion to adopt Ordinance 2904, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

7. Consideration of the final plat for St. Luke's Subdivision consisting of 1 lot on approximately 40 (+/-) acres located at the Southwest Quadrant of Pole Line Road and Grandview Drive North.

Community Development Director Humble reviewed the request.

On April 24, 2007, the Planning and Zoning Commission approved the preliminary plat as presented with the following conditions:

1. Subject to arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property.
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
3. Subject to final approval of the PUD Agreement.
4. Subject to modification of the final plat and/or final engineering plans as required by the City Engineer.

**MOTION:**

Councilperson Johnson made a motion to approve the final plat for St. Luke's Subdivision consisting of 1 lot on approximately 40 (+/-) acres located at the Southwest Quadrant of Pole Line Road and Grandview Drive North, as presented, subject to the following conditions:

1. Subject to arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property.
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
3. Subject to final approval of the PUD Agreement.
4. Subject to modification of the preliminary and/or final plat and/or preliminary and/or final engineering plans as required by the City Engineer.

The motion was seconded by Vice Mayor Dwight and roll call vote showed Councilpersons Clow, Craig, Dwight, Hall Johnson, and Lanting voted in favor of the motion. Councilperson Barigar abstained from voting. The motion passed.

8. Consideration of a Land Trade Agreement between Casper Southgate, L.L.C. and the City for the Evel Knievel jump site.

Community Development Director Humble reviewed the request. For the past several months, staff has been working with the owners of the Evel Knievel jump site to try and facilitate a land trade for that property. The City would like to acquire the jump site property to both extend the canyon rim trail system and to develop a special interest park and trail head at the site.

The agreement also states that the land swap is subject to approval by the State Land Board and that the swap will have to be finalized after the owners complete their PUD zoning process, platting process, and record their final plat with the County. At this point, the land owner has not yet submitted a PUD request. So, the timing of the swap is still undetermined. We do know that because nothing has yet been submitted, it will be at least several months before the owner is ready to actually record a final plat on the property.

Staff has reviewed the agreement and believes that it does contain the deal points that have been previously discussed. Also, before we can schedule any request to the State Land Board, we need to have some official action by the City Council. Council's approval of this agreement should satisfy that requirement.

Approval of the attached agreement will obligate the City to some future costs. We will have to install the pole fence, develop the special interest park, develop the trail head, and construct access to these improvements. Some of these costs may be able to be covered with the collection of future fees in lieu of park dedication, or even future park impact fees (if any are adopted).

Staff recommends that the Council approve the attached Land Trade Agreement and authorize the Mayor to execute said agreement.

Discussion followed:

-Road access to the gun range.

Frannie Florence, 4129 Hidden Lake Drive, representing the applicant, explained the request. He asked that access to the gun range be limited.

Discussion followed:

-Verbiage on 4.7 of the agreement.

-Surveyor stakes are government monuments and should not be disturbed.

-Verification of the legal description.

**MOTION:**

Councilperson Barigar made a motion to approve the Land Trade Agreement between Casper Southgate, L.L.C. and the City for the Evel Knievel jump site, as presented, with the following change to the agreement:

4.7 Casper further agrees to dedicate a roadway through the southern portion of the Casper Property on the final plat of the Project; which roadway shall be for the exclusive use of (i) the City police for access to and from the police gun range, staff on official business in association with the gun range located to the East of the property, and (iii) owners of property in the project and their guests and invitees.

The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

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

Jim Casper stated that if in the future the City chooses to charge access to the tourist attraction, that the City considers a portion of the proceeds be donated to the Pulmonary Foundation Fund.

III. **ADVISORY BOARD REPORTS/ANNOUNCEMENTS:** None.

IV. **PUBLIC HEARINGS:** None

V. **ADJOURNMENT:** To Executive Session to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. 67-2345 (c)

Councilperson Lanting made a motion to adjourn to Executive Session, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

The meeting adjourned at 7:16 P.M.

Leila A. Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



**MINUTES**  
**Meeting of the Twin Falls City Council**  
**MONDAY, May 14, 2007**  
**City Council Chambers**

AGENDA ITEMS

Proclamations to be read: National Police Week  
Foster Care Month  
Mental Health Counseling Week

I. CONSENT CALENDAR:

1. Consideration of accounts payable: May 8 - 14, 2007.
2. Consideration of the April 16, 2007 Minutes and April 23, 2007 Minutes.

II. ITEMS FOR CONSIDERATION:

1. Staff will update the City Council on the construction projects that are being developed at Shoshone Falls.
2. Consideration of the final plat for Riverhawk Subdivision consisting of 5 lots on approximately 80 (+/-) acres located at the northwest corner of Washington Street North and North College Road.
3. Consideration of the final plat for Hometowne Subdivision consisting of 136 lots on 38.04 (+/-) acres located at the southeast corner of Grandview Drive North and Canyon Rim Road.
4. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: None

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.*

ATTENDANCE

Present	Absent
Acting Mayor Dwight	Mayor Lance Clow
Shawn Barigar	Greg Lanting
Trip Craig	
Don Hall	
Dave Johnson	

CITY STAFF PRESENT: City Manager Tom Courtney, City Engineer Jackie Fields, Community Development Director Mitch Humble, Parks and Recreation Director Dennis Bowyer, Deputy City Clerk Leila Sanchez.

Acting Mayor Dwight called the meeting to order at 5:00 P.M. She invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with her.

AGENDA ITEMS

Acting Mayor Dwight read the National Police Week Proclamation. Acting Mayor Dwight and Don Hall presented the Proclamation to Police Officer Brent Wright.

Officer Wright invited all present to attend a ceremony and a picnic at the City Park on May 19, 2007, at 11:00 A.M.

Acting Mayor Dwight read the Foster Care Month Proclamation and presented it to Jeremy Sasser-Collins.

Mr. Sasser-Collins, Regional Foster Care Coordinator, stated there is a need for foster care and is asking communities and businesses to spread the word for the need for foster care and to raise awareness.

Acting Mayor Dwight read the Mental Health Counseling Week Proclamation and presented it to Carol Stevens.

Ms. Stevens gave a brief presentation on mental illness.

Coleen Mullinex, on behalf of the Community Support Center, invited the community to an open house at the Community Support Center from 4:00 P.M. to 8:00 P.M., on May 24, 2007.

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: May 8 - 14, 2007, total: \$250,320.89.
2. Consideration of the April 16, 2007 Minutes and April 23, 2007 Minutes.

**MOTION:**

Councilperson Barigar made a motion to approve the Consent Calendar, excluding the April 23, 2007, Minutes, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

1. Staff will update the City Council on the construction projects that are being developed at Shoshone Falls.

Parks and Recreation Director Bowyer gave the presentation. On overhead projection he showed a photo of the ticket booth, preliminary designs of kiosk, and a photo of kiosk location.

In 1999, the City of Twin Falls and Idaho Power signed a settlement agreement pertaining to Idaho Power Company's (IPC) relicensing of the Shoshone Falls power plant. Part of the agreement is to have both parties invest \$500,000 toward improvements at the Shoshone Falls Park. The first phase was completed in 2001 which consisted of upgrading the existing overlook, replacing the old chain link fencing with decorative fencing, reconstruction of the existing parking lot, new section of road, burying power lines and general landscaping improvements. These improvements cost each party approximately \$208,000.

In 2004, IPC matched the Centennial Commission's \$150,000 toward the Centennial Trail at the park and then later that year, IPC matched the City's \$4,000 for a seeding project along the trail. This leaves approximately \$137,000 for both sides to contribute for projects at the park. Approved projects in this current budget year are ticket booth improvements for \$10,000, new parking lot, decorative fencing near the ticket booth for \$50,000, information and interpretive kiosk near the overlook for \$50,000, and safety fencing along sections of the Centennial Trail for \$20,000.

The ticket booth improvements have been completed. Currently, staff is working with Lytle Signs on a design for the kiosk. Staff is also working with The Land Group for design and engineering work on the parking lot. These two projects are expected to take place in September. Lane Taylor Fencing will install the safety fencing late May or early June. After completion of these projects, approximately \$72,000 would be available for the matching funds with Idaho Power Company.

In the proposed budget for next year, 2007-2008, potential projects that IPC would contribute toward the renovation of the existing restroom at Shoshone Falls to blend with the proposed kiosk for \$10,000 and a shelter in the upper area of Shoshone Falls for \$40,000

These projects are in the Shoshone Falls/Dierkes Lake 2006-2007 budget. All current and proposed projects are part of the 1997 Master Plan for Shoshone Falls. Future projects are road improvements in the upper park area and another restroom and shelter. The remaining balance of the matching funds would not fund one-half of these future projects. Depending on the flows of the Falls, revenue from the gate could fund these projects, especially if we have more years similar to 2006.

**Council recommended that staff present the designs of the kiosk be presented to the Parks and Recreation Commission for a recommendation to Council.**

**2. Consideration of the final plat for Riverhawk Subdivision consisting of 5 lots on approximately 80 (+/-) acres located at the northwest corner of Washington Street North and North College Road.**

Community Development Director Humble reviewed the request.

On April 24, 2007, the Planning & Zoning Commission approved the preliminary plat for this subdivision subject to the following conditions:

1. Subject to arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property, unless otherwise approved by the City Council.
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
3. Subject to final approval of the PUD Agreement.
4. Subject to modification of the preliminary plat and/or preliminary engineering plans as required by the City Engineer.
5. Subject to the approval of the preliminary plat as a 5 lot subdivision.

The plat is consistent with other proposed commercial and office development in the area and is in conformance with the Comprehensive Plan. The final plat is also consistent with the approved preliminary plat. The Planned Unit Development agreement has not been approved yet but the plat will be required to be consistent with the agreement upon approval. The City Council placed the condition on the annexation of this property that perimeter streets are brought up to City standards upon development of the property. That condition is being recommended on the final plat as well, but with one minor addition. As the Council is aware, the condition to construct Cheney Drive has been placed on another development. Should that development proceed, then the School District will not have to construct their half of Cheney Drive. Also, there are plans underway for the City and State to widen Washington Street. There have been discussions with the School district to then waive their requirement to widen Washington Street. However, that action has not yet been taken by the Council. Therefore, staff recommends amending this condition to read "arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property, unless otherwise approved by the City Council."

The final plat engineering review process has not yet been completed. Typically, engineering has finished their review before we schedule the final plat for Council consideration. However, staff is asking for the City Council to approve this plat now to facilitate the School District's construction and planned opening schedule. This expediting of the plat is only being requested due to the significance and the public nature of the project. Staff has placed an additional approval condition to account for the expediting of the plat. That condition is that the approval is subject to modification of the final plat and/or engineering plans as required by the City Engineer. A copy of the latest engineering review letter is included so you can review the current review status.

Staff recommends that the Council approve the final plat subject to following conditions:

1. Arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property, unless otherwise approved by the City Council.
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
3. Subject to final approval of the PUD Agreement.
4. Subject to modification of the final plat and/or engineering plans as required by the City Engineer.

Currently staff is working on a trade agreement with the School District.

Discussion followed:

-Waiving the requirement of the high school to widen Washington Street.

City Manager Courtney stated that Washington Street is scheduled to be widened in 2009, and the project would include the placement of a signal. The School District would not be required to contribute to the project. He stated that the City and State are responsible for the widening of Washington Street. Cheney Drive and the signal would be the responsibility of the North Haven Subdivision.

-Councilperson Johnson asked staff if negotiations are being made regarding the streets if the other developers do not follow through completing the North Haven Subdivision.

Community Development Director Humble stated North College, under today's development standards, is in pretty good shape and instead of tearing out North College, the School District would add 10' to North College. Also, the High School could operate without Cheney.

City Manger Courtney stated that if the North Haven Subdivision final plat moves toward expiring, staff will ask the Council to extend the final plat until the subdivision is developed.

-Repairs on North College Road.

City Engineer Fields stated that on North College Road, north of the centerline of the subdivision, if the road does not meet City standards the City will be responsible for repair.

Community Development Director Humble stated that if the agreement does not happen, the requirements to build the roads are still in force. The City is negotiating with the School District for the exchange of property. The agreement would come before the Council for approval.

**MOTION:**

Councilperson Johnson made a motion to approve the final plat for Riverhawk Subdivision consisting of 5 lots on approximately 80 (+/-) acres located at the northwest corner of Washington Street North and North College Road as presented and subject to the following conditions:

1. Arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property, unless otherwise approved by the City Council.
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
3. Subject to final approval of the PUD Agreement.
4. Subject to modification of the final plat and/or engineering plans as required by the City Engineer.

The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

**3. Consideration of the final plat for Hometowne Subdivision consisting of 136 lots on 38.04 (+/-) acres located at the southeast corner of Grandview Drive North and Canyon Rim Road.**

On February 28, 2006, the Planning & Zoning Commission approved the preliminary plat subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the development of a minimum four acre park as per attached Letter of Commitment approved by the City Council on September 27, 2004.

On September 27, 2004, the City Council approved a Letter of Commitment from the Northwest Development Group. These 4 developers committed to the development of a four acre park. This agreement preceded the current park ordinance.

Staff concurs with the Planning & Zoning Commission's decision.

**MOTION:**

Councilperson Johnson made a motion to approve the final plat for Hometowne Subdivision consisting of 136 lots on 38.04 (+/-) acres located at the southeast corner of Grandview Drive North and Canyon Rim Road as presented and subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the development of a minimum four acre park as per attached Letter of Commitment approved by the City Council on September 27, 2004.

The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

**4. Public input and/or items from the City Manager and City Council. None.**

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

Councilperson Johnson and Community Development Director Humble gave an update on water conservation in the City parks.

**IV. PUBLIC HEARINGS:** None.

**V. ADJOURNMENT:** The meeting adjourned at 6:01 P.M.

Leila A. Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



**MINUTES**  
Meeting of the Twin Falls City Council  
MONDAY, May 21, 2007  
City Council Chambers  
305 3rd Avenue East Twin Falls, Idaho

5:00 P.M.  
AGENDA ITEMS

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: May 15 – May 21, 2007 total: \$303,254.40
2. Consideration of the following Improvement Agreement for Development:
  - a. Bosero Subdivision, Bosero Development, LLC
  - b. Hunter's Estates PUD Subdivision, c/o Todd Ostrom.
3. Consideration of the April 23, May 7, and May 14, 2007, Minutes.

**Additional Item:**

4. **Consideration of an Alcohol License Application for Sushi Ya c/o Johnny Bai.**

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Nancy Choker, Moss Greenhouses, of a Landscape Award to The Music Center located at 221 Main Avenue East.
2. Information and history of property located at 198 Gem Street.
3. Presentation of POST Certificates by the Twin Falls Police Department.
4. Consideration of a request to approve the annual Twin Falls Western Days parade/festivities June 1 -June 3, 2007.
5. Consideration of multiple appointments to the Transportation Master Plan Steering Committee.
6. Consideration of an extension of the final plat of Americana (formerly Syringa) Subdivision, 2.88(+/-) acres, to develop 12 residential lots and 2 tracts, located at the north side of the 600 block of Falls Ave West.
7. Consideration of a request to designate the driveway locations on Cheney Drive West for the North Pointe Park PUD development.
8. Consideration of a request for an amendment to the contract with Riedesel Engineering, Inc. to design the water and sewer utility extensions for the Jayco utility project.
9. Consideration of a request to initiate a public hearing to consider amending City Code Title 10, Section 4 regarding permitted uses and development standards within the residential zoning districts and the creation of one or more new residential zoning districts.
10. Discussion of potential water conservation efforts.
11. Public input and/or items from the City Manager and City Council.

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

**IV. PUBLIC HEARINGS:**

1. Request for annexation of 29 acres (+/-) located on the south side of 2850 East Road and 3600 North Road proposed to be annexed by Bosero Development, LLC. (app. 2109)
2. Request for annexation of .6(+/-) acres proposed to be annexed located at 1287 Harrison Street South by Bosero Development, LLC. (Application 2114)

**V. ADJOURNMENT:**

ATTENDANCE

Present

Absent

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Mayor Lance Clow  
Acting Mayor Dwight  
Shawn Barigar  
Trip Craig  
Don Hall  
Dave Johnson  
Greg Lanting

CITY STAFF PRESENT: City Manager Tom Courtney, City Engineer Jackie Fields, Community Development Director Mitch Humble, Captain James Munn, Captain Matt Hicks, Lieutenant Bryan Krear, Staff Sergeant Craig Stotts, Sanitation Inspector Jeff, Deputy City Clerk Leila Sanchez.

Mayor Clow 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.

AGENDA ITEMS

**II. CONSENT CALENDAR:**

1. Consideration of accounts payable: May 15 – May 21, 2007 total: \$303,254.40
2. Consideration of the following Improvement Agreement for Development:
  - a. Bosero Subdivision, Bosero Development, LLC
  - b. Hunter's Estates PUD Subdivision, c/o Todd Ostrom.
3. Consideration of the April 23, May 7, and May 14, 2007, Minutes.

**MOTION:**

Councilperson Johnson made a motion to approve the Consent Calendar, as presented, and to include an Alcohol License Application for Sushi Ya c/o Johnny Bai. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

1. Presentation by Nancy Choker, Moss Greenhouses, of a Landscape Award to The Music Center located at 221 Main Avenue East.

Nancy Choker, Moss Greenhouses, awarded Calvin and Virginia Wilcox of the Music Center the Landscape Award. Virginia Wilcox was present to accept the award.

Agenda Item #3 was heard prior to Item #2.

2. Information and history of property located at 198 Gem Street.

Community Development Director Humble presented information and the history of the property located at 198 Gem Street.

On May 11, 2007, Tom Courtney received a call from Rea Crockett. Ms. Crockett lives at 171 Blue Lakes Boulevard South in the Hoover Trailer Park/East 5-points Trailer Court. Her complaint is the business adjacent to the trailer park, Performance Plus, stinks and is causing health and sanitation problems. She stated she and several of the neighbors have submitted many complaints over the past several years regarding odor, dangerous material spills, weeds and sanitation issues, rotting waste and contaminated soils. She stated in spite of the complaints about the businesses operating at 198 Gem Drive nothing is or has been done to correct the problems.

198 Gem Drive has been classified as industrial since 1973. The current business, Performance Plus, produces cattle feed and has been operating at this location for the past couple of years. The property is zoned M-2; heavy manufacturing and is an outright permitted use in this zone. In 1973, Forward Fiber Farms, a spray coating for septic tank business was established at 198 Gem Drive. The building permit indicates the site was zoned as industrial in 1973. Forward Fiber Farms was outright permitted in the industrial zone in 1973. There have been many types of industrial businesses operating at this site since 1973. In 1991 a business called Feed Service, Inc. began operating at the site. The first documented complaint regarding this site was in 2000. DEQ has also been contacted and has responded to complaints over the years.

The Hoover Trailer Park/East 5-points Trailer Court was established in 1970 at 171 Blue Lakes Boulevard South. Residential uses were not permitted in the industrial zone as of 1978 and are considered a legal non-conforming use by today's code.

In July 1981, the City Council adopted Ordinance #2012; Title 10- Zoning & Subdivision Regulations for the City of Twin Falls. This area was zoned M-2 at the time and has remained M-2 to this day. Permitted land uses then and today included agricultural processing plants and heavy manufacturing facilities. New residential uses were not permitted in this zone in 1978. Residential uses have not been permitted in the industrial zone since 1981. According to Fritz, the current business is also operating under the Right to Farm Act.

Historical records indicate this area has been zoned as industrial since 1973. Performance Plus produces cattle feed. As per City Code 10-4-10.2, agricultural processing is a permitted use in the M-2 zone. The existing residential trailer park has been operating since 1970. As per City Code 10-4-10.2(A) Household units existing at the time this Title was adopted are permitted uses, however, the M-2 zone a new residential trailer park would not be permitted today.

Discussion followed:

- Molasses based feed product.
- Sitting water at the low point of the property.
- Pipe that runs along the building. Sanitation Inspector Jeff stated that she did not believe it was a utility line.
- Landscaping requirements. Community Development Director Humble stated that Performance Plus is not out of compliance in the back of the building.
- Weeds. Community Development Director Humble stated that some clean up of the weeds has been done.
- Odors. Community Development Director Humble stated that the product being produced has a bad odor.

Bill Allred, EPA, stated that most animal feeds are high in organic material. He spoke with the Performance Plus over a year ago and discussed the dust and odors. The water comes from the storm water run off of Gem Street and goes through the high organic material. Performance Plus had been notified regarding housekeeping problems and a Management Plan was placed.

Sanitation Inspector Jeff stated that there are two railroad spurs. The irrigation pipe is on Twin Falls Highway District property and is currently working with Performance Plus. Eastern Idaho Railroad is researching the ownership of property.

Bill Allred, EPA, stated the odor is coming from the combination of feed and standing water. Senator Craig's office has received complaints. He stated the Performance Plus did sit down with the EPA and came up with a Management plan.

City Attorney stated that he wasn't sure if the City had very many remedies. Normally the City would approach a problem like this with a number of nuisance ordinances. The current business is also operating under the Right to Farm Act.

Matt Beed, the General Manager of Performance Plus, stated that generally the product by itself does not emit an odor. The product was pushed out of the building and with the combination of standing water, causing the product to

decompose and creating a majority of odor. He is currently working on alleviating the drainage problem by investing money to fill in the track. Last year an odor and dust control plan was placed. Some vents were covered and an exhaust system was placed and the product has been scooped up and cleaned. Other than the water problem he does not see any issues. Adjustments have been made to the current management plan.

Mayor Clow stated that the City has no legal authority at this time, and recommended to staff to keep on top of this and make sure that Performance Plus is following through on their commitments to clean up the property, work with the citizens, and work with DEQ to the maximum extent possible, and establish best practices.

John Kreps, residing at 171 Blue Lakes South and owner of John's Auto Repair, showed on overview projections pictures of the property. He stated that the railroad tracks run along his fence line. A railroad car is parked in back of the shop. The tanks are heated to get the molasses out in turn creates a mess. The business has expanded twice its size. He has contacted Larry Craig's office and has been working with Steve VanZant, DEQ. Last year there was lyme that was being mixed. Also syrup has come up in toilets. He suggested that the only way the property is going to get cleaned is to dig it up.

Community Development Director Humble reviewed the history of the timeline of complaints.

Discussion followed:

-Molasses coming up from the drain. Sanitation Inspector Jeff stated that the wastewater has been tested and is the water clear. The trailer park is on City sewer.

Rhea Crockett, 171 Blue Lakes Blvd. S., stated she has been in out of the doctor's office and hospital and was told that the situation at Gem Street could possibly have caused her asthma.

Barbara Stanger, former resident of the trailer park, stated that she has spoken with Sanitation Inspector Jeff and Steve VanZant. She stated that Sherry Jeff told her that nothing can be done about the situation and recommended she move.

City Attorney Wonderlich reviewed the Right to Farm Act. He also stated that the City could adopt ordinances, create a department, hire people, etc., but discouraged the City do that since DEQ and EPA enforce regulations.

Council recommended that staff follow up with commitments and work with the Department of Environmental Quality on the issues on Gem Street.

3. Presentation of POST Certificates by the Twin Falls Police Department.

Lieutenant Krear introduced and presented Dispatcher Leslie Jones a Level II Communications Specialist Certificate.

Captain Hicks introduced and presented POST Basic Certificates to Officer Asmir Kararic, Officer Nate Silvester, and Officer Brian Fischer.

He also introduced and presented POST Supervisor Certificates to Staff Sergeant Ron Fustos, Sergeant Dennis Rinehart, and Sergeant Chuck Garner.

4. Consideration of a request to approve the annual Twin Falls Western Days parade/festivities June 1 -June 3, 2007.

Lisa Cuellar, Western Days Committee, explained the request. She stated the following: Opening ceremonies for the 26<sup>th</sup> Annual Twin Falls Western Days event is scheduled for Friday, June 1, 2007, at 5:00 p.m. at the City Park. The Western Days Committee is requesting approval of the agenda that was proposed and accepted by the City Council last year.

- Friday, June 1, 2007                    5:00 p.m. to 8:00 p.m.                    Opening ceremonies at 5:30 P.M. at the City Park with live music, food and craft vendors.
- Saturday, June 2, 2007                9:00 A.M. to 8:00 P.M.                    Parade to start at 10:00 A.M. with live music, food and craft vendors.
- Sunday, June 3, 2007                 10:00 A.M. to 8:00 P.M.                   Live music beginning at 12:00 P.M., food and craft vendors.

Mark Pierce, Pioneer Club, will be holding the catering license for the event. The proposed beer garden schedule is as follows:

Friday 5:00 P.M. to 8:00 P.M.  
Saturday 9:00 A.M. to 8:00 P.M.  
Sunday 10:00 A.M. to 8:00 P.M.

Bracelets will be issued and required in order to be served at the designated beer garden. Activities will be shut down by 8:00 p.m. all three days and trash will be picked-up. The Western Days Committee has contracted with Eagle Eye Security for the events in City Park.

Staff Sergeant Stotts reviewed the request and stated that the event requires the closure of numerous intersections and coordination between various City Departments. He stated that he has reviewed the application, traffic control plan, and the manpower issues that events of this nature create.

Staff recommends that the City Council approve the Special Events Application submitted for the annual Twin Falls Western Days parade/festivities June 1<sup>st</sup> through 3<sup>rd</sup>, 2007, based on the information provided.

Councilperson Johnson made a motion to approve the Twin Falls Western Days parade/festivities of June 1-June 3, 2007, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of multiple appointments to the Transportation Master Plan Steering Committee.

City Engineer Fields reviewed the request. She stated that staff and Civil Science have begun work on the update to the City's Transportation Master Plan. However, much of the work to do will involve input from the public. Civil Science's work schedule contains several opportunities for public input, including general public meetings, focus group meetings, and a steering committee. The members of the steering committee will be those City residents that have by far the most opportunity for public input into this process and have the most impact on the finished product. Therefore, selecting the members of the steering committee is a very important part of this update process.

Civil Science has suggested that a steering committee should have between 15 and 20 members. The committee should include members that represent key interest groups, such as the City Council, business community, the Chamber of Commerce, Planning & Zoning, downtown business district, school district, builders, and others. Staff and the Mayor have spent time putting together a list of people to appoint to the committee that represent these key interest groups.

Staff recommends that the Council appoint the following to the Comprehensive Plan Steering Committee:

1. Lance Clow – Mayor
2. Glenda Dwight – Vice Mayor

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3. David Johnson – City Council Liaison to the P&Z
4. Ryan Horsley – P& Z, Historic Downtown, & Chamber of Commerce
5. John Miller – Parks & Recreation Board & CSI
6. Jill Skeem - CSI
7. Wiley Dobbs – Twin Falls School District
8. Don Hall – Boys and Girls Club
9. Dave Snelson – Transportation Committee & Chamber of Commerce
10. Tony Hughes – Magic Valley Builders Association
11. Tom Mikesell – Twin Falls County
12. Rick Dunn – Twin Falls County
13. Dave Burgess – Twin Falls Highway District
14. Devin Rigby – Idaho State Transportation Department
15. Gerardo Muñoz – Hispanic Community & P&Z
16. Ann Alvarez – Lamb Weston
17. Debra Rose – Henningson Cold Storage
18. Dwaine Weyland – Best Buy
19. Russ Lively – Architect
20. Stacy Ward – CSI Parks

Discussion followed:

- Recommendation of Lynn Baird of Trans IV and Bill Kyle, McDonalds.
- Mayor Clow serve as Ex-Officio.
- Rod Mathis of Riedesel Engineering and Troy Vitek of EHM Engineers to be added to the list.

MOTION:

Councilperson Johnson made a motion to accept the appointments to the Comprehensive Plan Steering Committee, as follows:

1. Lance Clow – Mayor – Ex Officio
2. Glenda Dwight – Vice Mayor
3. David Johnson – City Council Liaison to the P&Z
4. Ryan Horsley – P& Z, Historic Downtown, & Chamber of Commerce
5. John Miller – Parks & Recreation Board & CSI
6. Jill Skeem - CSI
7. Wiley Dobbs – Twin Falls School District
8. Don Hall – Boys and Girls Club, Liaison to the Police Department, Member of the City Council, Twin Falls Traffic Safety Commission, Greater Twin Falls Transportation Committee, and Historic Old Towne BID.
9. Dave Snelson – Transportation Committee & Chamber of Commerce
10. Tony Hughes – Magic Valley Builders Association
11. Tom Mikesell – Twin Falls County
12. Rick Dunn – Twin Falls County
13. Dave Burgess – Twin Falls Highway District
14. Devin Rigby – Idaho State Transportation Department
15. Gerardo Muñoz – Hispanic Community & P&Z
16. Ann Alvarez – Lamb Weston
17. Debra Rose – Henningson Cold Storage
18. Dwaine Weyland – Best Buy
19. Russ Lively – Architect
20. Stacy Ward – CSI Parks
21. Rod Mathis - Riedesel Engineering
22. Troy Vitek – EHM Engineers

23. Lynn Baird - Trans IV – UPON ACCEPTANCE
24. Bill Kyle - McDonalds. – UPON ACCEPTANCE

The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Consideration of an extension of the final plat of Americana (formerly Syringa) Subdivision, 2.88(+/-) acres, to develop 12 residential lots and 2 tracts, located at the north side of the 600 block of Falls Ave West.

Community Development Director Humble reviewed the request using overhead projections. On May 17, 2004, the City Council approved the final plat of the Syringa Subdivision. Mr. Kitsos, being aware the plat would not be recorded by the one year time, requested an extension. On April 11, 2005, the City of Twin Falls City Council approved a one-year extension of the final plat of Syringa Subdivision and extended the approval of the plat to May 17, 2006. On May 30, 2006, the Council approved the request to extend the deadline for recording the final plat. Mr. Kitts's is again requesting an extension as the plat will not be recorded by May 30, 2007.

Sanitation Inspector has received weed complaints, and therefore, asking that the developer provide a weed management plan.

Staff recommends approval of a one-year extension of the filing requirement on the final plat for Americana Subdivision (formerly Syringa Subdivision) subject to final technical review by the City Engineering Department.

Vice Mayor Dwight made a motion to approve the one-year extension of the filing requirement on the final plat for Americana (formerly Syringa) Subdivision, 2.88(+/-) acres, to develop 12 residential lots and 2 tracts, located at the north side of the 600 block of Falls Ave West, to expire May 30, 2008, as presented, with the following conditions:

1. Subject to final technical review by the City Engineering Department.
2. A weed management Plan approved by City staff.

The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

7. Consideration of a request to designate the driveway locations on Cheney Drive West for the North Pointe Park PUD development.

Community Director Humble reviewed the request using overhead projections. On January 8, 2007, the City Council approved the annexation and PUD request for the North Pointe Park development located at the northwest corner of Cheney Drive West and Park View Drive North. As a condition of that approval, the Council required that the developer work with City staff to finalize the location of the driveways from the development onto Cheney Drive West. Since that approval, the developer has submitted several variations of driveway locations to the City. Staff has worked with the developer to refine these submittals. The developer's current request is attached for your review.

This current plan shows two driveways on the property located at about one third and two thirds way across the property. Staff had one concern with this proposal. That was that there would be a safety hazard with conflicting left turn movements between east bound cars turning into the eastern of the two driveways and west bound cars turning onto North Pointe Drive. Staff conveyed that concern to the developer and told them to either remove the one driveway or provide a median in a portion of Cheney Drive West that would prevent west bound left turns onto North Pointe Drive. The developer indicated that it was vital to them to maintain two driveways, so they opted to provide the median. Therefore, the exhibit shows two driveways and a median.

The driveway locations shown on the exhibit meet City spacing requirements and the median eliminates the potential safety hazard with conflicting left turn movements. Therefore, staff does not object to the driveway locations as requested. The applicant has submitted a preliminary plat for this property. Should the Council approve the request, the driveway locations on the preliminary plat will be revised accordingly and the preliminary plat may then be forwarded to the Planning & Zoning Commission for consideration.

Staff recommends that the Council review the driveway exhibit and provide direction to the applicant regarding the driveway locations on the property.

Discussion followed:

- Notification of property owners of North Pointe Subdivision. Don Acheson, North Pointe Homeowner's Association, stated that property owners were not involved in the design of the driveway locations on Cheney Drive.
- U-turns on Cheney Drive. City Attorney Wonderlich and City Engineer Fields explained permissible and non-permissible U-turns.
- Median on Cheney Drive.
- Driveways. City Engineer Fields stated that she discussed the design with Gerald Martens and agreed on the proposed plan.

Don Acheson stated his concern about the traffic effect on Cheney Drive.

Gary Slette, representing Pole Line Properties, LLC, explained the concept plan.

MOTION:

Councilperson Johnson made a motion to approve the request to designate the driveway locations on Cheney Drive West for the North Pointe Park PUD development, as presented. The motion was seconded by Councilperson Barigar and voice vote showed Councilperson Barigar, Clow, Craig, Dwight, Hall and Johnson voted in favor of the motion. Councilperson Lanting voted against the motion. The motion passed with a vote of 6 to 1.

8. Consideration of a request for an amendment to the contract with Riedesel Engineering, Inc. to design the water and sewer utility extensions for the Jayco utility project.

Community Development Director Humble reviewed the request. On December 4, 2006, the City Council approved a contract with Riedesel Engineering to design and manage the construction for the Jayco utility extension project. Through the course of their work on this project, there have been a couple of unanticipated changes to the workload. First, due to difficulties in acquiring the necessary easements for the water extension, Riedesel and Engineering had to draw, and re-draw the easement documents several times. While trying to acquire the easements, the City ran into two property owners who were not fully cooperative. In the end, the City did in fact acquire the necessary easements, but not without redefining the easements several times. Based on this additional easement work, Riedesel and Engineering is requesting an additional \$2,000. This additional payment will go toward Task No. 4 in the contract changing it from \$4,200 to \$6,200.

The second requested contract amendment is also directly related to the difficulty in acquiring the easements. Easement acquisition took much longer than anticipated. Due to the longer acquisition time, the construction timing of the project was delayed. Task No. 3 of Riedesel and Engineers contract includes their construction management duties. The initial term of the construction contract was 30 days. The construction delay has moved the construction contract to 67 days, more than doubling the amount of construction management time for Riedesel and Engineering. The line item in the initial contract with Riedesel and Engineering for Task No. 3 was \$7,200. The requested amendment is to go to \$16,000, for a change of \$8,800. This change is based on a time and material basis, meaning that they will only bill the City for the actual time and materials used, not to exceed the additional \$8,800. The two requested amendments together represent a total contract amendment of \$10,800.

Staff recommends that the Council approve the request and authorize the Mayor to execute the contract amendment.

MOTION:

Councilperson Johnson made a motion to approve Amendment #1 of the Jayco Sewer and Extension Project as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

9. Consideration of a request to initiate a public hearing to consider amending City Code Title 10, Section 4 regarding permitted uses and development standards within the residential zoning districts and the creation of one or more new residential zoning districts.

Community Development Director Humble reviewed the request. Currently, the City's residential zoning districts do not include a true medium sized single family lot district. The City has the Suburban Urban Interface district that is a one-acre lot single family district. The next single family district is the R-1 Variable district, which has a minimum lot size of 8,000 square feet. The R-1 district does provide for larger lots depending on the size of adjacent lots, but the calculation is difficult and will yield the 8,000 square foot lots fairly quickly, within four rows of lots. There are several developers who would like to develop a subdivision with 10,000 or 12,500 square foot lots, but do not want to deal with the hassle of the R-1 calculations. Those developers often seek R-2 zoning with a minimum lot size of 6,000 square feet and simply plat the lots larger. This can be a problem because subsequent property owners can then develop duplexes or further subdivide 12,000 square foot lots into 6,000 square foot lots and violate the original intent and feel of the subdivision. The City needs to have a medium size single family lot district that is simple to work with.

Another potential change that we may want to consider is to make all our single family districts single family only. Right now, a duplex can be developed in the R-2 district and the R-4 district also permits triplexes and four-plexes. If a single family homeowner makes an investment within a single family subdivision, then a vacant lot nearby develops as four-plex, that homeowner's investment could be negatively impacted. We need to eliminate the multiple family uses from the single family districts to protect the investments made by the homeowners in those districts. For most people, their home is the largest investment they will ever make. However, we need to have a place for the development of duplexes, triplexes, four-plexes, townhomes, and apartments. The proposal is to amend the City's current single family districts so that they will be single family only and then create new districts for duplexes and townhomes. The City's R-6 district is essentially an apartment district, but may require some modification to firm up its development requirements.

The proposed amendment have not been created but recommends that if the Council agrees with the potential changes to designate a joint Council and Planning & Zoning subcommittee to work with staff on this project.

Staff recommends that the Council initiate a public hearing to consider amending City Code Title 10, Section 4 regarding permitted uses and development standards within the residential zoning districts and the creation of one or more new residential zoning districts.

Discussion followed:

- Definition of a 0 lot line and a duplex.
- Mixed housing.

MOTION:

Councilperson Johnson made a motion to direct staff to proceed with initiating a public hearing to consider amending City Code Title 10, Section 4 regarding permitted uses and development standards within the residential zoning districts and the creation of one or more new residential zoning districts. The motion was seconded by Vice Mayor Dwight and voice vote showed all members present voted in favor of the motion. The motion passed.

Item 10. was moved to be heard after the 6:00 P.M. Public Hearings.

7:06 P.M. (Recess)

7:16 P.M. (Reconvened)

10. Discussion of potential water conservation efforts.

Community Development Director stated that on May 7, 2007, the Council discussed the current water supply problems. At that meeting, a potential revision to the City's water service boundary was considered. The Council directed staff to meet with developers to discuss the proposed water service boundary revision and the potential impacts that such a boundary revision could have on development in the City. That meeting was held on May 15, 2007. It was a very productive and positive meeting. It appeared that everyone in the room understood and acknowledged the predicament that we are all in regarding water supply. The meeting was also positive in that everyone relayed a desire to work together to arrive at a solution.

One of the primary topics of discussion had to do with water conservation efforts. Everyone agreed that, while it may not completely solve the problem, increasing conservation of potable water would at least help solve the problem. Several ideas were discussed to improve water conservation efforts. The first was that pressurized irrigation needs to be made available to more lots in the City. Several of the developers present related stories about how many other Idaho cities require developers to install the pressure irrigation stations along with the delivery infrastructure when they develop their land. Currently, we only require installation of the delivery infrastructure. If we were to require development of the pressure irrigation station and infrastructure, new developments would come online immediately with pressure irrigation service, rather than having a delay in which potable water is used until the PI stations are built by the City at some later point. This idea is one that staff supports. The City should amend our required infrastructure provision to include the pressure irrigation stations in addition to the delivery system.

The group also discussed that it could help if the City made other changes as well. For example, we should require, or at least strongly encourage, the use of low water landscaping, maybe even penalize the use of high water landscaping. Another topic was potentially raising the cost of irrigating so that the cost itself becomes an encouragement to use less water. Finally, further watering restrictions were also discussed. Whether or not any or all of these ideas, or any others not discussed at the developer meeting, are implemented is what we would like to discuss with the Council.

Staff recommends that the Council discuss the different water conservation efforts available to the City and give staff direction regarding potential code amendments to be implemented.

Discussion followed:

- Zeroscape landscaping.
- PI delivery system.
- Reduction of watering days.
- Increasing water usage costs.
- Complaints received on the landscaping on Pole Line Road.

Councilperson Barigar stated that if the City does implement conservation methods, that Brockway Engineering find a way to quantify or measure them in the study.

MOTION:

Councilperson Johnson made a motion to direct staff to review the ordinances regarding water conservation and pressure irrigation station construction. The motion was seconded by Councilperson Craig and voice vote showed all members present voted in favor of the motion. The motion passed.

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

Steven Anderson, The Land Group, suggested that an actual landscape architect be required to design the landscape areas. A landscape architect can drop water usage at about 60%.

Councilperson Lanting reported that the Golf Advisory Commission Tours will be held on Wednesday, May 23, 2007, at 4:00 P.M, and Wednesday, May 30, at 4:00 P.M.

Mayor Clow reported that the Twin Falls City Youth Council will meet on Thursday, May 24, 2007, in the Council Chambers Overflow Room, at 7:00 P.M.

Community Development Director Humble reported that Neighborhood Planning Workshops, as part of the Twin Falls Comprehensive General Plan, are slated for May 23 and 24, 2007.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS:

1. Request for annexation of 29 acres (+/-) located on the south side of 2850 East Road and 3600 North Road proposed to be annexed by Bosero Development, LLC. (app. 2109)

Devin Ellison, Harper-Leavitt Engineering, Inc. explained the request. The proposed zone change and annexation will be compatible with the surrounding uses and zones, which is in transition to residential development. The annexation provides for a logical extension of the City limits and services. The proposed zone change will prove to be an asset to the adjoining properties by promoting quality development.

The annexation and proposed development is also in accordance with Section V – Land Use. The Generalized Twin Falls Comprehensive Plan Land Use Map on page V 3 designates the area containing the owner's property as Urban Residential. R-4 Residential Medium Density District is compatible with the Urban Residential designation. The developer understands that if the property is annexed it not a guarantee City utilities are available.

Community Development Director Humble reviewed the request using overhead projections. He stated that the site is able to request annexation as it is contiguous to City limits on its northern border at 3600 North Road/Hwy 74. The area the site is contiguous to is the "Wilson Grove" area which was annexed on November 6, 2006. The ordinance was adopted on February 20, 2007 and published on March 8, 2007.

This request is to annex 29.04 (+/-) acres with zoning designation of R-4; currently the property is zoned R-4. The applicant intends to develop the property under these standards. They are requesting annexation to be able to develop the property as a new, single-family residential subdivision with City water, sewer, and pressurized irrigation. The property is contiguous to City limits on its northern boundary and thus able to request annexation.

The R-4 zone is a Residential Medium Density designation. The purpose of this zone is stated as follows: This district is intended to promote and preserve medium density residential development and to provide a residential environment to allow the present and future residents to live and play in an area with space for personal privacy, minimum vehicular traffic, and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required. The applicant intends to develop a residential subdivision. **ANNEXATION OF THIS PROPERTY IS NOT A GUARANTEE CITY UTILITIES ARE AVAILABLE. A WILL-SERVE LETTER WILL BE ISSUED UPON REVIEW AND APPROVAL FOR A FINAL PLAT AND/OR A PHASE OF A FINAL PLAT.**

The zoning allows for single family detached and duplex homes. The minimum lot size for a single family home is 4,000 square feet and the minimum lot size for a duplex is 7,000 square feet. Tri-plexes and four-plexes may be permitted by Special Use Permit.

The City is currently examining future water supply and have identified a significant problem with a declining water supply. As of today, we do not yet have a solution to supplement our existing water supply.

On April 10, 2007, the Commission unanimously recommended the existing R-4 zoning designation as appropriate and if the City Council approves this request for annexation it should be 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 arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

Based upon the uncertainty of available water supply, staff recommends the City Council not annex this property at this time.

Discussion followed:

-Annexation process if request is denied.

Devin Elison stated that he is aware that annexation does not guarantee utility services.

Phil Linqvist, Project Supervisor, explained the request.

The public portion of the meeting was opened.

Tom Billington, 3564 N 2800 E, spoke against the request. He stated that he has a State and Federal approved feed lot, in which a distinct odor emits from the surrounding area He is requesting that if the annexation is approved a nuisance waiver be a condition to the request.

The public comment portion of the meeting was closed.

Deliberations:

-Annexation first in first right. Community Development Director Humble stated that the process is currently operating as such, but it is no guarantee that Wilson Grove will have utility services. Currently there are too many annexations waiting for utility services.

-Tabling or withdrawing the application. City Attorney Wonderlich stated that the applicant can withdraw his application or the Council may table the request. There is not annexation until an ordinance is passed.

-Nuisance waiver. City Attorney Wonderlich stated that the County has a nuisance waiver but the City does not. A deed restriction could be recorded.

-Odor.

-Right to farm.

The public hearing was closed.

MOTION:

Councilperson Barigar made a motion to approve the annexation of 29 acres (+/-) located on the south side of 2850 East Road and 3600 North Road proposed to be annexed by Bosero Development, LLC. (app. 2109) The motion was seconded by Councilperson Hall.

Discussion followed:

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 arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

Discussion followed:

- Developer consider withdrawn the application.
- Federal and State permitted for the existing feed lot.
- Displacement of a 100 year old farm.

Councilperson Barigar said he didn't support denial of the request, but would be sending a negative message out to the development community suggesting that Twin Falls is closed for development.

Councilperson Craig, Dwight, and Clow stated their concern of a new subdivision next to 500 head of a cattle facility.

City Attorney suggested that the Council table the motion until after the following public hearing.

MOTION:

Councilperson Craig made a motion to table the annexation of 29 acres (+/-) located on the south side of 2850 East Road and 3600 North Road proposed to be annexed by Bosero Development, LLC. (app. 2109), with no time specified. The motion was seconded by Councilperson Lanting. Councilperson Barigar, Clow, Craig, Hall, Johnson and Lanting voted in favor of the motion. Vice Mayor Dwight voted against the motion. The motion passed with a vote of 6 to 1.

2. Request for annexation of .6(+/-) acres proposed to be annexed located at 1287 Harrison Street South by Bosero Development, LLC. (Application 2114)

Devin Elison, Harper-Leavitt Engineering, Inc., explained the request. He stated that the property's physical address is 1287 Harrison Street and is adjacent to Twin Falls City limits on the north, south, east, and west borders. Current land use is agricultural. Current zoning of the parcel and zoning of land adjacent to the property.

The developer is requesting to maintain the current zoning designation of R-4 Residential Medium Density District for the property. The purpose for the annexation is to create a new single-family residential subdivision. The individual lots will be sold as fee simple with covenants, conditions, and restrictions, and will be served with extensions of the City of Twin Falls municipal water and sewerage systems. The development will also connect to the City's pressure irrigation system.

Community Development Director Humble reviewed the request. On October 10, 2006, the Planning and Zoning Commission approved the zoning request of the area surrounding this property on the north, east, and south. The request was also by Bosero Development, LLC., and Harper Leavitt Engineering and is being developed as Copper Basin. The City Council approved the annexation of the surrounding property with R-4 zoning. The area to the west was previously annexed and so the annexation last fall left this lot as an island of R-4 Area of Impact zoning surrounded by City limits.

Approval of this request will allow the applicant to access City utilities for development of the subject area under R-4 property development standards. This request is to annex 0.60 (+/-) acres with zoning designation of R-4; currently

zoned R-4. The applicant intends to develop the property under these standards as a new single-family residential subdivision. They are requesting annexation to be able to develop the property with City water, sewer, and pressurized irrigation, as City utilities and services are only available to properties within City limits. ANNEXATION OF THIS PROPERTY IS NOT A GUARANTEE CITY UTILITIES ARE AVAILABLE. A WILL-SERVE LETTER WILL BE ISSUED UPON REVIEW AND APPROVAL FOR A FINAL PLAT AND/OR A PHASE OF A FINAL PLAT.

The property is contiguous to City limits on all property lines and thus able to request annexation. The R-4 zone is the City's Residential Medium Density designation. Its purpose is to promote and preserve medium density residential development and to provide a residential environment to allow the present and future residents to live and play in an area with space for personal privacy, minimum vehicular traffic, and free from encroachment by commercial and industrial activities. The area is surrounded by land that is developed or proposed to be developed in this manner. This property would require subdivision and after that process the individual lots are proposed to be sold as fee simple lots with covenants, conditions, and restrictions. If this request is approved it will allow for development of Harrison Road South at this location as right-of-way could be acquired and construction of Harrison at the development of the property as a subdivision or as part of a subdivision.

The City is currently examining future water supply. The City has identified a significant problem and, as of today, do not have a solution to supplement our current water supply. However, this property is a very small in-fill parcel and will be incorporated into the Copper Basin Subdivision, preliminary plat submitted March 7, 2007, which is already under review and since this parcel is vital to making the intersection of Harrison Street South and Pheasant Road work, staff recommends annexation of this parcel.

On April 24, 2007, the Commission unanimously recommended the existing R-4 zoning designation as appropriate and if the City Council approves the request for annexation it should be 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 arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

Staff recommends the City Council annex this site as it is surrounded by City limits and is being incorporated into the surrounding residential development subject to the same conditions as per the Planning & Zoning Commission.

Discussion followed:

-Water model has not been done on the property.

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

MOTION:

Vice Mayor Dwight made a motion to annex .6(+/-) acres located at 1287 Harrison Street South by Bosero Development, LLC. (Application 2114), 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 arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

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

Mayor Clow stated that Public Hearing IV.1.: 1. Request for annexation of 29 acres (+/-) located on the south side of 2850 East Road and 3600 North Road proposed to be annexed by Bosero Development, LLC. (app. 2109) will remain tabled.

V. ADJOURNMENT: The meeting adjourned at 8:33 P.M.

Leila A. Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND A	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
TUESDAY, May 29, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of approval of accounts payable: May 22 - May 29, 2007, total: \$934,993.58
2. Consideration of approval of the Improvement Agreement for Developments of North Haven Business Park.
3. Consideration of approval of the Independent Garbage/Rubbish Collection Contractor's License for Sweets Portable Waste Services L.L.C.
4. Consideration of approval of the May 21, 2007, Minutes.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of approval of appointments to serve a 4-year term on the Animal Shelter Advisory Commission.
2. Presentation by Debbie Dane, representing the Thousand Spring Scenic Byway Committee, on the Corridor Management Plan and for consideration of adoption of **proposed Resolution 1783**.
3. Consideration of approval to authorize the Mayor to execute the addendum and **proposed Resolution 1784**, to the cooperative agreement for the CSI Student Safety Initiative, Key 10734, Project No. A010(734).
4. Presentation by Officer J. P. O'Donnell to demonstrate the Mobile Data Computer (MDC).
5. Public input and/or items from the City Manager and City Council.

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

**IV. PUBLIC HEARINGS:** 6:00 P.M. – None

**V. ADJOURNMENT:**

ATTENDANCE

<u>Present</u>	<u>Absent</u>
Mayor Lance Clow	Shawn Barigar
Vice Mayor Dwight	
Trip Craig	
Don Hall	
Dave Johnson	
Greg Lanting	

CITY STAFF PRESENT: City Manager Tom Courtney, City Engineer Jackie Fields, Management Assistant Gretchen Scott, Lieutenant Bryan Krear, Officer J.P. O'Donnell, Deputy City Clerk Leila Sanchez.

Mayor Clow 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.

*Mayor Clow announced that Councilperson Johnson would be delayed and Councilperson Barigar is on vacation.*

AGENDA ITEMS

II. CONSENT CALENDAR:

1. Consideration of approval of accounts payable: May 22 - May 29, 2007 total: \$934,993.58
2. Consideration of approval of the Improvement Agreement for Developments of North Haven Business Park.
3. Consideration of approval of the Independent Garbage/Rubbish Collection Contractor's License for Sweets Portable Waste Services L.L.C.
4. Consideration of approval of the May 21, 2007, Minutes.

Councilperson Hall made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

II. ITEMS FOR CONSIDERATION:

1. Consideration of approval of appointments to serve a 4-year term on the Animal Shelter Advisory Commission.

Management Assistant Scott reviewed the request. She served on a subcommittee with Commission Chair Jody Hawkins and Mayor Clow. Cheryle Becker and James Larue were interviewed and both demonstrated knowledge of the Animal Shelter mission and compassion towards animals. The vacancies were posted for two months.

Staff recommends that the Council approve the appointment of Cheryle Becker and James Larue to the board to serve a 4-year term on the Commission.

Councilperson Hall made a motion to approve the appointment of Cheryl Becker and James Larue starting June 1, 2007, to the Animal Shelter Advisory Commission and to serve a 4-year term. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

Councilperson Craig stated that Dr. Larue has been involved in 4-H and has been in the forefront in working with animals.

Management Assistant Scott stated that she has solicited bids for air conditioning units to service City Hall.

City Manager Tom Courtney stated that the bids came under \$9,000, and if approved, would come out of the Capital Improvement Fund.

No action was taken.

Councilperson Johnson took his seat on the Council.

2. Presentation by Debbie Dane, representing the Thousand Spring Scenic Byway Committee, on the Corridor Management Plan and for consideration of adoption of proposed Resolution 1783.

Debbie Dane, Executive Director of Southern Idaho Tourism and representing the Thousand Spring Scenic Byway Committee, explained the request. She handed out and explained The International Selkirk Loop brochure and the Thousand Springs Scenic Byway Corridor Management Plan by Plan Makers and J-U-B Engineers, Inc.

She recommended the adoption of the following Resolution No. 1783:

A RESOLUTION OF THE CITY OF TWIN FALLS ADOPTING THE  
THOUSAND SPRINGS SCENIC BYWAY  
CORRIDOR MANAGEMENT PLAN -2007

WHEREAS, the Thousand Springs Scenic Byway, extending from Bliss to Hansen is an important roadway and visitor amenity within the Magic Valley and Idaho; and

WHEREAS, the Thousand Springs Byway Advisory Committee represents a partnership of local, state and federal agencies and property and business owners within the byway area in a shared mission to promote appreciation of the cultural, historic, wildlife, and scenic qualities of the Thousand Springs Scenic Byway and to develop sensitive and appropriate economic development opportunities along the Byway; and

WHEREAS, the Thousand Springs Scenic Byway Advisory Committee was the leader in the preparation of the Corridor Management Plan in association with professional planning and engineering consultants; and

WHEREAS, public meetings were held on February 12, 13, and 15, 2007 to review and comment on the Corridor Plan; and

WHEREAS, the CITY OF TWIN FALLS finds that the Corridor Management Plan should be adopted; and

NOW THEREFORE BE IT RESOLVED that the Thousand Springs Scenic Byway Corridor Management Plan, 2007 is adopted.

Discussion followed:

-Kiosk locations.

-History at the portal kiosks.

Mayor Clow stated that he has not reviewed the Corridor Management Plan.

City Manager Courtney stated that he reviewed the plan and did not find anything stated that obligates the City in any way.

Debbie Dane stated the adoption of the Resolution is more or less a partnership and confirmed that it did not obligate the City in any way.

Councilperson Lanting made a motion to adopt Resolution 1783 as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of approval to authorize the Mayor to execute the addendum and proposed Resolution 1784, to the cooperative agreement for the CSI Student Safety Initiative, Key 10734, Project No. A010(734).

MINUTES

May 29, 2007 (Tuesday)

Page 4

City Engineer Fields reviewed the request. She stated that the CSI Student Safety Initiative project is a multi-year funded project to construct improvements on the CSI campus, including a bus drop-off and signalized intersection at Quincy Street and Falls Ave. These are FHWA funded, administered by ITD. The City is involved because the project includes a local street. The cooperative agreement is with the City because the federal funds must be sponsored by a jurisdiction that qualifies, specifically the State, a Highway District or a City. This addendum is to add \$742,000 to the project for construction. The cooperative agreement requires the City to pay for the work, submit the appropriate documentation, and receive 100% reimbursement.

Staff recommends that the Council accept the agreement and authorize the City Mayor to sign the addendum and to adopt Resolution 1784 as presented.

Councilperson Johnson made a motion to approve the Addendum to State/Local Agreement STP-7042(101) and A010(734) CSI Student Safety Initiative Twin Falls County Key No. 09687 and 10734, and the adoption of Resolution 1784 as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

Discussion followed:

-City Engineer Fields stated that the bus drop off has been deleted in this phase.

-City Manager Courtney stated that the City is the go-between for the State and the College of Southern Idaho.

4 Presentation by Officer J. P. O'Donnell to demonstrate the Mobile Data Computer (MDC).

Officer J.P. O'Donnell gave a presentation on the Mobile Data Computer. He stated that the Twin Falls Police Department has been using MDC's for about three and a half years. This is a multi-functional tool for the officers and the Department as a whole, which cuts down on radio time, provides safety alerts while providing a transmission that cannot be picked up by scanners. This equipment has a built-in GPS system that can help locate officers and allows supervisors to research call and response times.

Discussion followed:

-Funding and upgrades.

-Texting of information.

-MCD's in other City department vehicles.

Lieutenant Krear explained the funding aspect and the MDC replacement plan of the Mobile Data Computer.

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

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

Councilperson Lanting stated that he sighted twenty sturgeons by the jump site in the shallow side of the canyon rim and suggested that informational signage be posted.

Mayor Clow reported on the following groundbreaking ceremonies to be held on Wednesday, May 30, 2007:

9:00 A.M. Canyon Crest Restaurant

10:00 A.M. Swenson's Market

Mayor Clow also gave an update on the upcoming 2007 AIC Annual Conference to be held on June 13-15, 2007 in Coeur d'Alene.

Councilperson Lanting reported that a second tour of the Golf Course will be held on May 30, 2007, at 4:00 P.M.

**IV. PUBLIC HEARINGS: 6:00 P.M. – None**

**V. ADJOURNMENT: The meeting adjourned at 5:57 P.M.**



COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



SPECIAL MEETING  
MINUTES

Meeting of the Twin Falls City Council  
MONDAY, June 4, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable May 30 – June 4, 2007.
2. Consideration of the May 29, 2007, Minutes.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request by Stacy Sommer to approve the Cool Classic Nights Classic Cruisers Car Show.
2. Consideration of a request by Chris Scholes, on behalf of the Jazz in the Canyon Committee, to obtain approval for the portion of the Jazz in the Canyon event that will take place on Main Avenue in downtown Twin Falls.
3. Consideration of a request to hold a public hearing on June 18, 2007, for the purpose of raising fees for the Men's Softball program.
4. Consideration of a request to authorize the City Manager and City Engineer to execute the right-of-way agreement for Parcel 43 of the Washington Street North Phase III.
5. Consideration of approval of the final plat for Canyon Falls Subdivision No. 2 consisting of 2 lots on approximately 10 (+/-) acres located on the west side of the 1800-1900 blocks of Harrison Street North.
6. Consideration of water supply and demand projections for FY 2007 to 2011 and review of the City's water service area.
7. Public input and/or items from the City Manager and City Council. To be rescheduled.

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

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

1. A public hearing to receive input on and to review the status of the Jayco sewer and water extension project partially funded through a Community Development Block Grant.

**V. ADJOURNMENT:**

## ATTENDANCE

Present

Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Trip Craig  
Don Hall  
Dave Johnson  
Greg Lanting

Absent

Shawn Barigar

CITY STAFF PRESENT: City Manager Tom Courtney, Community Development Director Mitch Humble, City Engineer Jackie Fields, Finance Assitant Lorie Race, Staff Sergeant Craig Stotts, Parks and Recreation Assistant Director Eli Roberts, Economic Development Director Melinda Anderson, Deputy City Clerk Leila Sanchez.

Mayor Clow called the meeting to order at 5:30 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him.

Troop 100 Scouts led the Pledge of Allegiance.

Proclamation: "A Day for Kids"

Mayor Clow read the proclamation and presented it to Terry Rowe.

## AGENDA ITEMS

### I. CONSENT CALENDAR:

1. Consideration of accounts payable May 30 – June 4, 2007, total: \$241,091.15.
2. Consideration of the May 29, 2007, Minutes.

#### MOTION:

Councilperson Hall made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

### II. ITEMS FOR CONSIDERATION:

1. Consideration of a request by Stacy Sommer to approve the Cool Classic Nights Classic Cruisers Car Show.

Twyla Knudsen explained the request.

Staff Sergeant Craig Stotts reviewed the request. The date of the event will be Friday, June 22, 2007, starting at 6:00 P.M. and concluding by 10:00 P.M. According to Ms. Sommer, alcohol will not be served in conjunction with this event. A DJ will be on hand to provide entertainment. Pedal car races are scheduled to start at 8:00 P.M. followed by a slow drag and flame throwing contest at 9:00 P.M. Some of the classic cars are equipped to emit a two to three-foot flame from their exhaust pipe. Ms. Sommer stated they have twenty-five (25) volunteers that will help to ensure the safety of these contests. There will be two (2) TFPD motorcycle officers working this particular evening and they will be assigned to monitor the event.

This event will require the following closures: Main Avenue at Shoshone Street to Gooding Street and Main Avenue at Shoshone Street to Idaho Street. The streets will be closed to accommodate 140 classic cars, which will be parked along Main Avenue near the sidewalk and parking stalls. This will allow for the twenty-six (26) feet of clearance down the center of Main Avenue that is required by the Twin Falls Fire Department.

Staff recommends that the City Council approve the Special Events Application submitted for the Cool Classic Nights Classic Cruisers Car Show to be held on June 22, 2007, based on the information provided.

Discussion followed:

-Blocking City streets. Staff Sergeant Stotts stated blocking off streets requires Council approval.

**MOTION:**

Councilperson Johnson made a motion to approve the Special Events Application submitted for the Cool Classic Nights Classic Cruisers Car Show to be held on June 22, 2007, as presented. The motion was seconded by Vice Mayor Dwight.

Discussion followed:

-Environmental concern of the Flame Throwing Contest. Twyla Knudsen stated that the flame does not take that long or that much fuel.

Roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Consideration of a request by Chris Scholes, on behalf of the Jazz in the Canyon Committee, to obtain approval for the portion of the Jazz in the Canyon event that will take place on Main Avenue in downtown Twin Falls.

Chris Scholes explained the request. The date of the event will be Friday, June 15, 2007, starting at 4:00 P.M. and will concluding by 9:00 P.M. There will be live jazz music inside Rudy's and the Magic Valley Arts Council, as well as outside near the Magic Valley Bank. No admission fee will be charged. The Committee hopes that people will be able to take in jazz at all three venues over the course of the evening.

Staff Sergeant Stotts reviewed the request. In order to accommodate the unloading and loading of equipment and to ensure a safe viewing area, Mr. Scholes has requested that Main Avenue at Shoshone Street to Gooding Street be blocked during the event. The Chamber of Commerce will set up the barricades. Staff believes that security is not needed.

Staff recommends that the City Council approve the Special Events Application submitted for the Jazz in the Canyon event to be held on June 15, 2007, based on the information provided.

Councilperson Johnson stated that he is a member of the Rotary Club and would abstain from voting if required.

**MOTION:**

Councilperson Hall made a motion to approve the Special Events Application submitted for the Jazz in the Canyon event to be held on June 15, 2007, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of a request to hold a public hearing on June 18, 2007, for the purpose of raising fees for the Men's Softball program.

Parks and Recreation Assistant Director Roberts reviewed the request. The Men's Softball Association has requested that the Parks & Recreation Department take over management of the league. The City has been charging the adult leagues \$42 per game to cover the City's operational costs but to recover the additional costs associated with the program the fee needs to be raised to \$122 per game. There will be an increase in the recreation budget self supporting line item by approximately \$13,000; however, it will be offset by an equal amount of revenue.

Staff recommends that the Council set June 18, 2007, as the date for the public hearing.

Discussion followed:

-Cost per game. Parks and Recreation Assistant Director Roberts stated that \$42 per game is what the City charges all Adult Softball Leagues for operational costs. \$80 per game is used to cover league expenses.

**MOTION:**

Councilperson Johnson made a motion to set June 18, 2007, as the date for the public hearing for the purpose of raising fees for the Men's Softball program as presented. The motion was seconded by Councilperson Lanting.

Discussion followed:

-Hearing publication. Finance Assistant Race stated that the Notice of Public Hearing will be published in the newspaper on June 7 and June 14, 2007.

Roll call vote showed all members present voted in favor of the motion. The motion passed.

MINUTES

June 4, 2007

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4. Consideration of approval of a request to authorize the City Manager and City Engineer to execute the right-of-way agreement for Parcel 43 of the Washington Street North Phase III.

City Engineer Fields reviewed the request. Right of Way Solutions, LLC completed the negotiations for parcel 43 of the Washington Street North Phase III. The owner, Juanita L. Bolinger, has completed and signed the right-of-way contract and warranty deed. The agreed upon contract is \$15,191.27 for Parcel 43. Execution of the right-of-way agreement will authorize payment to Juanita L. Bolinger in the amount of \$15,191.27. This acquisition is budgeted and will eventually be part of the City's match for the project.

Staff recommends that the Council accept the agreement and authorize the City Manager and City Engineer to sign.

Discussion followed:

-Details of the administrative settlement. City Engineer Fields stated that the settlement is intended to include the cost of an air conditioning unit.

-Purchase of excess depth on parcels. City Engineer Fields stated that there are times when the entire parcel is purchased because the remaining property cannot be utilized by the owner.

**MOTION:**

Councilperson Johnson made a motion to authorize the purchase of property owned by Juanita L. Bolinger, for Parcel 43 of the Washington Street North Phase III, in the amount of \$15,191.27 as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of the final plat for Canyon Falls Subdivision No. 2 consisting of 2 lots on approximately 10 (+/-) acres located on the west side of the 1800-1900 blocks of Harrison Street North.

Community Development Director Humble reviewed the request. The Northbridge PUD/Northbridge No. 2 PUD were approved in 1993 to allow a mixed use commercial/residential development on a 160 acre (+/-) site located at the NE corner of Washington Street North and Pole Line Road. This 10 acre (+/-) site is located on the eastern border of the PUD. The preliminary plat was approved by the Commission on April 11, 2006. The final plat was submitted on January 10, 2007. Approval of this request will allow the applicant to proceed with commercial development at this location in conformance with the approved Preliminary Plat and any conditions placed on the approval. The site is zoned C-1 PUD. In 1997 Canyon Falls Subdivision was recorded with 3 lots. The request is to split Lot 3 into 2 lots. As Lot 3 was previously split, to split the lot again requires the platting process.

The plat is consistent with other proposed commercial and office development in the area and is in conformance with the Comprehensive Plan and the PUD Agreement.

On April 11, 2006, the Commission approved the preliminary plat as presented subject to the following conditions:

1. Provide a looped water line system approvable by the City Engineering Department. A storm water retention system to be submitted and approved by the City Engineering Department.
2. Install curb, gutter, and sidewalk adjacent to all street frontages.
3. Maintain easements for public utilities and storm water.
4. Subject to final technical review by the City Engineering Department.
5. Subject to compliance with the PUD agreement.

Staff concurs with the Commission and would also recommend, if the City Council approves the final plat as presented, to add the following two conditions:

1. Subject to arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property.
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Discussion followed:

-Trails. Community Development Director Humble stated that the trails are completed.

-Arterial and collector streets. Community Development Director Humble stated that Harrison Street may need to be built up to meet City standards.

**MOTION:**

Councilperson Johnson made a motion to approve the final plat for Canyon Falls Subdivision No. 2, consisting of 2 lots on approximately 10 (+/-) acres located on the west side of the 1800-1900 blocks of Harrison Street North, as presented, and subject to the following conditions:

1. Provide a looped water line system approvable by the City Engineering Department. A storm water retention system to be submitted and approved by the City Engineering Department.
2. Install curb, gutter, and sidewalk adjacent to all street frontages.
3. Maintain easements for public utilities and storm water.
4. Subject to final technical review by the City Engineering Department.
5. Subject to compliance with the PUD agreement.
6. Subject to arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property.
7. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Consideration of water supply and demand projections for FY 2007 to 2011 and review of the City's water service area. *To be rescheduled.*
7. Public input and/or items from the City Manager and City Council.

Mayor Clow gave an update on the AIC Conference and introduced Twin Falls Youth Council members and chaperones who will be attending the conference.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None**

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

1. A public hearing to receive input on and to review the status of the Jayco sewer and water extension project partially funded through a Community Development Block Grant.

Economic Development Director Anderson reviewed the request. She stated that Region IV is administering the grant for this project. By federal statute a public hearing is required to review the project status.

The sewer line is completed and the pumps for the lift station should be installed this week. The water line has been installed along Eldridge Ave. and the boring under the EIRR has been completed. Currently the City is waiting to receive estimates to cross the Perrine Coulee. Stutzman's contract requires all work to be completed by June 30.

Staff recommends that the Council review the status of the Jayco utility extension project and conduct a public hearing tonight to receive public comment on this project.

Discussion followed:

-Crossing the Perrine Coulee. City Engineer Fields stated there have been challenges to get underneath the coulee. Economic Development Director Anderson stated that a meeting has been set up for Wednesday, June 20, 2007, with Riedesel and Engineering to discuss options.

The public hearing was closed.

**V. ADJOURNMENT: The meeting adjourned at 6:16 P.M.**

**CITY OF TWIN FALLS, IDAHO**

**MEETING CANCELLATION NOTICE**

**COUNCIL MEETING**

\* \* \* \*

The June 11, 2007, 5:00 P.M., City Council Meeting has been cancelled.

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, June 18, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable June 5 – 18, 2007.
2. Consideration of Curb-Gutter Improvement Deferral Agreements for:
  - a. James Renaldi, 329 Shoup Street.
  - b. James Renaldi, 211 and 215 Quincy Street.
3. Consideration of an Improvement Deferral Agreement for Morning Sun Subdivision.
4. Consideration of an Improvement Agreement for Hometowne Phase 1 Subdivision.
5. Consideration of the June 4, 2007, Minutes.
6. Consideration of renewal of alcohol licenses.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of Memorandum of Understanding between the County and City of Twin Falls regarding the 2007 Byrne Justice Assistance Grant (JAG) Program Award.
2. Consideration to hold an MDA Fill the Boot Fundraiser on July 6, 2007, at the intersection of Addison Avenue East and Locust Street.
3. Consideration of the Annual 4<sup>th</sup> of July Fireworks display by the Southern Idaho Fireworks Committee.
4. Consideration of the Twin Falls Tonight event by the Historic Downtown Committee.
5. Consideration of a bid for AIP-26, Runway 12/30 Rehabilitation & Taxiway Reconstruction Project.
6. Consideration of the purchase of real property located at Block 1 Lot 7 in the Bosero Subdivision to be used as a pressure irrigation pump station.
7. Consideration of adoption of a resolution to create an art in public places program and providing funding for the program. Proposed Resolution 1785.
8. Consideration of adoption of the following ordinances:
  - a. Ken Armas, for annexation of property located at 350 and 234 Grandview Drive. Proposed Ordinance 2905.
  - b. Bosero Development, LLC, for annexation of property located at 1287 Harrison Street South. Proposed Ordinance 2906.
  - c. Geoffrey S. and Nancy A. Bushell, for annexation of property located at the southeast corner of Kimberly Road and 3300 East Road. Proposed Ordinance 2907.
  - d. Red Coat LLC and Broken Arrow LLC, for annexation of property located on the south side of the 3100 block of Kimberly Road. Proposed Ordinance 2908.
  - e. Ken Stutzman, for annexation of property located on the northeast corner of Orchard Drive and Blue Lakes Blvd South. Proposed Ordinance 2909.
9. Presentation by Devin Rigby of the Idaho Transportation Department on transportation funding.
10. Public input and/or items from the City Manager and City Council.

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

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

1. A public hearing for the purpose of raising fees for the Men's Softball program.

**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.*

ATTENDANCE

<u>Present</u>	<u>Absent</u>
Mayor Lance Clow	Don Hall
Vice Mayor Glenda Dwight (Arrived at 5:57 P.M.)	Greg Lanting
Trip Craig	
Shawn Barigar	

CITY STAFF PRESENT:

Acting City Manager Jim Munn  
Zoning & Development Manager Renee' Carraway  
City Engineer Jackie Fields  
Finance Assistant Lorie Race  
Staff Sergeant Craig Stotts  
Staff Sergeant Dan Lewin  
Parks and Recreation Director Dennis Bowyer  
Parks and Recreation Assistant Director Eli Roberts  
Captain Randy R. Lammers  
Deputy City Clerk Leila Sanchez.

Mayor Clow 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 Tyler Walker of Boy Scouts Troop 100.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable June 5 – 18, 2007, total: \$865,120.58
2. Consideration of Curb-Gutter Improvement Deferral Agreements for:
  - a. James Renaldi, 329 Shoup Street.
  - b. James Renaldi, 211 and 215 Quincy Street.
3. Consideration of an Improvement Deferral Agreement for Morning Sun Subdivision.
4. Consideration of an Improvement Agreement for Hometowne Phase 1 Subdivision.
5. Consideration of the June 4, 2007, Minutes.
6. Consideration of renewal of alcohol licenses.

Councilperson Johnson made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

II. ITEMS FOR CONSIDERATION:

1. Consideration of Memorandum of Understanding between the County and City of Twin Falls regarding the 2007 Byrne Justice Assistance Grant (JAG) Program Award.

Mark Brunelle with the County of Twin Falls explained the Memorandum of Understanding between the County and The City of Twin Falls regarding the 2007 Byrne Justice Assistance Grant (JAG) Program Award. He stated that the purpose of the funds is to allow local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system through law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community correction programs, drug treatment programs and planning, evaluation, and technology improvement programs. Upon execution of the Memorandum the City would receive 45% of the awarded JAG funds. The City Police Department will use the funds awarded for technology improvements to enhance radio and communications capabilities and replace the current x-ray system for the Hazardous Devices Unit. The County will receive 55%, 10% of which is to be used for administering the account for both entities.

Discussion followed:

-Mayor Clow asked if the grant required a match from the City or County. Mark Brunelle stated that the grant does not require a match and is awarded 100%.

Councilperson Johnson made a motion to authorize the Mayor to sign the Memorandum of Understanding between the City of Twin Falls and the County of Twin Falls as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Consideration to hold an MDA Fill the Boot Fundraiser on July 6, 2007, at the intersection of Addison Avenue East and Locust Street.

Captain Randy Lammers explained the request. He stated that the Local 1556 Twin Falls Fire Fighters have performed the MDA Fill the Boot fundraiser at the intersection since 2001. Donations are solicited when the lights are on red. Only adults are allowed on the street for the fundraiser. The use of the roadway was approved on statute by the State of Idaho with the stipulation that the organization receive approval from the governing jurisdiction. In 2006, \$7,400 was received for Muscular Dystrophy.

Councilperson Barigar made a motion to approve the MDA Fill the Boot Fundraiser to be held on July, 6, 2007, at the intersection of Addison Avenue East and Locust Street as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of the Annual 4<sup>th</sup> of July Fireworks display by the Southern Idaho Fireworks Committee.

Staff Sergeant Stotts reviewed the request. He stated that the event requires the closure of numerous intersections and coordination between various City departments. Staff has reviewed the application, traffic control plan, and the manpower issues that events of this nature create. He stated that there is an effective plan in place which addresses these issues.

Olivia Rowe, Executive Officer of the Board of Realtors and Fundraiser Chairman, explained the request. She stated that \$30,000 has been raised for the display. She thanked all the sponsors who contributed to the display.

Discussion followed:

-Mayor Clow stated that the City of Twin Falls previously approved \$6,500 for the event.

Councilperson Johnson made a motion to approve the Special Events Application submitted for the Annual 4<sup>th</sup> of July Fireworks Display to be held on July 4, 2007, as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration of the Twin Falls Tonight event by the Historic Downtown Committee.

The Item for Consideration was postponed to be heard at a later time.

5. Consideration of a bid for AIP-26, Runway 12/30 Rehabilitation & Taxiway Reconstruction Project.

Alan Hansten, Riedesel Engineering, explained the request. He stated that three bids for the project were received, with DEBCO Construction being the low bidder at \$791,910. The other bidders were Idaho Sand & Gravel at \$874,546 and Rehner Construction at \$1,199,991. The cost of the project will be financed with a pending FAA grant at 95% federal participation and a local 5% City/County match.

He stated that this year the Airport's FAA Airport Improvement Program construction project calls for the milling and overlay of the smaller crosswind runway and the reconstruction of taxiways A2, K, H, and the west ramp helicopter parking area. The runway 12/30 pavement is in poor condition and in need of rehabilitation. In light of the plans for a replacement crosswind runway in the next 5 to 7 years, the choice was made to not fully reconstruct the runway but rather do a less intensive mill and overlay of asphalt. If the new crosswind runway is constructed to replace runway 12/30, then runway 12/30 will be converted to a taxiway and rebuilt at that time.

Discussion followed:

Councilperson Johnson asked if the City's portion of \$40,000 is budgeted. City Engineer Fields stated that the grant match is budgeted.

Mayor Clow asked about the potential replacement of runway 12/30. City Engineer Fields stated that the 5 to 7 years will allow time to work on the crosswind runway.

Councilperson Johnson made a motion to approve the contract to DEBCO Construction for the amount of \$791,910 contingent on the concurrence of the Federal Aviation Administration as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Consideration of the purchase of real property located at Block 1 Lot 7 in the Bosero Subdivision to be used as a pressure irrigation pump station.

City Engineer Fields reviewed the request. She stated that part of the City's 2006-2011 Strategic Plan us to strive to provide safe and adequate public infrastructure that meets community needs, supports projected growth, and satisfies all current health requirements. The purchase of the property for \$78,000 will allow the City conserve its potable water supply when the station goes online.

Discussion followed:

-Councilperson Barigar asked if the City has sufficient water. City Engineer Fields stated that the Bosero Subdivision turned over its water rights to the City of Twin Falls.

-Mayor Clow asked if the surrounding neighbors would have the potential to hook up to City services. City Engineer Fields stated that it would be possible.

-Councilperson Johnson asked when the developers would be required to place the PI stations. City Engineer Fields stated that the developers are currently operating under the current City code and are not required to place the PI stations at this time.

Councilperson Barigar made a motion to purchase real property located at Block 1 Lot 7 in the Bosero Subdivision for \$78,000 as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

7. Consideration of adoption of a resolution to create an art in public places program and provide funding for the program.  
Proposed Resolution 1785.

Councilperson Barigar reviewed the request. He stated that in March 2007, the Council reviewed a presentation on a proposed Public Arts Funding Ordinance for the City of Twin Falls. Following the discussion, the direction given from the Council was to revise the proposal to be in resolution form, rather than an ordinance, and to clarify a funding formula for City contribution to a public art fund. Establishment of an art in public places program and definition of a funding mechanism are keys to the success of the City's strategic objectives to develop and implement a community-wide enhancement plan and to provide funding for public art.

The 2006-2007 City Budget does not include funds for contribution to the proposed Public Art Fund. The request is for Council approval of an initial funding of \$10,000 to establish the fund. In future years, the formula in the resolution establishes a way to calculate an amount to be contributed to the fund (0.05% of the total Capital Improvement Projects budget). As a guideline, for the past two years the funding would have been as follows:

Fiscal year	2005-2006	2006-2007
Total Capital Improvement Project Budget	\$6,388,279	\$9,152,139
5/100ths of 1% to Public Art	\$3,194.14	\$4,576.07

Even in a year with \$20 million in total Capital Improvement Projects the contribution to the Public Art Fund would only be \$10,000.

The City has made a commitment to public art and community enhancement in the Strategic Plan. This resolution provides the guidance needed by staff to include annual funding for art in public places in the City Budget and it provides guidance to the City Council and Arts Council for selecting art projects.

In addition, Councilperson Bariagr recommended Council approval of placing seed money of \$10,000 to establish the fund.

MINUTES

June 18, 2007

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Councilperson Johnson made a motion to adopt Resolution 1785 as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

Discussion followed:

- Councilperson Barigar stated that the seed money requested makes up for the 18 months to 2 years of lost time.
- Mayor Clow stated the funds will come out of the contingency fund or will potentially have to open up the budget at the end of the year.
- Councilperson Johnson asked if the City funded the Arts Council through the Municipality Powers Outsource Grant. Councilperson Barigar stated yes.
- Councilperson Craig stated that he would like to hold back the \$10,000 until the City knows the source of the fund.
- Councilperson Barigar stated that these are City funds being funded for public projects.

Councilperson Barigar made the motion to allocate \$10,000 from the contingency funds if available for when the budget is reopened as needed to fund public art. The motion was seconded by Councilperson Johnson.

Discussion followed:

- Mayor Clow stated that basically what is being created is a separate accounting reserve that the accounting department will track with the cash. A project would have to be first reviewed by the Arts Council who would then make a recommendation to the City Council at a later time.

Roll call vote showed Mayor Clow, Councilpersons Barigar and Johnson voted in favor of the motion. Councilperson Craig voted against the motion. The motion passed.

8. Consideration of adoption of the following ordinances:
  - a. Ken Armas, for annexation of property located at 350 and 234 Grandview Drive. Proposed Ordinance 2905.
  - b. Boser Development, LLC, for annexation of property located at 1287 Harrison Street South. Proposed Ordinance 2906.
  - c. Geoffrey S. and Nancy A. Bushell, for annexation of property located at the southeast corner of Kimberly Road and 3300 East Road. Proposed Ordinance 2907.
  - d. Red Coat LLC and Broken Arrow LLC, for annexation of property located on the south side of the 3100 block of Kimberly Road. Proposed Ordinance 2908.
  - e. Ken Stutzman, for annexation of property located on the northeast corner of Orchard Drive and Blue Lakes Blvd South. Proposed Ordinance 2909.

Zoning and Development Manager Carraway reviewed the request. She stated these five ordinances are all regarding the annexation of real property into the City limits. The Council approvals of these annexation requests came at a time when the City's ability to provide water service to the properties was in question. Therefore, the ordinances have been delayed to allow time to further examine the water supply concerns. While water supply is still a serious concern for all new development, these ordinances are ready for adoption.

Staff has included in each ordinance a statement to protect the City and put the property owners on notice that public utilities are a concern. That statement reads, "Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services."

Discussion followed:

- Councilperson Johnson stated that annexation does not imply City services. City Attorney Wonderlich stated that by placing the statement in the ordinance emphasizes that the City is not committed to supply City services.

Councilperson Johnson made the motion to suspend the rules and place Ordinances #2905, #2906, #2907, #2908, and #2909, on third and final reading by title only. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

Mayor Clow stated that the adoption of the ordinances requires five votes by the City Council and requested that the motion be postponed until the arrival of Vice Mayor Dwight.

A recess was taken at 5:55 P.M.  
Reconvened at 6:03 P.M.

Vice Mayor Dwight took her seat on the Council.

Mayor Clow asked that the adoption of ordinances be brought back to the table.

Zoning and Development Manager Carraway reviewed the adoption of Ordinances #2905, #2906, #2907, #2908, #2909.

Roll call vote on the motion showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read the title to Ordinance #2905 entitled:

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

Councilperson Johnson made a motion to approve Ordinance #2905 as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read the title to Ordinance #2906 entitled:

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

Councilperson Craig made a motion to approve Ordinance #2906 as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read the title to Ordinance #2907 entitled:

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

Councilperson Johnson made a motion to approve Ordinance #2907 as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read the title to Ordinance #2908 entitled:

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

Councilperson Craig made a motion to approve Ordinance #2908 as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read the title to Ordinance #2909 entitled:

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

Councilperson Barigar made the motion to approve Ordinance #2909 as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

Mayor Clow stated that the following Item for Consideration would be heard at this time:

4. Consideration of the Twin Falls Tonight event by the Historic Downtown Committee.

Councilperson Barigar stated that he would abstain from voting at this time.

Jessica Meyers explained the request. The upcoming events will take place on June 20, June 27, July 4 (Turf Club parking lot) July 11, July 18, and July 25, 2007. The concerts will start at 6:00 P.M. and will conclude by 9:00 P.M. There will be live music near the fountain on Main Avenue and no admission fee will be charged. Vendors will set up along Main Avenue from Shoshone Street to Hansen Street, just past the fountain. Alcohol will be served by Soran's and/or the Beacon. Identification will be checked by the Twin Falls Tonight members and wrist bands will be issued.

Staff Sergeant Stotts reviewed the request. He stated that in order to accommodate the unloading and loading of equipment and to ensure a safe viewing area, the Committee has requested that Main Avenue and Shoshone Street to Idaho Street be blocked during the event. Staff has reviewed the application and believes there is an effective plan in place. He also stated that the June 13, 2007, Twin Falls Tonight Concert was held without any complaints.

Discussion followed:

- Mayor Clow asked City Attorney Wonderlich if some of the events are to be given administrative approval. City Attorney Wonderlich stated that it would be a decision of the City Council. Currently, approval is the concession on City streets.
- Mayor suggested that the Special Events Application have a timeline.
- Councilperson Johnson asked if the Special Events Application could be placed on the Consent Calendar. City Attorney Wonderlich stated yes.

9. Presentation by Devin Rigby of the Idaho Transportation Department on transportation funding.

The Item for Consideration was postponed to be heard until after the public hearing

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

### III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. A public hearing for the purpose of raising fees for the Men's Softball program.

Assistant Parks and Recreation Director Roberts reviewed the request. The Men's Softball Association, which had been running the league for the last 20 plus years, has requested that Parks & Recreation take over management of the league. The City has been charging the adult leagues \$42 per game to cover the costs associated with using the facilities and prepping the fields for games. The City will be managing the entire league and in order to recover the additional costs of running the league such as umpires, scorekeepers, site supervisor and equipment, etc., \$122 per game will be charged to recover the costs of running the league. There will be an increase in the recreation budget self supporting line item by approximately \$13,000; however, it will be offset by an equal amount of revenue.

Staff recommends that the Council approve the fee increase to cover the costs associated with running the program.

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

Discussion followed:

- Vice Mayor Dwight asked what the charge would be for the players who live outside the City limits. Assistant Parks and Recreation Director Roberts stated that the out of town player charge averaged out to 3 per team at \$10 each.

Councilperson Johnson made a motion to approve the Men's Softball Program Cost as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

The following Item for Consideration was heard at this time:

MINUTES

June 18, 2007

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9. Presentation by Devin Rigby of the Idaho Transportation Department on transportation funding.

Devin Rigby of the Idaho Transportation Department handed out pamphlets and gave a PowerPoint presentation on transportation funding. He reported on the following:

-How does Idaho fund its transportation systems?

Federal fuel tax revenue

State revenue

-How are state funds distributed?

Funds for tax administration, railroad crossings, bridge inspection, fuel tax refunds and parks and recreation are taken "off the top" before distribution is made.

38% is distributed to local road jurisdictions.

55% is distributed to the Idaho State Police

57% of funding is distributed to the Idaho Transportation Dept.

-Idaho is the third fastest growing State.

Idaho Population.

Idaho's transportation revenue is not keeping pace with growth. (FY1997 – to FY 2006)

-ITD's costs are increasing rapidly. (FY 97 to FY 06)

-Cars are getting better mileage. (65% increase from 1976 to 2006)

-Growth is not paying for increased use and needs. (1978 to 2005 Chart)

-Construction costs are soaring.

-Roads are aging, pavement is deteriorating.

-Maintenance is less expensive than reconstruction.

-Bridges on the state highway system are aging.

Council discussion followed:

-Health care affecting costs.

-Reconstruction and maintenance of one mile on the interstate.

-Affect of the Garvee Bonding.

Devin Rigby continued:

-Federal revenue will not solve the problem.

-ITD has a culture of continuous quality improvement.

-Efficiency efforts cannot close the funding gap.

-Transportation funding is at crisis level.

-The transportation board recommended seven steps to bridge the \$200 million annual shortfall.

-The board's funding plan will help all transportation partners.

Council discussion followed:

-Possible collection of impact fees.

Devin Rigby continued:

-What will happen if funding is not increased? The bottom line is as follows:

-Idaho is the 3<sup>rd</sup> fastest growing State.

-Growth is not solving the revenue shortfall.

-Revenue is not keeping pace with transportation needs.

-Efficiency improvements won't close the gap.

-Inflation continues to increase rapidly.

-Idaho's roads and bridges are deteriorating

-The funding plan has options to meet shortfall.

-Vehicle registration cost comparisons – Idaho ranks 30<sup>th</sup> in the nation.

-Fuel tax cost comparisons – Idaho ranks 21<sup>st</sup> in the nation.

He stated that the Board would like to hear back from the Council for their next legislative session.

Mayor Clow stated that at the AIC 60<sup>th</sup> Annual Conference Resolution 2007-01 was passed entitled: A RESOLUTION IN SUPPORT OF INCREASED REVENUES FOR THE STATE OF IDAHO AND LOCAL HIGHWAY JURISDICTIONS FOR HIGHWAY CONSTRUCTION, MAINTENANCE AND OPERATIONS. In closing he stated that the general support this fall would be adequate.

V. **ADJOURNMENT:** The meeting adjourned at 7:27 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN BARIGAR	LANCE CLOW <i>Mayor</i>	TRIP CRAIG	GLEND DWIGHT <i>Vice Mayor</i>	DON HALL	DAVID E. JOHNSON	GREG LANTING
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SPECIAL CITY COUNCIL MINUTES  
Meeting of the Twin Falls City Council  
MONDAY, June 25, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG

CALL MEETING TO ORDER: 4:00 P.M.

**AGENDA ITEMS**

1. Review of Twin Falls Community Survey results by Susie Becker.
2. Adjournment to **Executive Session** to consider conducting deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. Pursuant to Idaho Code 67-2345(1)(c).
  - I. CONSENT CALENDAR:
    1. Consideration of accounts payable for June 19 – June 25, 2007: \$247,948.75
    2. Consideration of the June 18, 2007, Minutes.
  - II. ITEMS FOR CONSIDERATION:
    1. Consideration to name the 4-acre park in the northwest section of town Northern Ridge Park.
    2. Consideration to accept the warranty deed for the 3-acre park in the southeast section of town and to name it Morning Sun Park.
    3. Consideration of the final plat of High Plains Estates Subdivision, Phase 3, consisting of 20 lots on 5.18 (+/-) acres, located east of Hankins Road aka 3200 East Road, south of the 300 block of Park Avenue c/o David Price.
    4. Consideration of the final plat of JayCo Subdivision consisting of 18 lots on 177 (+/-) acres to develop an industrial/commercial subdivision, located east of Hankins Road aka 3200 East Road, south of Eldridge Avenue and Oregon Short Line Railroad, and west of 3300 East Road c/o Dave Yoder.
    5. Public input and/or items from the City Manager and City Council.
  - III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:
  - IV. PUBLIC HEARINGS: 6:00 P.M. – None
  - 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.*

ATTENDANCE

Present

Absent

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Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Trip Craig  
Shawn Barigar  
Don Hall  
Dave Johnson  
Greg Lanting

CITY STAFF PRESENT:

City Manager Tom Courtney  
City Engineer Jackie Fields  
Community Development Director Mitch Humble  
Parks and Recreation Director Dennis Bowyer  
Deputy City Clerk Leila Sanchez

## AGENDA ITEMS

1. Review of Twin Falls Community Survey results by Susie Becker.

Susie Becker, representing Lewis, Young, & Associates, gave a PowerPoint presentation of the results of the Twin Falls Community Survey. She stated that 5,000 surveys were mailed and approximately 1,000 surveys were returned to the City.

Community Development Director Humble stated that the information collected from the Community Survey will be used in the comprehensive plan update.

Mayor Clow suggested that the PowerPoint presentation be reduced to 20-25 minutes to present to service clubs in the community.

2. Adjournment to Executive Session to consider conducting deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. Pursuant to Idaho Code 67-2345(1)(c).

The Executive Session was canceled.

II. **CONSENT CALENDAR:**

1. Consideration of accounts payable for June 19 – June 25, 2007: \$247,948.75
2. Consideration of the June 18, 2007, Minutes.

**MOTION:**

Councilperson Barigar made the motion to approve the Consent Calendar with the removal of the June 18, 2007, Minutes and the addition of the Alcohol License Application for Taco Taco Buffet LLC., as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

II. **ITEMS FOR CONSIDERATION:**

1. Consideration to name the 4-acre park in the northwest section of town Northern Ridge Park.

Parks and Recreation Director Bowyer reviewed the request. He stated that in 2004, Dave and Steve Shotwell, (Northern Passage Subdivision) Lance Fish, (Settler's Ridge Subdivision) Brad Wills, (Hometowne Subdivision) and Gary Nelson, (Canyon Trails Subdivision) donated four acres of land for a park in the northwest section of town. Discussions between the developers and City staff began prior to the adoption of the Park Ordinance in 2005. The developers agreed to pay for the curb, gutter, and sidewalk along the park and have it rough graded. The City agreed to finish developing the park. The park's irrigation system is installed, the grass is seeded, and 30 trees were planted the past spring. Later this summer playground

equipment will be installed. Next year's proposed budget expenditures include restrooms. Future amenities include a parking lot, shelter, swings, and a backstop.

Naming the park has been discussed with the developers and the Parks & Recreation Commission.

Staff recommends approval to name the 4-acre parcel of land Northern Ridge Park.

**MOTION:**

Councilperson Johnson made the motion to approve the naming of the 4-acre parcel of land Northern Ridge Park as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Consideration to accept the warranty deed for the 3-acre park in the southeast section of town and to name it Morning Sun Park.

Parks and Recreation Director Bowyer reviewed the request. He stated that in 2002, Gerald Martens, the developer of the Morning Sun Subdivision, stated that he would dedicate to the City a neighborhood park in one of his phases of the development. In Phase 6, 3 acres were set aside at the southeast corner of Stadium Blvd. and Meadowview Lane North. The final grading has been accepted by the City. The donation of land for a park was prior to the adoption of the Park Ordinance in 2005. The developer agreed to pay for the curb, gutter, and sidewalk along the park and to have it rough graded. The City agreed to finish developing the park. Included in the current City budget is an irrigation system and seeding. Future amenities include playgrounds, restrooms, shelter, swings, and a backstop.

Staff has worked with the Home Owner's Association (HOA) on a survey on types of amenities and the naming of the park. By a vote of 53-2 the HOA recommended the park to be named Morning Sun Park. The Parks and Recreation Commission reviewed the recommendation and concurs with the HOA.

Staff recommends approval to accept the warranty deed and name the 3-acre parcel of land Morning Sun Park.

**MOTION:**

Councilperson Johnson made the motion to approve the warranty deed and name the 3-acre parcel of land Morning Sun Park. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of the final plat of High Plains Estates Subdivision, Phase 3, consisting of 20 lots on 5.18 (+/-) acres, located east of Washington Street South, south of the 300 block of Park Avenue c/o David Price.

Community Development Director Humble reviewed the request. He stated that on March 30, 2004, the Planning and Zoning Commission approved the preliminary plat, as presented, subject to the following condition:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City code requirements and standards.

Staff recommends approval of the final plat with the Planning and Zoning condition as stated.

**MOTION:**

Councilperson Johnson made the motion to approve the final plat of High Plains Estates Subdivision Phase 3, consisting of 20 lots on 5.18 (+/-) acres located east of Washington Street South, south of the 300 block of Park Avenue c/o David Price, as presented, subject to the following condition:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City code requirements and standards.

Roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration of the final plat of JayCo Subdivision consisting of 18 lots on 177 (+/-) acres to develop an industrial/commercial subdivision, located east of Hankins Road aka 3200 East Road, south of Eldridge Avenue and Oregon Short Line Railroad, and west of 3300 East Road c/o Dave Yoder.

Community Development Director Humble reviewed the request. He stated that on February 13, 2007, the Planning and Zoning Commission approved the preliminary plat, as presented, subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. If roadside swales are utilized to retain storm water, easements of adequate size should be located on the drawing and a plat note on the final plat included stating, "Each lot owner is responsible to maintain and not alter the drainage swale along their property frontage."

Staff concurs with the Planning and Zoning Commission's conditions as stated and recommends the following condition be added to the conditions if approved:

4. Subject to a recorded warranty deed to the City of Twin Falls for water shares equal to one share per acre prior to recordation of the final plat. At the time of full development of the subdivision, if there are excess shares, the shares may be negotiated and be returned to the owner.

Discussion followed:

-Councilperson Johnson asked why the City would not take all the shares, and to explain the definition of "excess shares."

City Manager Courtney stated that the City uses the water shares for the pressure irrigation system, and in a typical residential subdivision, one share of Twin Falls Canal Co. water stock will irrigate one acre. In a commercial and industrial subdivision less water is needed to irrigate. After the JayCo subdivision is completed, if all water shares are not used, the shares are given back to the developer.

-Councilperson Johnson asked if it is typical to negotiate water shares or is it required to have the shares transferred to the City.

City Manager Courtney stated that water shares are required to be transferred to the City in residential areas. In a commercial and industrial area the balance of shares for the actual demand would be returned to the developer because their usage more than likely would be less than one share per acre.

Mayor Clow stated that he would not like to see water shares sold off from the property because of the unknown future development on the acreage twenty to thirty years from now. He stated that he would like this situation to be discussed with City Attorney Wonderlich.

City Manager Courtney stated that the City code could be changed to reflect Council's concerns and he would discuss this with City Attorney Wonderlich.

Councilperson Craig stated that the City is in a water crisis and stated the importance of holding onto water shares if possible and strongly recommended changing the City code as soon as possible.

City Manager Courtney stated that he was uncertain of the legality of taking water shares from the property owner if the City could not justify its use.

**MOTION:**

Councilperson Lanting made the motion to approve the final plat of JayCo Subdivision consisting of 18 lots on 177 (+/-) acres to develop an industrial/commercial subdivision, located east of Hankins Road aka 3200 East Road, south of Eldridge Avenue and Oregon Short Line Railroad, and west of 3300 East Road c/o Dave Yoder, as presented, subject to the following conditions:

1. Subject of final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

3. If roadside swales are utilized to retain storm water, easements of adequate size should be located on the drawing and a plat note on the final plat included stating, "Each lot owner is responsible to maintain and not alter the drainage swale along their property frontage."
4. Subject to a recorded warranty deed to the City of Twin Falls for water shares equal to one share per acre prior to recordation of the final plat. At the time of full development of the subdivision, if there are excess shares, the shares may be negotiated and be returned to the owner.

The motion was seconded by Vice Mayor Dwight and roll call vote showed all members voted in favor of the motion. The motion passed.

City Manager stated that if the land use was changed the new owner would be responsible to acquire water shares.

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

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

Vice Mayor Dwight stated that she received a complaint in regards to the location of the retention pond at Mi Pueblo currently being constructed on Washington Street North.

Community Development Director Humble stated that the parking lot will be located in front of the building and the retention pond will possibly be located under the parking.

Councilperson Craig stated that when attending the 60<sup>th</sup> AIC Annual Conference in Couer d'Alene, he attended an LHTAC meeting and currently they have applications available for a grant to buy changing speed limit signs for school zone areas. LHTAC offered to make a presentation before the Traffic Safety Committee.

Councilperson Hall, liaison to the Traffic Safety Committee, will relay the information to the Committee.

Mayor Clow announced that a Twin Falls Community Foundation meeting will be held on June 28, 2007, at 7:00 P.M. in the Council Chambers.

- IV. **PUBLIC HEARINGS:** 6:00 P.M. – None
- V. **ADJOURNMENT:** The meeting adjourned at 5:46 P.M.

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
**MONDAY, JULY 2, 2007**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable June 26 – July 2, 2007, total: \$846,164.29
2. Approval of an Alcohol License Application for 360's Bistro & Lounge, 310 Main Avenue North. Change of ownership of an Alcohol License for Pizza Hut #2179, 1733 Addison Avenue East, and The Pressbox Sports Bar & Grill, for 1749 Kimberly Road.
3. Consideration of the June 18 and June 25, 2007, Minutes.
4. Consideration of a request to grant a three month leave of absence to Officer David Weigt beginning July 5, 2007.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Nancy Choker, Moss Greenhouses, of a Landscape Award to The Medicine Shoppe located at 615 Filer Avenue.
2. Presentation of Twin Falls Fire Department Level III Firefighter Certifications to Mike Shewmaker, Scott Seigworth, Tom McCully, Josh Kliegl, Justin James, Rick Hatridge, Rod Dixon, Corey Beam, and Matt Bayless.
3. Consideration of a request to pay fees in lieu of park land dedication for the Timberlake Village Subdivision.
4. Consideration to accept a bid for the Twin Falls City Pool boiler replacement.
5. Consideration of the conveyance plat of Not Zyque Subdivision consisting of 2 lots on 49 (+/-) acres for property located south of the Eastern Idaho Railroad, west of Hankins Road aka 3200 East Road and north of Eldridge Avenue East, extended
6. Public input and/or items from the City Manager and City Council.

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

**IV. PUBLIC HEARINGS:** 6:00 P.M. - None

**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.*

ATTENDANCE

Present	Absent
Mayor Lance Clow	None
Vice Mayor Glenda Dwight	
Trip Craig	
Shawn Barigar	
Don Hall	
Dave Johnson	
Greg Lanting	

CITY STAFF PRESENT:

City Manager Tom Courtney, City Attorney Fritz Wonderlich, City Engineer Jackie Fields, Community Development Director Mitch Humble, Parks and Recreation Director Dennis Bowyer, Parks & Recreation Department Assistant Director Eli Roberts, Deputy City Clerk Leila Sanchez

Mayor Clow 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.

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AGENDA ITEMS

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I. CONSENT CALENDAR:

1. Consideration of accounts payable June 26 – July 2, 2007, total: \$846,164.29
2. Approval of an Alcohol License Application for 360's Bistro & Lounge, 310 Main Avenue North. Change of ownership of an Alcohol License for Pizza Hut #2179, 1733 Addison Avenue East, and The Pressbox Sports Bar & Grill, for 1749 Kimberly Road.
3. Consideration of the June 18 and June 25, 2007, Minutes.
4. Consideration of a request to grant a three month leave of absence to Officer David Weigt beginning July 5, 2007.

**MOTION:**

Councilperson Johnson made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

II. ITEMS FOR CONSIDERATION:

1. Presentation by Nancy Choker, Moss Greenhouses, of a Landscape Award to The Medicine Shoppe located at 615 Filer Avenue.

*This Item will be heard after Items 2. and 3.*

2. Presentation of Twin Falls Fire Department Level III Firefighter Certifications to Mike Shewmaker, Scott Seigworth, Tom McCully, Josh Kliegl, Justin James, Rick Hatridge, Rod Dixon, Corey Beam, and Matt Bayless.

Fire Chief Clark, Mayor Clow, and Councilperson Lanting presented Scott Seigworth, Rod Dixon, Corey Beam, and Tom McCully with their Level III Firefighter Certifications.

3. Consideration of a request to pay fees in lieu of park land dedication for the Timberlake Village Subdivision.

Community Development Director Humble reviewed the request. He stated that Timberlake Village Partnership, LLC has submitted a request for the City to accept payment of fees in lieu of the required park dedication for the Timberlake Village Subdivision that is proposed along both sides of Meadowview Lane extended, approximately 300 feet north of Kimberly Road. The Timberlake Village Subdivision is planned to be an apartment complex.

Clyde Thomsen Park is the only neighborhood park located within the same square mile as this property. The City could use another neighborhood park in this part of town; however, the City's minimum neighborhood park size is three acres. The dedication requirement from this subdivision is much less than that. If this developer were to dedicate three acres for a neighborhood park he would be left with less than two acres to develop. To require full dedication of a neighborhood park from this developer would be excessive. Also, the property is located at the far corner of this square mile. A neighborhood park would be more appropriately located toward the center of the mile area. For these reasons, staff supports the developer's request.

Approval of this request will allow the developer to pay fees in lieu of park land dedication. The applicant has indicated that an appraisal will be completed at the time of final plat. The value of the land, as determined through that appraisal, and the cost of developing an acre of park land (\$31,700) will then be applied to the required dedication of 0.68 acres to generate the actual dollar amount of the fees to be paid to the City. These fees will be used to either acquire or develop neighborhood parks within the area surrounding this property. Approval of this request will allow the applicant to proceed with the development of this property without park land dedication.

Staff recommends that the City Council accept the developer's request to pay fees in lieu of park land dedication.

Discussion followed:

-Councilperson Johnson asked if the recommendation had been discussed with the Parks and Recreation Commission. Parks and Recreation Director Bowyer stated that in the past the in lieu requests have been presented to the Commission, but because this was a small development, it was not presented.

-Parks and Recreation Director Bowyer reviewed the procedures of an in lieu application.

-Community Development Director Humble stated that the Teton Subdivision in lieu money was received and was spent. He stated in lieu monies received will be placed in the upcoming budget year.

-Vice Mayor Dwight made inquiries on the Willow Lane Park. Parks & Recreation Director Bowyer stated that the park sits on ½ acre and was originally a pump station. He also stated that a sewer line runs right through the middle of the park. Long term plans would be to have playground equipment. The park would be too small for restrooms or shelters.

-Councilperson Johnson asked that Parks and Recreation Director Bowyer go over the status of in lieu requests with the Planning and Zoning Commission.

-Mayor Clow asked if the water tower park has been named and what the possibility is of playground equipment being placed. Parks and Recreation Director Bowyer stated that it has not been named as of yet. He stated that he would look into placing playground equipment. He also stated that the restrooms have been closed to the public.

**MOTION:**

Councilperson Johnson made a motion to approve the request to pay fees in lieu of park land dedication for the Timberlake Village Subdivision as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

The following Item I.1. was heard at this time.

Presentation by Nancy Choker, Moss Greenhouses, of a Landscape Award to The Medicine Shoppe located at 615 Filer Avenue.

Stacy Madsen announced The Medicine Shoppe as the recipient of the Landscape Award.

Councilperson Barigar stated that the Chamber of Commerce is seeking nominations for the upcoming Business is Blooming award to be awarded in August.

4. Consideration to accept a bid for the Twin Falls City Pool boiler replacement.

Parks and Recreation Assistant Director Roberts stated that the City advertised for bids to replace the boiler. Two proposals were received with Reis Plumbing being the lowest bidder. She also reviewed the Swimming Pool Boiler Replacement Proposed Timeline. She added that the funding for this project as well as some other improvements to the facility will come from the refunded County court money.

Scott McClure, McClure Engineering, explained the request. He stated that the current boiler is a flex tube type boiler which has been losing tubes and becoming less efficient. He stated that the firm looked into the following two options

1. Replacing the boiler with a conventional type of boiler, roughly with an 80% efficiency and a force draft burner.
2. Replacing the boiler with a 90% + efficiency in heating both the pool and shower water.

With the second option, the payback would be 4 to 5 years in the differential cost based on today's gas prices.

Discussion followed:

Councilperson Johnson asked who would be responsible for the cost of the boiler. City Manager Courtney stated that the City is responsible for the maintenance and heating bill of the City pool.

Councilperson Lanting stated that he found that the showers ran continually. Scott McClure stated that the showers currently run on a geothermal system. The original concept was to utilize the geothermal water but the High School and Sawtooth School would receive the water first with the balance remaining going the City pool. City Manager Courtney stated that the showers have a push button control.

**MOTION:**

Councilperson Johnson made the motion to accept the bid of Reis Plumbing for the Twin Falls City Pool boiler replacement for an amount not to exceed \$92,988. The motion was seconded by Councilperson Craig. The motion passed.

Mayor Clow asked the amount of the engineer's estimate by McClure Engineering. Scott McClure stated that the engineer's estimate was \$120,000.

-Councilperson Barigar asked how long it would take to have the boiler to be installed. Scott McClure stated that in the contract the pool would not be down for more than 7 calendar days.

-Mayor Clow stated that the schedule shows that it would be down during Labor Day Weekend. Parks and Recreation Director Bowyer stated that historically the attendance drops dramatically after Labor Day.

4. Consideration of the conveyance plat of Not Zyque Subdivision consisting of 2 lots on 49 (+/-) acres for property located south of the Eastern Idaho Railroad, west of Hankins Road aka 3200 East Road and north of Eldridge Avenue East, extended.

Community Development Director Humble reviewed the request. The property is zoned M-2 and is located south of the Eastern Idaho Railroad, west of Hankins Road a/k/a 3200 East Road and north of Eldridge Avenue, extended. The property is also directly west of the JayCo, Inc. development site and the InCom Industrial Park. The plat consists of 48.7 (+/-) acres subdivided into two lots – Lot 1 is 45.397 acres and Lot 2 is 2.581 acres. The site is currently agricultural land. The applicant wishes to sell a portion of the property of Lot 2, 2.581 (+/-) acres, and retain the remainder of the site, 45.4 (+/-) acres, to subdivide at a later time.

This is a request for approval of the conveyance plat of Not Zyque Subdivision. There are currently no development plans for the site. Approval of the conveyance plat will allow the plat to be recorded and only then may the sale of property occur. Development of the site shall require centralized water and sewer facilities as the property is located within City limits. The plat indicates right-of-way reserved for the development of arterial and collector roads in the future, including the widening of the arterial street, Hankins Road aka 3200 East Road, and ½ right-of-way for the collector street, Eldridge Ave.

Staff recommends approval of the conveyance plat as presented subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.

Discussion followed:

-Councilperson Barigar asked if the right of way on Eldridge would be dedicated to the City now or upon the Not Zyque Subdivision development. Community Development Director Humble stated that the plat dedicates that strip of land off of what the City will be buying. The north side right of way would be a future dedication. The plat also dedicates the expansion of the right of way for Hankins. Upon the development of the property the rest of Eldridge Avenue would have to be dedicated as well as the south side to get onto the proposed property.

-Councilperson Barigar asked if the City would be responsible for the development of Eldridge along the frontage. Community Development Director Humble stated that construction of a collector street will be a development requirement. The City will be responsible if it develops property for the City's ½ of the road. If the developer does develop first, the City can participate in essentially 25% in the section of road.

-Mayor Clow clarified that the City, as the owner, is responsible for improvements on the other half of the road, and if and when the other portion is developed, the City does not have to participate at the time, but may wish to do so. Community Development Director Humble stated that when this development comes in, the City has the opportunity to do things such as traffic impact studies and those studies might suggest that a full road section is needed. If that is the case, the condition for approval can be on construction.

**MOTION:**

Councilperson Johnson made the motion to approve the conveyance plat of Not Zyque Subdivision consisting of 2 lots on 49 (+/-) acres for property located south of the Eastern Idaho Railroad, west of Hankins Road aka 3200 East Road and north of Eldridge Avenue East, extended, as presented, subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.

Vice Mayor Dwight seconded the motion. The motion passed.

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

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Mayor Clow stated that a meeting has been tentatively scheduled on July 16, at 3:00 P.M., to discuss the preliminary budget.

IV. PUBLIC HEARINGS: 6:00 P.M. - None

V. ADJOURNMENT:

Leila Sanchez  
Deputy City Clerk

**CITY OF TWIN FALLS, IDAHO**

**MEETING CANCELLATION NOTICE**

**COUNCIL MEETING**

\* \* \* \*

The July 9, 2007, 5:00 P.M., City Council Meeting has been cancelled.

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



**AMENDED MINUTES**

Meeting of the Twin Falls City Council  
MONDAY, July 16, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of the accounts payable July 3 – July 16, 2007.  
July 5, 2007 prepay total: \$292,503.96  
July 11, 2007 prepay total: \$171,091.00
2. Consideration of the June 26 and July 2, 2007, Minutes.
3. Consideration of the Sidewalk Improvement Deferral Agreement for Matt Haney, 189 Carney Street.
4. Consideration of the Curb-Gutter Improvement Deferral Agreement for the following:
  - a. Max G. Humphries, Jmax LLC, 1755 Eldridge Avenue
  - b. Max G. Humphries, Jmax LLC, 1761 Eldridge Avenue
  - c. Max G. Humphries, Jmax LLC, 1773 Eldridge Avenue
5. Consideration of the improvement agreement for Pheasant Meadows Phase I
6. Consideration of the improvement agreement for High Plains Estates Phase 3 and to accept the letter of irrevocable credit.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of the re-appointment of Gary Garnand to a 3-year term to the Urban Renewal Agency Board.
2. Consideration of the adoption of Resolution 1786 in support of increased revenues for the State of Idaho and local jurisdictions for highway construction, maintenance, and operations. Proposed Resolution 1786.
3. Consideration of the adoption of the following ordinance:
  - a. Area LLC c/o Doug Vollmer and Don McFarland, for annexation of 190 (+/-) acres of property located northeast and southeast of the intersection of Grandview Drive and South Park Avenue West. Proposed Ordinance #2910.
4. Consideration to authorize staff to sign a change order for the Northeast Sewer Project.
5. Public input and/or items from the City Manager and City Council.

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

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

1. Request for the annexation of .7 (+/-) acres for property located at 1011 Filer Avenue West, c/o Allen Nagel. (app. 2135)
2. Request for the annexation of 12 (+/-) acres of property located at the northeast corner of Kenyon Road, extended, and 3600 North Road, c/o EHM Gary Burkett & Wills Land Co., LLC. (app. 2136)
3. Consideration of an appeal regarding the Commission's decision for a request of KIDA/TV, c/o Lytle Signs, Inc. (Nathan Fuller), for a Special Use Permit to operate a full motion LED Message Center Sign on property located at 1440 Blue Lakes Boulevard North. (App 2089)

**V. ADJOURNMENT:**

**ATTENDANCE**

<u>Present</u>	<u>Absent</u>
Mayor Lance Clow	None
Vice Mayor Glenda Dwight	
Shawn Barigar	
Trip Craig	
Don Hall	
Dave Johnson	
Greg Lanting	

**CITY STAFF PRESENT:** City Manager Tom Courtney, Community Development Director Mitch Humble, Zoning and Development Manager Renee' Carraway, Public Works Director Lance Bates, Finance Director Gary Evans, Assistant Finance Director Lorie Race, Deputy City Clerk Leila Sanchez.

Mayor Clow called the meeting to order at 3:05 P.M.

**The purpose of the meeting is to review the Preliminary 2007-2008 Budget.**

City Manager Courtney gave an overview of the preliminary budget provided to the Council by the Finance Department highlighting the following:

- Narrative explaining issues the City is currently facing in regards to employees.
- Summaries: Revenue and expenditure this year and prior years.
- Revenues and expenses on an all City basis.
- Projections for the current fiscal year.
- Funds (Which accounts are decreasing.)

Following are two overriding issues that could impact delivering service and to meet strategic planning goals:

1. Turnover in hiring in the Police and Water Departments.
2. Funding of small to medium sized capital projects.

Staff is suggesting developing a group of revenue sources that allow the City to generate cash to pay for improvements on a pay as you go basis. The City is currently looking at impact fees, buy-in fees, an additional franchise fee for Idaho Power customers, and adjustments to the water and sewer rates. The intent is to generate somewhere between a \$1,000,000 and \$1,500,000 that can be used to take care of the equipment at the Wastewater Treatment Plant such as ultraviolet disinfection equipment and replacement of the ABF tower, small sewer line projects, and continuation of the sewer line project to Canyon Springs Road. If the City is able to generate enough funding then it can move forward on a number of projects either on a current year basis or could accumulate the monies over a period of couple of years. The only way, short of bond issues, is to strictly add fees that are not currently used such as impact fees, increase rates where practical, generate the money, reserve the money for capital projects, set out a schedule and start working on the projects.

He discussed the following:

Water

Studies for the acquisition of a new water source.  
Pressure irrigation pump stations.  
Compliance with the arsenic requirements. Compliance date is January 2011.

Wastewater Fund

Improvements to the northeast sewer trunk line.  
Rock Creek Canyon line replacement.  
Replacement of the ABF tower.

Street Fund

Acquisition of Washington Street North.  
Design of Falls Avenue West.

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### General Fund

Small park projects.

Implementation of the Geographical Information System

Recommending 6 ¼ new positions bringing the workforce to 263 employees.

The total budget is \$39,824,577, which is a 5 1/4 % increase over the current year. The budget as proposed will continue service levels and will keep the City working towards its strategic plan.

*3:50 P.M. Councilperson Barigar took his seat on the Council.*

Finance Director Evans reviewed the following property taxes using overhead projections entitled:

1. Increase tax levy to capture remaining Foregone Amount @ Budget Market Values (+18%)
2. Increase tax levy to capture remaining Foregone Amount @ +25 – 30% Market Value.
3. Effect of higher estimates of Market values.

City Manager Courtney suggested that revenue sources that can accumulate funds be concentrated on for capital projects. If the Council moved to implement these sources the funds need to absolutely be dedicated to capital needs. A draft impact fee study should be available within the month. The buy-in fees will be brought back with the impact fee study with the idea that the buy-in fee creates a pool of money that can be used in the water and sewer fund to replace existing sewer lines and existing equipment in the treatment plant to expand the capacity. In the water fund the issue right now is bringing pressure irrigation on line. The buy-in fee for the water system gives us a way of funding pressure irrigation pump stations that further reduces demand on the potable system. Currently Idaho Power pays a 1% franchise fee on sales within the City, Intermountain Gas is 3%, and two cable companies are 5%. The law allows the City 3% for electrical utilities. Idaho Power states that they are willing to increase their franchise fee to 3%. Staff is suggesting that the money be dedicated to street projects, acquisitions of right of way, and grounding of utilities on Blue Lakes.

Mayor Clow suggested discussing impact fees, franchise fees, use of Foregone, buy-in fees, and basic tax rate that has been proposed, and water rates.

Council discussion opened on:

Impact fees. Mayor Clow stated the impact fee study should be available soon.

Franchise fees. Mayor Clow stated that Idaho Power would like to extend their franchise agreement by at least 25 years and their franchise fees are already the lowest in the City. If the City is going to extend the agreement for 25 years without having agreed to a higher franchise fee we could be passing a revenue source for a long period of time. The challenge with a franchise fee is how you fairly implement it because it's a straight across the board percentage that everybody pays. If you have a meter are you going to pay 1% of that as a franchise fee or we can negotiate it to 3% of that amount? There are major employers in town who pay a significant amount of money. One option is to include the fee of 3% but if someone has a bill over a certain amount of dollars they can request a rebate back from the City; that way we can protect industry that creates the jobs and creates meters. If we are going to move in that direction the City can have a franchise fee in place by October 1, 2007.

He stated that he concurs with City Manager Courtney that the funds be reserved for major construction projects in the right of way, beautification, and/or taking power lines along Blue Lakes Blvd and placing them underground.

Councilperson Lanting spoke in favor of increasing the franchise fee with Idaho Power.

Councilperson Craig stated his concern in increasing fees in every category. He asked if Idaho Power's request for a 25 year agreement could be reduced.

Mayor Clow stated that the contract could be negotiated at less than 25 years but Idaho Power is seeking a 25 year agreement, which the City had granted in the past.

Councilperson Craig asked if we could raise the franchise fee 1% over a certain amount of years knowing that we have the ability to raise it another 1%. He said he would like to see a way to hold off increasing the franchise fee for awhile. The reason is not to max out every category.

Mayor Clow stated that we can put in Idaho Power's franchise agreement up to 3% and suggested the City give Idaho Power instructions of what the franchise fee will be. The increase would not be automatically for 5 years. The City would have control of the rate.

Councilperson Craig suggested that the City sign the 25 year agreement, increase the franchise fee to 2%, other than the 3%, and in three years the City request Idaho Power to pay the full 3%.

Mayor Clow stated that discussions would have to take place with Idaho Power as to the City's options. Vice Mayor Dwight stated that we need to look at all potential sources of revenue and see where we are in the budget, and see of which of those we can pare off, if at all.

Councilperson Lanting stated his Idaho Power level pay amount is \$59.00; an additional 2% would increase it by \$1.18 a month.

Councilperson Hall stated that he agreed with Vice Mayor Dwight that everything has to be out there to look at and with an open mind to accommodate the growth in the City.

Mayor Clow stated that Lamb Weston's power bill over a year ago was \$3,600,000. An additional 2% franchise fee would be \$72,000. He suggested perhaps allowing a rebate system to the big industries.

Councilperson Lanting stated that \$72,000 is like one and one half employees by the time expenses are figured out, and may not be a huge concern for the industry.

Councilperson Craig stated that the City has many industries that have been pulling out of the Magic Valley because the economics of local business includes of power, transportation, and gasoline costs. He believes that the City should be supportive of the industries.

Councilperson Johnson stated that he is generally supportive at looking at all the fees. He stated that he doesn't believe in putting in 3% in the agreement but the maximum allowed by law. The franchise fee may change five years from now. He asked if there was a comparison of a cost of living to our neighboring communities in Idaho or communities of a similar size. He inquired about employee turnover, including the number of retirees.

Mayor Clow stated it sounds as if there is no resistance to renegotiating the Idaho Power franchise agreement and placing some kind of wording to give the City some flexibility to increase to 2-3%, and the Council will make a conscious decision in the future. Most likely any changes that may occur with the money will float to the general fund in reserves.

Councilperson Johnson asked if there are any communities at 3% with Idaho Power.

Mayor Clow stated that he believed that 50% are at 3% and 50% are not at 3%.

Councilperson Johnson stated that he believes that providing money for capital improvement projects is just as important as insuring that we have a balanced budget to provide the services and to pay the bills.

Discussion followed on foregone.

Vice Mayor Dwight and Councilpersons Lanting and Johnson agreed the foregone should be utilized.

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Councilpersons Johnson, Hall, and Lanting agreed that the foregone be put aside for capital projects.

Mayor Clow asked that if money is put in the budget for foregone, can we specify that it would be for future or capital improvement projects and just not spend it.

Finance Director Evans stated that the foregone can be designated for capital, streets, or general. Foregone can be designated saving it for some future purposes and also can be invested.

Mayor Clow asked the Council their consensus on the foregone.

Councilpersons Barigar, Dwight, and Hall agreed that foregone be utilized.

Trip Craig stated that if he knew the 3% would be maxed on the foregone and the impact fee wouldn't be jacked up to 3% he would feel more comfortable if the foregone was for a specific project.

Council discussion followed:

- Cost Comparisons. Finance Director Evans will bring back to Council a cost comparison between cities.

- Ratio of employees in departments.

- Community Survey. City Manager Courtney stated that the community survey indicates that the employees are meeting the needs of the City customers.

- Water and Wastewater Department employees.

- PI Stations.

Vice Mayor Dwight stated that Stacy Madsen, Chairman of the Magic Valley Arts Council, suggested that the Police Department fine those using illegal fireworks, and the money would be used for Police Department administrative costs and the fireworks fund.

Councilperson Johnson asked if the 6% increasing employee pay is in consideration of wage decompression. Do some positions have to be reevaluated or is it all about bump in pay for everybody across the board? Where are the biggest needs in spending the 6%?

City Manager Courtney stated that 4% is performance, and 2% is some other method. Staff is not at a point to make a recommendation. On a fairly regular basis a company comes in and looks at positions in certain groupings.

Councilperson Johnson asked that in a population of 30,000 to 40,000 if it make sense to contract the work versus trying to employ the work and vice versa.

City Manager Courtney stated that cities are pretty resistant to contracting the work. It is not uncommon with wastewater, and is less common but done with water. The City of Boise contracts with United Water and that seems to be working. The City of Boise doesn't have to fund any capital costs for water or look for new water rights, treatment, or what's happening in the Boise River. Companies can come and evaluate how our shops are doing to get some measure of how we stack up versus other maintenance shops.

Mayor Clow stated the shop's work measures are 1,000 to 1,100 services throughout the year. The budget is over \$200,000.

Mayor Clow asked staff if we have given any consideration to golf rate increases.

Assistant Finance Director Race stated that at this time we have 103,000 deficits and at this time an arbitrary 50% of expenses were cut and 50% of that increased revenue. She is currently working with Parks and Recreation Director Bowyer to come up with real numbers to balance it out.

Finance Director Evans stated that over the past 10 to 15 years, no matter what is done with rates they generate the same amount of revenues. The contract with Mike Hamblin expires in August 2008.

Councilperson Lanting referred to page 12 of the budget the City Council medical savings account.

Mayor Clow stated that on July 17, 2007, at 2:00 P.M., a group of citizens are to look at what compensation packets are out to determine if Council members are under compensated or over compensated, and the citizen group will give a general recommendation.

Mayor Clow stated that this committee has been charged to look at the overall package and cost and to look at options or changes. He also stated that Council is different today by age demographics when the current program was put into place. When it was first put into place the majority of Council was 50 years or older.

Councilperson Barigar stated that one option may be to pull those dollars in the medical savings account and allow them to be used as salary.

Councilperson Johnson stated that the reimbursement rates for travel need to be reevaluated.

Councilperson Lanting suggested using the State of Idaho rate.

Finance Director Evans stated that the City pays \$ .30 a mile.

Councilperson Barigar stated that last year when the Council discussed the mileage, the City was encouraging employees to use City vehicles as opposed to taking their own vehicles and getting reimbursed.

Councilperson Johnson asked if the City had a fleet of vehicles that employees can take out of town.

Vice Mayor Dwight stated that the State policy uses the IRS of \$.40 a mile, but they do have a fairly decent fleet of cars. She stated that if an employee chooses to use his/her own vehicle, reimbursement is at half of the rate.

Mayor Clow stated that the general consensus is to change the reimbursement rate closer to the IRS rate, but if a vehicle is available and the employee chooses to use his own vehicle, and reimbursement will be half the rate.

Mayor Clow asked if the Youth Council has been addressed.

Assistant Finance Director Race stated that travel and training for the Council has been addressed.

4:51 P.M. BREAK  
5:01 P.M. Reconvened.

Mayor Clow reconvened the meeting at 5:01 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him.

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## AGENDA ITEMS

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### II. CONSENT CALENDAR:

1. Consideration of the accounts payable July 3 – July 16, 2007 total: \$680,578.19.  
July 5, 2007 prepay total: \$292,503.96  
July 11, 2007 prepay total: \$171,091.00

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2. Consideration of the June 26 and July 2, 2007, Minutes.
3. Consideration of the Sidewalk Improvement Deferral Agreement for Matt Haney, 189 Carney Street.
4. Consideration of the Curb-Gutter Improvement Deferral Agreement for the following:
  - a. Max G. Humphries, Jmax LLC, 1755 Eldridge Avenue
  - b. Max G. Humphries, Jmax LLC, 1761 Eldridge Avenue
  - c. Max G. Humphries, Jmax LLC, 1773 Eldridge Avenue
5. Consideration of the improvement agreement for Pheasant Meadows Phase.
6. Consideration of the improvement agreement for High Plains Estates Phase 3 and to accept the letter of irrevocable credit.

**MOTION:**

Vice Mayor Dwight made the motion to approve the Consent Calendar with the addition of Items 7. and 8:

7. Consideration of approval of an Alcohol License for South Park Lounge, 127 S. Park Avenue West.
8. Consideration of approval of an Alcohol License for Mi Pueblo Bakery LLC., 499 Washington Street, subject to the following condition: 1. State License approval.

The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

II. ITEMS FOR CONSIDERATION:

1. Consideration of the re-appointment of Gary Garnand to a 3-year term to the Urban Renewal Agency Board.

Community Development Director Humble reviewed the request.

**MOTION:**

Councilperson Johnson made the motion to approve the appointment of Gary Garnand to a 3-year term to the Urban Renewal Agency Board and to the Industrial Commission Board as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Consideration of the adoption of Resolution 1786 in support of increased revenues for the State of Idaho and local jurisdictions for highway construction, maintenance, and operations. Proposed Resolution 1786.

Mayor Clow reviewed the request.

**MOTION:**

Councilperson Barigar made the motion to adopt Resolution 1786 as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of the adoption of the following ordinance:
  - a. Area LLC c/o Doug Vollmer and Don McFarland, for annexation of 190 (+/-) acres of property located northeast and southeast of the intersection of Grandview Drive and South Park Avenue West. Proposed Ordinance #2910.

Zoning and Development Manager Carraway reviewed the request. She stated that at the February 20, 2007, public meeting, the Council approved the request for annexation of 190 (+/-) acres of property located northeast and southeast of the intersection of Grandview Drive and South Park Avenue West. (app 2079), as presented, subject to the following conditions:

- a. Subject to arterials and collector streets on or adjacent to the property being built and/or rebuilt to current City Standards upon development of the property.
- b. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.

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- c. Subject to an approved PUD agreement including:
  1. R-4 and M-2 uses specified and description of Zones A, B and C with language allowing for PUD agreement to permit tri-plexes and 4-plexes in the areas where designated as Zone "B" by the Master Development Plan.
  2. Descriptions of greenscape and sound buffer indicated on the Master Development Plan, including materials, plants, berms, width, and other specifications between residential and railroad or roadway areas.

Adoption of this ordinance will allow the property owners to proceed with the development of their property, subject to conditions of approval and all applicable City Codes and Development Standards.

Staff recommends that the Council adopt the ordinance as submitted.

Councilperson Lanting asked about the water issue in the area. Zoning and Development Manager Carraway stated that approval of the annexation is not a guarantee of City services.

**MOTION:**

Councilperson Johnson made a motion to suspend the rules and place Ordinance No. 2910 on third and final reading by title only. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read Ordinance 2910 entitled:

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

**MOTION:**

Councilperson Johnson made the motion to adopt Ordinance No. 2910 as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration to authorize staff to sign a change order for the Northeast Sewer Project.

Public Works Director Bates reviewed the request. He stated that the City entered into an agreement with ABC Sewer to construct a sewer line at Eastland and Pole Line Road. This project is to construct road improvements as well. Road work includes reconstruction of Eastland to a five lane section from its intersection with Pole Line Road, south to Cheney Drive. It has been suggested that the reconstruction extend south to Candleridge. Reconstruction would eliminate the sudden contraction at the Kasel property which is on the east side of the road just north of the Candleridge East subdivision. The suggestion is that the Ensign Point developers, Browns & Edmunds/ LDS Church, would reconstruct the west side of the road to the centerline. On the east side of the road, the Preserve developer, Gary Storrer, would reconstruct and widen the roadway between Cheney Drive and the southern property limit now in the pre-development stage. The City would reconstruct and widen the road across the Kasel frontage and would reconstruct the existing lane between Kasel's southern property line and Candleridge. Gary Storrer is seeking the right of way from the Kasel family.

The cost for this change order is \$90,000. The Streets Budget does not specifically include funding for this change order. Remaining funding in the Streets budget is intended for the improvement of the Falls/Hankins intersection improvement at Fire Station 3.

There will be minor additional cost to the City for preparation of the legal description and the right of way deed. There will also be some additional design work by EHM to create the curb and gutter profile on the east side of the road. This cost will be split between Gary Storrer and the City based on frontage feet.

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The Council could choose to use special funding or delay the construction of Falls/Hankins until a future date. It is not currently included in next year's budget.

Staff recommends that the Council authorize the City Manager to execute the change order.

Discussion followed:

-Falls/Hankins intersection improvement at Fire Station 3. Public Works Director Bates stated that the project will move forward.

**MOTION:**

Councilperson Barigar made the motion authorizing the City Manager to sign the Change Order for \$76,987.60 as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

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

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Mayor Clow stated that the Department of Water Resources District 130 will be meeting on July 18, 2007, in the Council Chambers at 1:30 P.M.

Mayor Clow announced that he received a letter from citizens requesting Stadium Blvd. signage for new speed limit signs.

The meeting adjourned at 5:35 P.M.

The meeting reconvened at 6:00 P.M.

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

1. Request for the annexation of .7 (+/-) acres for property located at 1011 Filer Avenue West, c/o Allen Nagel. (app. 2135)

Rescheduled to a future meeting.

2. Request for the annexation of 12 (+/-) acres of property located at the northeast corner of Kenyon Road, extended, and 3600 North Road, c/o EHM Gary Burkett & Wills Land Co., LLC . (app. 2136)

Gary Burkett, EHM Engineers, Inc., representing Wills Land Development, explained the request.

Zoning and Development Manager Carraway reviewed the request. She stated that on June 12, 2007, the Planning and Zoning Commission unanimously voted to recommend the R-4 zoning designation as appropriate and if the City Council approves the annexation it should be 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 arterial and collector streets adjacent to and within the property being rebuilt or built to current City Standards upon development of the property.

Staff concurs with the Commission's recommendation and recommends the City Council approve the annexation, as presented, subject to the Commission's two July 12, 2007, conditions.

Discussion followed:

Councilperson Johnson asked staff if there were any concerns as to where the home located on 3600 N. is relation to road development, easements, and bottlenecks.

Gary Burkett stated the portion of the road is not included in the annexation request. The parcel is not owned by the developer and is not in the plans for development.

Councilperson Barigar stated that 3600 N. is Highway 74, and access points would probably not be allowed. Gary Burkett stated that the developers have no plans for accesses off of 3600 N. except at Kenyon Road.

Mayor Clow stated that the parcel left out of the subdivision probably will always have an access point.

Vice Mayor Dwight asked if there were any plans to widen 3600 North as required with this development.

Gary Burkett stated that the intent is to meet all the arterials with the State. The plan is to match what was developed two years ago on Magic Valley Ranches 7 and 8, which is the widened section.

Vice Mayor Dwight asked if the Kasel property on Eastland Road by Candleridge is to have any kind of undeveloped piece of land at 3600 N. where the land belongs to someone else.

Public Works Director Bates stated that there would be a small section at 3600 N. that will not be widened out to what Gary Burkett is planning in the subdivision.

Councilperson Dwight asked if there would be a way to incorporate the widening.

Public Works Director Bates stated in looking at the aerial that the house sits back quite a way. He recommended that the developer approach the homeowner to acquire right of way.

Councilperson Lanting asked that since 3600 N. is a State highway what kind of right of way do we have and would the developer have to do something with it.

Public Works Director Bates was unsure of the right of the way the City has, but stated that the City would have to cooperate with the State to make sure it meets the State requirements in that area as well as the City requirements.

Councilperson Lanting asked about the State's right of way requirement.

Gary Burkett stated that it is a 32' face to curb with a detached sidewalk. It has a special consideration for drainage between the detached sidewalk and the curb gutter section because the State highway grade is 0.2% in this area. The standard is 0.4%. When developing Magic Valley Ranch 7 and 8 the City and State allowed the developer to go to that section and do some special provisions for drainage.

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

Deliberations followed:

Councilperson Johnson asked if the following Commission recommendation: 2. Subject to arterial and collector streets adjacent to and within the property being rebuilt or built to current City standards upon development of the property, has the potential to address the piece of property that could become a bottleneck on that road.

Zoning and Development Manager Carraway stated that the property is privately owned is not included in this proposed subdivision.

Vice Mayor Dwight suggested that the Council consider attaching condition 3. The developer to approach and work with the adjacent property owner to the immediate east regarding possible widening of 3600 North. Councilperson Lanting asked if 3600 North or Highway 74 is it expanded and widened through the Magic Valley Ranch Subdivision.

Zoning and Development Manager Carraway stated yes.

The public hearing was closed.

**MOTION:**

Councilperson Barigar made the motion for the annexation of 12 (+/-) acres of property located at the northeast corner of Kenyon Road, extended, and 3600 North Road, c/o EHM Gary Burkett & Wills Land Co., LLC. (app. 2136), 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 arterial and collector streets adjacent to and within the property being rebuilt or built to current City Standards upon development of the property.

The motion was seconded by Councilperson Craig.

Vice Mayor Dwight made the following amendment to the main motion:

3. For the developers to approach and work with the adjacent landowner to the immediate east regarding possible right of way purchase on 3600 N. for the purpose of widening. The motion was seconded by Councilperson Lanting.

Mayor Clow asked what would happen if the developer was unsuccessful.

Vice Mayor Dwight was unsure.

Community Development Director Humble asked that if the developer is successful will the City require the developer to build the road as well or just to acquire the right of way.

Vice Mayor Dwight asked how much right of way is being discussed.

Community Development Director Humble stated that it would be 336'.

Vice Mayor Dwight asked what the cost estimate might be.

Public Works Director Bates stated that without receiving an engineer's estimate for the road construction he did not know the cost estimate.

Discussion followed on the amendment to the main motion.

Roll call vote on the amendment to the motion showed Councilpersons Johnson, Lanting and Vice Mayor Dwight voted in favor of the motion. Councilperson Hall, Barigar, Mayor Clow and Councilperson Craig voted against the motion. The motion failed.

Roll call on the main motion showed all members present voted in favor of the motion. The motion passed.

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**Mayor Clow reviewed the procedures for public hearings and gave Mr. Walden 15 minutes to speak.**

2. Consideration of an appeal regarding the Commission's decision for a request of KIDA/TV, c/o Lytle Signs, Inc. (Nathan Fuller), for a Special Use Permit to operate a full motion LED Message Center Sign on property located at 1440 Blue Lakes Boulevard North. (App 2089)

Denny Workman, 1440 Blue Lakes Blvd North, representing the applicant, stated the following:

I am here tonight to appeal the decision of the Planning and Zoning Commission's decision to deny a message center sign to operate on the property at 1440 Blue Lakes Blvd North, (KIDA/TV). D.L. Evans Bank, Twin Falls High School, College of Southern Idaho, Walgreens, Middlekauf Ford, First Federal Bank, Lynwood Bank, Snake River Pool and Spa, Center Point Plaza, Auto Pride, Red Lion Hotel, Lithia Chevrolet, Magic Valley Mall and Kinetico Water Systems. What do all 14 of these businesses have in common? The answer is that they all have Twin Falls City approved message center signs. All but two of these are located on Blue Lakes Boulevard North a several of them are located less than 1000 feet from KIDA/TV. I have taken time to photograph each of these signs both day and night not that you all haven't seen them, but I would like to introduce these tonight into the record.

The first are day shots and the next ones are evening shots. These signs all have another very important thing in common and that is that they are the same or very similar to what the KIDA/TV sign shall be. If the Council would like we would be willing to obtain the original approvals of these sign permits as they are a matter of record as well. Of course they would have to be submitted at a later time would the council entertain that or is that irrelevant at this point.

Mayor Clow stated it either has to be here tonight or it is irrelevant.

At any rate I don't think there is any denial that they all have existing message center permits. At this time I would like to express my absolute amazement that the Twin Falls Planning and Zoning Commission would allow a current sitting member namely Tom Frank to remove his City Planning and Zoning hat step down and be a member of the community and express his disapproval of our application and expound in public order how to express his disapproval of why we should not be allowed approval of our sign application. It is absolutely appalling the P and Z would even remotely consider this as anything that would ever come from an audience member when he wasn't an audience member and also read a letter into the record. Now giving credence to someone like that especially when he is a member a full time member on the staff of KMVT which is located down the street from our studios at 1100 Blue Lakes Boulevard is beyond us.

KMVT has basically been against our station since we came into town. Basically the way I see it they are afraid of free spirited competition. Indeed they have managed to wrestle away network affiliations from us and our station because of our prior inability to get on the air for varies other reasons and this is not a record I would think the City of Twin Falls or KMVT for that matter should be proud of. Now the City is on record as trying to attract business to a city in a pro business environment and indeed we were encouraged to move here by various business leaders here in the community and the Chamber and were encouraged to purchase the building that sat vacant for several years before we bought it which was described to us as an eyesore. As soon as we purchased the building everything seemed to go down hill in our relationship with the City and it has been that way pretty much ever since. Every time we try to come forward and do something somebody seems to be against us. We have not demonstrated bad faith in Twin Falls I don't believe nor does anyone at the station. We have not demonstrated an unwillingness to comply with City Ordinances. If anyone is guilty of dealing with us in bad faith it is the City of Twin Falls and how it has dealt with us in the past and how it is dealing with us now. We have done nothing but try to bring a new business to Twin Falls and hire local employees eventually, but we have received nothing but scorn from political establishment people. Perhaps

this is partly due because we sued the City from a 2003 ruling from this very City Council involving a wireless communications facility and a tower, but that was all right we felt that we were right at the time but we were not treated unfairly. I think the powers to be here tonight know that we were not treated fairly and that it was our job to defend our right. However the courts didn't agree with it, they decided to protect the City, we think they made a mistake but none the less that's what happened.

The Findings of Fact and Conclusions of Law from the Planning and Zoning Commission is riddled with errors, it is riddled with lies it is riddled with false accusations, it is riddled with innuendoes, hearsay, and prejudicial discriminatory statements. It is a matter of record. I am sure you all have it in your file. Therefore the Planning and Zoning Commission's decision to deny our message center sign permit was completely arbitrary and capricious. In addition just because a message center sign is capable of being programmed to violate the City's message center sign ordinance does not mean that it will be, yet we are judged by that before the fact. Just because the City has a difficulty in enforcement of these ordinances and prior message center signs that were not ours does not mean that we should be singled out and denied our message center sign permit for what others have done in the past. We have been accused of having a long standing history of violating numerous City Ordinances, yet we have never been sited for anything much less convicted of anything. There may have been a few times at the beginning of spring mowing seasons etcetera that our grass was a bit tall before it was mowed for the first time, but it has always been taken care of promptly when we discovered it, part of that is due to the fact that the building isn't always occupied, we don't have an occupancy permit, so therefore if we were occupying the building and there all the time we would be violating that. Due to the fact that someone is not always onsite sometimes things go undiscovered until someone tells us. If the City's goal is to find some kind of violation in order to justify denying our message center permit for something then if you look hard enough you could probably find violations at most anybody's property in the City including probably your own.

The next point I would like to make is in reference to comments that were considered by KIDA's neighboring resident who up until a few weeks ago I have never met or have never known. He lives at 1203 Lawndale Drive next door to our property. He is here tonight I am sure you will hear from him and he is going to nothing but bad mouth our property. But I want to shed a little light on what this man is going to say and why he is going to say it. Before I address them in particular, I would like to point out that this man has had his own agenda since inception and he has approached us sometime ago and he wanted to purchase 10 feet of our land along the east side of his fence. The reason he wanted this 10 foot as he described to us is he wanted to park his vehicles in the back of the house and he had no access to be able to do that, so because he didn't have an access he wanted us to sell him 10 feet. The owner refused to do that didn't have to do that and he got upset. He also asked us if we would hire him to do the landscaping and we already had a landscaper. He would also would have liked for us to have removed all the trees and the fence, separating our property from his property, which as far as I know was required to be put there by the City for landscaping purposes and greenery and shielding. So the answer to this request was of course no and ever since this time the man has been against anything we have wanted to do. Now it is not hard to imagine why he would be and it is even more difficult to imagine that the Planning and Zoning Commission again gives credence and credibility to somebody like that but they did. As far as we know this man has lied about nearly everything he has stated to the Planning and Zoning Commission who apparently was all too happy to give him a voice. In order to have someone who is from the general public record be on record as being against our sign application. It leaves us wonder if his opinions were actually solicited by someone as well and reminds us of the unfair and prejudicial discriminatory treatment we have received from the City Council when we were denied a Special Use Permit for a microwave tower several years ago in August 2003 that I mentioned earlier. In fact it was the same technique that was used in this denial, instead of a letter from Tom Frank what we had was an email from John Bonnett who was also upset because we did not rent a site from him that he owned on Eastland and instead of testimony from Kevin Craig it was testimony from the prior person that owned 1203 Lawndale whom Kevin Craig bought the house from. That person wanted us to buy his house when he put it up for sale, why, because he felt we needed his land to put up a tower. So we see a pattern here, each person again complained because we didn't

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do something they wanted us to do that we did not have to do, and the City of course was all to happy to accommodate them and listen to them. Two people that was it then and that is it now, only the new people are Kevin Craig and Tom Frank and the City should be ashamed of the behavior in this matter. The man is also on record that he tries to keep his beautiful home as beautiful as possible, well, we took some pictures of that beauty and want these entered into the record as well. These photos were taken about a month and a week apart and I enter these into the record. This series of photographs were taken on May 31, 2007 in front of his home, the next series was taken on July 5, 2007 not as many of them but it shows again junk trash everything all over. This man is the last person that should be discussing anything about junk. Basically we have never complained about this man to anyone prior to this nor do we generally complain about anyone. We pretty much mind our own business but when somebody reaches out and does the kind of things that these people do we need to stand up for what we think is right. We mind our own business and believe that we are a good neighbor, the only reason that this man is speaking against us is because of the prior reasons I have given you here tonight.

Our sign shall comply with the Twin Falls sign ordinance in every way and it shall be the same or very similar to all the other signs that you have approved in the past, which I have introduced as a matter of record tonight. Mark Butler from Lytle Signs is on record as testifying and introducing evidence that message center signs are not distracting and ours shall not be either. Lytle Signs is the expert here because they have been erecting signs since 1948 here in Twin Falls over 60 years. The KIDA sign shall be the same or similar to the 14 that's 14 that we have been talking about tonight.

None of the comments we have heard thus far from anyone including members comments from the Planning and Zoning Commission who are anything but experts regarding signs have validated any of the conclusions that the Planning and Zoning Commission has come up with they simply do not validate any of the concerns. We have a right to have a sign that complies with the Twin Falls sign ordinance just like anyone else does and we have been denied that. We hope that you will take the opportunity to make that right and correct it tonight.

I would also like to note for the record that I would like to introduce some photos of our property. These photos were taken fairly recently I would like to introduce them into the record, showing that it is fairly well kept up and clean. I would also like to point out the Mr. Craig cleaned up his property several days ago prior to this hearing. I would also like to note that the applicant can do the following to receive a favorable vote was put in the March 27, 2007 and February 27, 2007 section of the Planning and Zoning decision. The including the property into full compliance with zoning and sanitation regulations, we believe we are currently in compliance, and in addition we have never been cited for anything or convicted of anything. Any violation of zoning code is apparently not a reason to issue a sign permit or not to issue one. As for the occupancy permit we have had an application on file with the building department since January 29, 2007, over six months almost, and as soon as we discovered that we need one. In fact I am the one who actually filed the application and I called the planning and zoning department to see how and where I could file it. It was filed and we are still waiting to hear from them. The vehicles that are parked on the property all belong to the applicant they are not junk, they are not stored, they are not for sale, they are not for rent, they are not on display for view, they are not abandoned, they are not damaged, they are not destroyed, they are not dismantled and they all run and operate. They are merely parked there as such are even better than someone parking cars in their driveway. If this is illegal again no one could park cars anywhere in the City of Twin Falls. The applicant has a right to park the vehicles she owns on the property she owns and Kevin Craig's comments as well as Tom Frank's comments that they are derelict cars are false. The cars are newer than many of the cars driving on the streets of Twin Falls as we speak this evening.

We think that is important to point out that we believe that there has been a mistake in the perception of what the purpose of this message center sign is going to be used for. We believe the Planning and Zoning Commission assumed that we would be playing a real live TV show and in essence a television station on this

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sign, in essence utilizing a TV Screen as a monitor. Nothing could be further from the truth that is not the intention that this sign was ever designed for nor will it be. Any and all feeds to the message center of course will come from the station, but they shall not be about shows or they shall not be shows that we are airing on the station. The message center sign is going to be used to promote community events, to promote public service announcements from the community, advertise job openings and promote various television shows and advertisements that we shall air. In summary we have a right to apply for and have issued this message center sign. There are no zoning, sanitation or building permit problems that we know of that are causing us to operate in violation of City Code and again we have not been cited for anything much less convicted of anything. Finally again it is my understanding that code violations whether or not they actually exist are not reasons in and of themselves to deny anyone a permit in the City of Twin Falls for anything. In addition the issuance of an occupancy permit was not given as a pre-requisite for the issuance of a message center sign permit by the Planning and Zoning Committee. However, even after all this is said and done the message center sign permit could be issued subject to a clause whatever conditions or the legal ones that are determined by the council to apply. We therefore respectfully request that you do the right thing and approve our message center sign application this evening.

### Questions/Comments:

None at this time

- Mayor Clow asked the City Attorney Wonderlich if there is anything from the appeal process that he wants to clarify.
- City Attorney Wonderlich stated not at this time.

### Staff Review:

Planning and Zoning Development Manager Carraway stated for the record staff received a phone call from Lytle Signs on Friday, July 13, informing us they are no longer representing KIDA-TV regarding this appeal.

At the November 28, 2006, Planning and Zoning Commission meeting a request was made for a LED message center sign with the ability to run live video feeds from the TV station on the property. The Commission unanimously denied the request based on concerns about the type of sign being proposed - that the sign would be animated, and broadcast full motion video - live or otherwise - and if there would be adequate sign maintenance as there are few employees on site, and that the sign would be for a business that is currently operating in violation of City Code regarding sanitation and zoning issues. The November 28, 2006 findings of fact, conclusions of law and decisions state "Full motion television feeds adjacent to Blue Lakes Boulevard North would cause undue distraction and hazardous or unsafe driving conditions as drivers attempt to watch the television feed while driving on this very busy street." The conclusions of law further states, "the proposed message center with full motion television feeds would be in violation of Twin Falls City Code 10-9-2(q)(4)(b)(1) and (6). The commission unanimously voted to deny the request. On December 8, 2006, the applicants submitted a letter to the City Council requesting an appeal of the Planning and Zoning Commission's decision. They submitted the appeal request removing the live video feed option. This was a different sign than what the commission reviewed and so the appeal was withdrawn. A new SUP application was made to the commission and scheduled for January 9, 2007. The issues such as compliance with zoning and sanitation regulations, legality of the business being operated, and adequate staffing to manage the sign were still unresolved, therefore staff recommended denial of the application. The applicants withdrew the request prior to the public hearing. The applicants met with City staff on January 11, 2007, to discuss code violations occurring on the property. A letter was sent to Lytle Signs on January 30, 2007, outlining the violations and stating that the "violations must be corrected before staff will move forward with their request." The applicants gave public input at the February 13, 2007, Planning and Zoning Commission stating they felt they should be allowed to present their request to the commission.

On March 13, 2007, the applicant's representative, Lytle Signs, presented to the Planning and Zoning Commission a request for the same sign without the live video feed capability being connected. The Commission unanimously denied the request based on concerns about the type of sign being proposed - that the sign would be full animation and broadcast full motion video- - and that there would be adequate sign maintenance as there are few employees on site, and that the sign would be for a business that is currently operating in violation of City Code regarding sanitation and zoning issues. The March 13, 2007, Findings of Fact, Conclusions of Law and Decisions state "both staff and neighboring property owners testified to numerous and long-standing City Code violations on the property, including storage of semi-tractors and trailers, storage of junk vehicles, sanitation, garbage, weeds and rubbish, and operation of the television station without a required occupancy permit. The violations have not been corrected, despite demand by the City to bring the property into compliance with the City Code. The representative of the applicant acknowledged the violations, and indicated that correction of the violations was dependent upon this application and the results of pending litigation regarding the denial of a Special Use Permit for a lattice tower. The applicant has demonstrated its bad faith and unwillingness to comply with other City Ordinances. And they also state....., "the message center sign is capable of being programmed to violate the City's message center ordinance. The City has had a history of difficulty in enforcement of the message center ordinance violations, due to frequent reprogramming of light intensity, flashing and frequency of change." The Conclusions of Law further state," the sign's lighting and operation is in violation of the message center ordinance and will cause hazardous or unsafe driving conditions for motorists driving on the adjacent Blue Lakes Boulevard North. The Findings further state "

**THE APPLICANT COULD DO THE FOLLOWING TO RECEIVE A FAVORABLE VOTE:**

1. Demonstrate a history of compliance with City Ordinances.
2. Demonstrate a method of locking up the programming of the sign to prevent operation in violation of the message center ordinance.
3. Assure compliance with all requirements of City Code sections 10-9-2(L) & 10-9-2(Q).

She stated upon conclusion on March 13, 2007, the Planning and Zoning Commission unanimously denied this request to place a message center sign on property advertising for a business that is operating in violation of City Code and because IED full-motion – live video feed or otherwise - animated color graphic signs cause undue distraction to traffic on adjacent streets. (§10-9-2q4b [2]).

Staff has continued to receive several complaints regarding sanitation violations occurring at this site. The zoning violations include storage of unlicensed vehicles, several semi tractors and trailers. Inspirations' - a retail business - operated at this site from 1998 thru 2003. City Code 10-11-1 requires whenever there is a change of use (a retail business to communications and utilities) it shall require a certificate of occupancy -- all required improvements shall be completed prior to occupancy of the building. The TV station has been operating at this location since August 2003. A COO was not applied for until Jan 2007. The building department is reviewing the application for compliance with landscaping, screening, parking and storm water drainage – as of today the COO has not been issued. The sanitation inspector has also received many complaints regarding the unlicensed vehicles, several semi tractors and trailers, junk and trash at this site. If approved there should be conditions that require the owner of the property to bring the site into zoning and sanitation compliance prior to the issuance of a building permit for the placement of the message center sign.

**Questions/Comments:**

- Vice Mayor Dwight asked if there was a television station operating at that address.
- Planning and Zoning Development Manager Carraway stated that our understanding is that the station has been operating since 2003 from that address.
- Vice Mayor Dwight asked if they are legally operating from that address
- Planning and Zoning Development Manager Carraway stated that this property was formerly operating as a retail business when KIDA/TV station took over this property and turned its use from a retail business to a

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service business. As per our City Code it does require a Certificate of Occupancy for a change of use, but that has not occurred. Mr. Workman is correct in that they did apply in January 2007 for a Certificate of Occupancy but it has yet been issued.

- Vice Mayor Dwight asked what the steps are in issuing a certificate of occupancy.
- Planning and Zoning Development Manager Carraway stated the applicant needs to work with the building department, and they generally file a set of floor plans, which is inspected for compliance with a service business in this case.
- Vice Mayor Dwight stated so until those inspections take place the certificate of occupancy could not be issued.
- Planning and Zoning Development Manager Carraway stated that she is not aware of what the building department's concerns are but at this point it has not been issued.
- Vice Mayor Dwight stated since it has not been issued we could loosely assume that those steps that are normally required haven't been met
- Planning and Zoning Development Manager Carraway stated that we could assume that.
- Vice Mayor Dwight asked City Attorney Wonderlich if the Council is aware or there were previous court proceedings that were filed over a denial of occupancy or change of use of something, can you refresh our memories.
- City Attorney Wonderlich stated it was a request for a Special Use Permit for a lattice tower to place a transmitting antenna that was pending a Supreme Court review. The Supreme Court affirmed the decision of the District Court which affirmed the decision of the City Council. As Mr. Workman indicated earlier KIDA/TV lost at the Supreme Court level and it was specifically for a lattice tower, not the operation of a television station.
- Planning and Zoning Development Manager Carraway stated that the operation of a television station without a receiving tower is permitted but still requires a certificate of occupancy because there was a change of use from retail to a communication service business.
- City Attorney Wonderlich stated that they required a Special Use Permit for a television station with a tower and that was denied and so they are permitted to have a television station without a transmission tower.
- Council Member Dwight asked about the satellite type dishes that are on the property and whether those are in conformance.
- City Attorney Wonderlich stated he thinks that is an issue for debate. We are not sure how they are there and under our existing code they appear to be illegal and again we are not sure Mr. Frank may know more about this. As far as we know I think there was testimony at the Planning and Zoning Commission hearing that this has been operated as a television station since 2003. I bet Mr. Workman knows more about it than anyone else.
- Vice Mayor Dwight asked Mr. Workman if in his opinion the satellite type dishes on the property are in conformance with City Code or your business and if he has been told by City staff that they are not.
- Mr. Workman stated they believe they are in conformance and they have not been told by City staff they are not in conformance. As for the plan, he stated they have submitted a set of plans with the occupancy application on January 29, 2007 so as far as I know building has everything they need to approve it. The next step he guesses would be for them to contact KIDA and the building department stated it would be a while. They did not define a while but six months seems like a while.
- Vice Mayor Dwight asked if Mr. Workman has followed up on the status of the occupancy permit.
- Mr. Workman stated that he has made a few calls but has not heard back from the building department. He stated he assumed the only thing left is the inspection process which could be fixed fairly quickly and easily. There has been no return call and no written correspondence at this time. He submitted a set of plans showing all the items they asked for and they have not asked for anything since then.
- Council Member Barigar stated Mr. Workman stated that they have not been cited for any of these violations beyond this letter that was sent to Lytle Sings in January have any citations been issued.

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- Planning and Zoning Development Manager Carraway stated that there have not been citations but there was a letter submitted by the City Attorney Wonderlich to the owner of the property indicating that there were current violations and that they needed to respond.
- City Attorney Wonderlich stated representatives of KIDA/TV are very difficult to correspond with as they provide no addresses for anyone. The addresses where I sent a demand letter was their corporate registered agent in Boise because nobody can find out where Marsha Turner is to send her a letter so in terms of citing someone there is no one to cite and we can't get our hands on anyone because no one can be contacted. In the case of the violations here our letter went to the registered agent because we have no address for Marsha Turner or an address for Mr. Workman either.
- Council Member Lanting stated he is still confused on whether or not they need a Special Use Permit or not for the operation of their facility, and he thinks that the building department may be wondering the same thing.
- Planning and Zoning Development Manager Carraway stated that the land use of operating a television station is an allowed use what required the Special Use Permit was they wanted to operate the station with a tower and the tower is what triggered the Special Use Permit and there is no tower there at this point.
- Mayor Clow stated that the occupancy rules are triggered at the time a change of occupancy occurs and part of that is a public safety issue, which requires an inspection to verify the building has not been modified or changed and is still built to the standard requirements.
- City Attorney Wonderlich stated he would hope that the City Council would ask Mr. Workman whether they have been operating there since 2003 without an occupancy permit. I think we should have this on the record.
- Mayor Clow stated to Mr. Workman that he indicated that he lived in that building but he also indicated that no one is in that building to notice the deterioration.
- Mr. Workman stated that he does not live in the building.
- Mayor Clow stated that he indicated his address was 1440 Blue Lakes Boulevard North at the beginning of the presentation and asked for Mr. Workman's address.
- Mr. Workman replied by stating he would do one better than that, he will give Marsha Turner's address. It is P.O. Box 435 Long Key, FL 33001, she has been out of town a lot and it is not unusual to have a building unoccupied when you don't have an occupancy permit. In answer to City Attorney Wonderlich, he stated he put phone numbers on file, he has given numbers to the building department and anyone who wants it, he stated his number is 945-732 9539. He stated that this is his personal cell phone and he can be reached at any time. He stated that the City also had their email addresses and that as far as he is aware he has never received a letter or email. He stated they do have a registered agent which is required and he has not seen any notices from him. He stated they are not that difficult to get in touch with, all you have to do is be persistent or try. He doesn't think there has been an effort.
- Mayor Clow stated that he has made an effort to get your address and you haven't given it to me yet.
- Mr. Workman stated you can use the same one in Florida.
- Mayor Clow asked for a street address.
- Mr. Workman stated 1440 Blue Lakes Boulevard and a P.O. Box is a legitimate address.
- Mayor Clow stated it isn't according to some laws these days and that he can't open an account for a client without a street address by law.
- Vice Mayor Dwight asked if the question about the business operating history had been answered.
- Mr. Workman stated yes, they have been operating since July of 2003. Marsha Turner closed on the building in June 2003 and the business moved in July 2003.
- Mayor Clow stated that Mr. Workman indicated that no one is in the building to notice any of the upkeep that is necessary.
- Mr. Workman stated there is no one in the building.
- Councilperson Barigar stated perhaps for those of us who don't work for a television station what it means to be operating and in business in that building. Machines are turned on and it's receiving a signal from someplace else and spitting it back out.

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- Mr. Workman stated we are occupying the building as it was purchased.
- Mayor Clow asked if there are employees in the building.
- Mr. Workman stated no, but that sometimes there are when they are taking care of the property periodically, but not everyday of every week are they there, which he guessed would be better but they don't have an occupancy permit.
- Vice Mayor Dwight asked Mr. Workman to clarify the answer to Mr. Barigar's question.
- Mr. Workman asked what was the question.
- Council Member Barigar asked what does it mean to be operating a television station out of the building what happens.
- Mr. Workman stated that depending on how you get your signal, which they are there, they are getting the signal from a satellite, which means it is converted down and then you send the signal to a transmitter site and then it is broadcast from there, then you're on the air, or in some cases you can direct feed cable which is a possibility if you have a fiber optic line.
- Council Member Barigar asked specifically what Mr. Workman's business is doing.
- Mr. Workman stated they are direct feeding the cable on a fiber optic line; they are not broadcasting from the site at all. They are downloading from the satellite.
- Council Member Barigar asked if that requires personnel consistently.
- Mr. Workman stated not all the time, no.
- Vice Mayor Dwight asked what results the business gets from the activity just described.
- Mr. Workman stated it is a direct feed to cable as opposed to over the air. It is like someone getting cable through wires that go to their house. In this case it is directly fed to Cable One, and they then distribute it from their system to cable on Channel 5.
- Council Member Dwight asked City Attorney Wonderlich about an early comment related to conditions on the property and citations. When that happens is it a written ticket or letter.
- City Attorney Wonderlich stated a written ticket wouldn't work in this situation, unlike the people that work on Main Street you can go down and find someone to cite, physically with a piece of paper or we could have them served with a criminal citation. In this case we would have to do it civilly because we are dealing through a registered agent we don't have a real person to deal with.
- Vice Mayor Dwight stated her understanding then is that there are some citable issues; however, the City is unable to find someone to deliver the citation to.
- City Attorney Wonderlich stated it is between that situation and in your packet you can see that there has been some gradual improvement to the property. He stated at one time there was a junk car early on but that car has been removed. You can see there has been an improvement made if you compare the pictures in the packet and the ones submitted tonight. He stated we are hopeful that people will fix the problems, with respect to the occupancy permit that is going to have to be fixed and at this point he has no idea what the hold up is on that application.
- Vice Mayor Dwight asked the City Attorney Wonderlich if based on the explanation that Mr. Workman gave as to the operation of the building, is it an illegal operation because the occupancy permit has not been finalized.
- City Attorney Wonderlich stated it sounds illegal to me, he stated that people are there to run the operation periodically it only has an occupancy permit for a retail business and it is now a television service or station at this time.
- Council Member Johnson thanked Mr. Workman for his presentation; however, he is still trying to grasp what is going on in the building and understanding you're asking for an electronic sign. How are things handled if the equipment goes down, does someone come in and fix it, and is this a remote location for a bigger operation.
- Mr. Workman stated the intention is for the building to be their permanent full time studio, technically we are operating but we are not really open to the public, although a TV station isn't generally open. It is not like a retail establishment. As for the car that was on jacks it was up for it to be serviced and it is there and is currently being driven and is still there.

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- Council Member Johnson asked if KIDA/TV is located somewhere else or is this building the primary location.
- Mr. Workman stated this is the primary location.
- Council Member Johnson asked if you were granted an electronic sign permit how would you program and maintain that sign.
- Mr. Workman stated that Lytle Signs will be the company we use to erect the sign; they have experts on staff that will be programming the sign. He stated he has been told that the programming will be the same as what Middlekauf Ford and Lithia Chevrolet have. There will be colored graphics and although they are not animated in the sense that the animation relates to the structure of the sign and its content. It will be similar or exactly the same as the Middlekauf and Lithia Signs. There are ways to lock the programming up so that it can't be changed, he stated they do not intend to control the sign themselves. He stated you feed stuff out to it from the computer but as far as making it do what it does the software does that.
- Council Member Johnson asked if someone would be on site for potential questions or potential problems related to the sign, or will this be remotely controlled like the TV station.
- Mr. Workman stated he thinks someone would be on site by that time and it sounds like to him that they are very close to getting an occupancy permit if there is nothing else that needs to be done other than an inspection and making some minor changes. He stated they have not done any construction inside without a permit so there shouldn't be anything that is needed. Incidentally he stated they did not know there was an occupancy permit needed, initially the owner had personally contacted the City to find out what was necessary as far as licensing requirements for the City/Counties; she was told there was no business licensing required and that was an error on whoever told her that and nothing was brought up about an occupancy permit at that time. Mark Butler with Lytle Signs informed us of the need for the occupancy permit and he didn't tell them that when they started this process either.
- Council Member Johnson stated he is hearing something different from the applicant than what he has read about the sign they are requesting. He stated he is hearing the request is for a sign like some of the signs on Blue Lakes but he is reading the request is for a sign that has full video feed capabilities, and asked for clarification.
- Mr. Workman stated as he understands the video that you feed to it is whatever you feed to it. Could someone hook it up and play their TV station on it, he stated that could be done, but that is not their intent. Reading the comments from the Planning and Zoning it sounded as though that is what they thought we were going to do and he stated he could understand somebody saying while I'm driving down the road and there is a TV station playing, that is not the intent of this sign. He stated they are going to air public service announcements, time and temperature, community service announcement promoting job openings, anything that you would see on Middlekauf or shopping center signs. There may be some video on it but it is not going to be TV shows they are airing. The messages may be promoting the show with a time and date it will be aired.
- Council Member Craig stated that they applied for the occupancy license in January and it could not be said that it was the City's fault that this has not occurred. Does the staff or City Attorney Wonderlich have any idea how long it might take to do an occupancy permit and can you explain what the inspection entails.
- City Attorney Wonderlich stated it doesn't take very long to do an occupancy permit which causes him to believe that the applicant is at fault for the hold up because they have no means of contacting the applicant. As for the inspection he could not give a complete description of what is required.
- Mayor Clow explained that it would entail many things to show that the building is safe, such as fire extinguishers, lock box, furniture plans, through walkways, if there has been any remodeling done if it meets code because that is about the only time you would know, all of these types of things are included in an occupancy permit inspection.
- Council Member Craig stated that if the issue has been a difficulty in contacting the applicant we now have the correct addresses and phone numbers. So maybe someone can contact you on your personal cell phone tomorrow to get that cleared up and we won't have to discuss this anymore. Secondly has the site been cleaned up.

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- Sanitation Inspector Jeff stated that she inspected the site today and there is still a pile of debris in the back of the property along with a camper shell. The lawn has been mowed and there still vehicles and a small amount of debris. She stated she would like to see this debris cleaned up before she states that they are in compliance with the sanitation issues.
- Planning and Zoning Development Manager Carraway stated that the picture taken on July 11 shows a red car with a flat tire.
- Sanitation Inspector Jeff stated that before she lets someone know that there is a problem the inspection is not approved until everything is cleaned up and as of this morning everything was not cleaned up. She stated there have been improvements but it is not completely cleaned up.
- Council Member Craig asked about cars on the property; what is the issue with the parking.
- City Attorney Wonderlich stated that this has become an automobile and truck storage lot, because you have heard already that the facility is used intermittently or infrequently. He stated the number of cars is not clear but there are two tractor trailers, a tractor, plus a bunch of cars, some of which look disabled, so it looks like a storage yard for these vehicles.
- Council Member Craig stated that this is contradictory to what we have heard tonight.
- City Attorney Wonderlich stated he would be interested in hearing the reason why all of these cars are in the parking lot if there is only someone there intermittently and the answer is probably that they are storing them there on the property which is not a legal use.
- Council Member Craig asked about the dishes as to whether they are legal or illegal and what would make them illegal.
- City Attorney Wonderlich stated that Planning and Zoning Development Manager Carraway has brought that to his attention but with all the other issues that have been ongoing he has not had a chance to review the satellite dishes.
- Planning and Zoning Development Manager Carraway stated the definition of a wireless communication facility does also include satellite dishes, antennas, towers and anything that transmits or receives broadcast information and so the satellite dishes under that definition fall under the same requirements as a wireless tower.
- Council Member Craig asked if a Special Use Permit would be required.
- Planning and Zoning Development Manager Carraway stated that her opinion is that satellite dishes qualify as wireless communication equipment; therefore, they should be removed as well.
- Council Member Craig stated then KIDA would have to submit a Special Use Permit application to have satellite dishes on the property.
- Vice Mayor Dwight asked if when the lattice tower was denied it encompassed the satellite dishes.
- Planning and Zoning Development Manager Carraway stated yes, the denial included the satellite dishes.
- Councilperson Craig asked Mr. Workman about the cars on site and if he can explain the vehicles on site.
- Mr. Workman stated that the two tractor trailers are still there they are 22' long. The cars are there and the intent is that they be used for the business. They all run and there is not a flat tire on any of the cars.
- Vice Mayor Dwight asked staff at the time they were going through the Planning and Zoning Commission process that they had asked originally for a full motion live feed but later clarified that they withdrew that because they didn't intend to do that but what they intended was what was presented tonight.
- Planning and Zoning Development Manager Carraway stated that the original application asked for a live feed video message center sign they were denied that request and resubmitted the application taking that option out. As far as programming it would still have that capability but that they wouldn't utilize it.
- Council Member Dwight stated that on some of these signs you will see a flag in motion on the sign is considered animation and live video feed would be like what we see on a television screen.
- Planning and Zoning Development Manager Carraway stated that is correct.
- Council Member Dwight asked staff if the property is still in violation of the sanitation code.
- Sanitation Inspector Jeff stated they are still in violation of City Code.
- Mayor Clow asked for clarification as to who Mr. Butler was representing at the March 13, 2007, Planning and Zoning Commission Meeting

- Planning and Zoning Development Manager Carraway stated the Mr. Butler works for Lytle Signs and presented the request for the message center sign.

#### Public Hearing: Open

- Tom Frank, 1060 Pahsimeroi Drive, stated he would like to clarify that he is all for the TV station; however, when the request came through for the lattice tower it was not allowed under the City ordinance. When it came up for his appeal, he stepped down from his seat on the Commission and as a member of the public had the opportunity to provide input. His input at the time was that until this is a legal business the commission should not be dealing with a message center sign request. When it came back the third time he was no longer a member of the commission and as a citizen he provided an email as input to the issue. So as it stands until this is a valid business it is hard to deal with a sign issue to a business; to him it is kind of black and white. The primary issue is whether this is a valid business or not.
- Kevin Craig, 1203 Lawndale Drive, stated there are some things he would like to clarify. He stated he did meet Mr. Workman in 2004 for the first time and he stated he has never asked to purchase the property but he has simply asked to clean it up. As it is next to his house, He stated he does have pictures of his own and they show how this property normally looks. He stated the pictures taken of his house by Mr. Workman shows the damage that their bushes have done to his fence. He stated he would like to redo the fence but is a little scared to because the bushes are so overgrown that they are pushing the fence over. He stated he offered to pull out everything along their side and put up a double sided cedar fence. All this is doing it tearing up his property, as you can see that it is actually pushing the fence over. He stated he has asked several times for them to take care of this issue. The garbage is still on the back of the property. All he asks is that the business clean it up so that he can put up a new fence. When the applicant was taking pictures of his home his wife asked Mr. Workman what he was doing and all he did was met them with anger told us we were trespassing and to get off his property.

#### Closing Statements:

- Mr. Workman stated it is not exactly how Mr. Craig portrays it happened. It indeed was an issue that he wanted to buy 10 feet of the land Mr. Turner owned. If they were to go onto his property to cut the trees they would be trespassing. He has a right to cut the trees if they are overhanging on his side. As to the issue on the fence he was told by the broker that sold the property that the fence belonged to KIDA. He stated he is not sure who owns the fence as it seems to be a gray area, but he stated they could research that to see who owns the fence. Possibly both parties put the fence up. He said they would be happy to fix it up, it sounds as though he wants a double faced fence so we will have to have a space between the two.
- Mayor Clow stated it sounds like he would like one post with double faces.
- Mr. Workman stated the fence waves in and out and in any case they have tried to be good neighbors and never had any problems with Mr. Craig prior to this and when he came over he was trespassing. He stated Mr. Craig was not invited and he did not scream at Mr. Craig he just asked Mr. Craig to leave. He stated he was appalled, he had just discovered at all of Mr. Craig's comments on the record from the deposition. The comments made by Tom Frank he stated that KIDA did apply for a lattice tower and were willing to reduce that to a mono-pole at the time and we weren't given that opportunity. He stated that he doesn't know if a mono-pole would be allowed but if so they would be happy to apply for that, however in our opinion we would be turned down. He also stated in their opinion they are not a wireless communication facility. Indeed wireless refers to cell phones they are not broadcasting from the site so he doesn't think they fall under that provision. Radio and Television Stations without transmission and receiving towers are permitted in the C-1 Zone. They don't have a tower but they need a Special Use Permit then we need to apply for one. He stated he is confused. Do KMVT (the Fox Station) and Radio Stations all along Blue Lakes have Special Use Permits? If they don't then they certainly need one and if they don't why do we need one and if they do why where they denied one. He stated it can't be both ways, he just wants to get the operation off the

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ground and he has been trying to do that for 5 years and incidentally it took 10 years to get the point were they are at because the construction permit on this station was issued in 1996, that is how long they have been working to bring this community this TV station. The live video feeds were changed because Mark Butler's understanding was that if the live video feed portion was removed the request would be approved and it wasn't. He stated they felt they were given another disservice as they did what was asked; even though live video was misconstrued it was still denied. Live video feed means you are going to feed the sign live video, so it has to be fed with something. Middlekauf Ford's sign is being fed live video feed with whatever they want to portray. The animation part is referring to the actual sign part, not the message center and the content. He stated he doesn't think they fall under that category so it doesn't take a Special Use Permit to put up a satellite dish; if it does then everywhere anywhere would need a Special Use Permit. He stated they attempted to fit under that definition because they were told that is where they fit, and were turned down. He stated that they have tried everything they can do and if the City Council would like to entertain any other options we can pursue they would be happy to follow through. He stated he would also be happy to have someone meet him onsite to do the occupancy inspection if that is the only thing that is keeping them from getting the permit for the message center sign.

- Council Member Craig stated that due to a conflict of interest from the testimony that was just heard he would need to step down.
- Vice Mayor Dwight asked Mr. Workman asked when you say you don't broadcast from there is that because Cable One does the broadcasting.
- Mr. Workman stated Cable One does not broadcast. Broadcasting means you send a signal out on the air from a tower and an antenna and then everyone receives that from over the air. Our broadcast site is in Seattle Ridge Cable One's head end system located on Eastland Drive. They pick-up the signal and then send the signal out to all the homes that are wired to receive Cable One.
- Vice Mayor Dwight asked if the signal comes from the satellites.
- Mr. Workman stated the signal that KIDA input for Cable One is received on the satellite.
- Vice Mayor Dwight stated so the satellite receives and the tower broadcasts.
- Mr. Workman stated that the signal that KIDA imports comes from the satellite and KIDA does not have a tower.
- Vice Mayor Dwight asked for clarification as to whether KIDA is a satellite office to another office somewhere else.
- Mr. Workman stated no, this is the main office. KIDA has a satellite office in the Bellevue area but this is going to be our main office
- Vice Mayor Dwight asked if it is going to be the main office or if it is the main office.
- Mr. Workman stated it will be, KIDA is utilizing the business currently and once it is fully staffed it will be the main office.
- Vice Mayor Dwight explained that she was trying to determine whether or not there was another KIDA station somewhere else in the state and if this was just a remote site.
- Mr. Workman stated we intend to operate out of this studio much like the Fox station operates out of theirs. The Fox feed comes from Pocatello via microwave and they are not here either. Channel 38, 52, they're the same way ABC they are out of Boise this is a translator market they operate out of here with a skeleton crew and maybe a salesperson. The KIDA station's intent is to have a large staff but right now we're not there and we aren't getting much help, but we do have a satellite office in Bellevue, but that is for the ease of serving that part of Idaho.
- Council Member Barigar asked City Attorney Wonderlich if within the sign ordinance it states signs have to be attached to a business or related to the business and does it have to be a legitimately operating business.
- City Attorney Wonderlich stated the code only permits on premises signs with the exception of political signs or no profit signs and yes, it would have to be a legitimate business.
- Council Member Barigar asked if he could buy an empty lot and place a sign on it to advertise a business.

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- City Attorney Wonderlich stated that unless it is advertising business that is being conducted on that lot it is considered an off premises sign and is an illegal sign
- Mayor Clow asked for clarification about billboards
- City Attorney Wonderlich stated we still have billboards around town and those are off premises. They are grandfathered in but you will not see another application for a billboard because they are no longer permitted since around 1995. Just as there are other business that Mr. Workman mentioned that are broadcasters depending on when they were established, some required Special Use Permits and some were grandfathered in.

### **Public Hearing: Closed**

#### **Motion:**

Council Member Barigar made the motion to approve the request of KIDA/TV for a Special Use Permit to operate a full motion LED message center sign located at 1440 Blue Lakes Boulevard North as presented. Council Member Hall seconded the motion.

#### **Discussion on the Motion:**

- Council Member Johnson stated there are four or five things here that keep coming up that are going to force me to vote adversely on this motion. One is the accessibility to the owner, it seems like there is a real problem with communication. Someone mentioned cart before the horse, which we probably really have that with a lack of the occupancy permit and there are still questions on the need for an SUP. It seems we are trying to get things out in front before we have our bases covered, so that is where he will be standing on this motion.
- Vice Mayor Dwight stated her thoughts are similar to those voiced by Council Member Johnson and the fact that there is a request for a sign that is associated with a business that is not an approved legitimate business according to the information that we have heard. There is not a Special Use Permit in place and there is not an Occupancy Permit in place and there are continued code violations about the lot clean-up. Those things say to me that I should also vote no.
- Mayor Clow stated that it is a relatively simple question. He stated that he is not so sure that he is concerned about the cars in the parking lot, he is not too concerned about the weeds, and he is not too concerned about the sanitation issue. For the question before us those may be issues the business could be cited for but they are temporary problems that can be cured quickly. The question is the underlying issue is that we have a sign request for a business that is not yet permitted. He looks at this as an off premise sign. He stated he has been through this process to establish a business and if he had applied for an occupancy permit and had not heard back on the application within a few weeks he would have followed-up and find out why. He stated he doesn't understand why this has continued for so long, and doesn't understand an applicant letting this go. He said he doesn't know who is at fault for this taking so long but he does know that an occupancy permit is required to operate a business. He stated as it stands he doesn't believe there is an operating business at this location and therefore he doesn't think a sign should be approved. He also wanted to make a comment regarding live feed or not, the Middlekauf sign has capabilities way beyond what is allowed by the code. The question is will the business comply with the code; it is the City's job to approve and educate the business on the sign code regulations and to enforce the violations.

#### **Vote:**

Roll call vote showed a count of 6-0 voting to deny the motion. The Planning and Zoning Commissioners' decision upheld.

**Planning and Zoning Commissioners' decision upheld.**

V. ADJOURNMENT: The meeting adjourned at 7:49 P.M.

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Leila Sanchez  
Deputy City Clerk

Lisa Jones  
Executive Assistant

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND A	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, July 23, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

I. CONSENT CALENDAR:

1. Consideration of the accounts payable for July 17 – July 23, 2007, total: \$485,085.01.
2. Consideration of the Curb-Gutter and Sidewalk Improvement Deferral Agreement for Lee Greer, 2064 Kimberly Road.
3. Consideration of the Sidewalk Improvement Deferral Agreements for:
  - a. Alex Wondrick, 378 Alturas Drive.
  - b. Tony and Sara Hoggarth, 734 Main Avenue South.
4. Consideration of a request by Jessica Myers, Twin Falls Area Chamber of Commerce, to approve the Annual Hot August Nite Picnic and Auction at the Twin Falls City Park.
5. Consideration of a request by Roger Moore to approve the 27th Annual Falls Brand/Budweiser Door Slammer Softball Tournament at Harmon Park.
6. Consideration of a request by Christina Lott, The Junior Club of Magic Valley President, to approve the 20th Annual Bite of Magic Valley at the Twin Falls City Park.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request by the Hispanic Heritage Fiesta Committee to approve their annual event at the Twin Falls City Park.
2. Consideration of a Grant Offer for FAA Airport Improvement Project 26.
3. Consideration of a kiosk design at Shoshone Falls that was recommended by the Parks and Recreation Commission.
4. Consideration to accept dedication of Tract D Block 3 Morning Sun #3 and Tract E Block 1 Morning Sun #5.
5. Consideration of the final plat of Wild Rose Estates Subdivision, Phase 3, consisting of 9 s/f residential lots on 12.87 (+/-) acres, located ½ mile north and east of the intersection of Falls Avenue East and 3300 East Road c/o Gerald Martens/EHM Engineers on behalf of Tiger Hills Partners, LLP.
6. Consideration of the PUD Agreement between the City of Twin Falls and Lighthouse Christian Fellowship, Inc.
7. Consideration of a request to approve a contract with CH2M HILL to design and bid a CEPT (Chemically Enhanced Primary Treatment) Facility and biotower bypass project.
8. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. Request for annexation of 2.18 (+/-) acres located at the southeast corner of Harrison Street South and Orchard Drive aka 524 Orchard Drive by Tensco, LLC c/o Gerald Martens, EHM Engineering, Inc. (app. 2139)

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

**ATTENDANCE**

<u>Present</u>	<u>Absent</u>
Mayor Lance Clow	None
Vice Mayor Glenda Dwight	
Shawn Barigar	
Trip Craig	
Don Hall	
Dave Johnson	
Greg Lanting	

**CITY STAFF PRESENT:** City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Public Works Director Lance Bates, Captain Matt Hicks, Staff Sergeant Craig Stotts, Airport Manager Bill Carberry, City Clerk Leila Sanchez.

Mayor Clow 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.

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**AGENDA ITEMS**

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6. Consideration of a request by Christina Lott, The Junior Club of Magic Valley President, to approve the 20th Annual Bite of Magic Valley at the Twin Falls City Park.

**The following Item 7. was added to the Consent Calendar:**

7. Alcohol License Application for Pandora's LLC, 516 Hansen Street, subject to the following conditions:
  - a. Approval of regulatory agencies, Police Department, and City Staff.
  - b. Payment of required fees.

Councilperson Barigar abstained from voting.

**MOTION:**

Councilperson Johnson made the motion to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request by the Hispanic Heritage Fiesta Committee to approve their annual event at the Twin Falls City Park.

Staff Sergeant Craig Stotts reviewed the request. The recommendations set forth by the Police Department were based on the size of the event, the history of the event, and the lack of police presence in the past. During the last three years, the Police Department has documented eight fights, battery on a police officer, four noise disturbances, and weapons violations. Based on our concerns and with City Council approval, the Committee members have requested the following:

Beer Garden Hours                      Saturday, August 11, 2007                      2:00 p.m. – 9:15 p.m.



Councilperson Craig suggested that staff look at reviewing the current policy on alcohol in city parks. He also asked the definition of on-duty officers.

Staff Sergeant Stotts stated that people who are covering the street are on-duty officers on their regular schedule, detectives are off-duty, and an officer who is off-duty would be paid overtime hours. Also it was discussed having two Spanish speaking officers from the Rupert area at the event.

Sylvia Renova stated that all the fights that happened in the park were caused by juveniles.

Vice Mayor Dwight referred to Staff Sergeant Stotts staff report of 2004 – 2006 stating: "At the conclusion of this event, all patrol officers were at the City Park on various disturbances, as well as the off-duty officers working the event. Staff Sergeant Covington was hard pressed to clear two officers to handle a man with a knife call at Falls and Blue Lakes, resulting in deployment of the Less than Lethal Bean Bag Shotgun to stop the aggressing suspect." She stated that she was in support of the increased security at the event.

Councilperson Barigar asked staff if the Committee would have to pay for security this year.

Staff Sergeant Stotts stated that after last year's event the Committee was told they would have to pay for security. Roger Moore of the Budweiser Door Slammer Softball Tournament paid for security last year and would do the same this year. Also, Rosa Paiz paid for security for the Mother's Day event.

Councilperson Johnson asked if Twin Falls Tonight pays for security.

Councilperson Barigar stated that Twin Falls Tonight hires security outside the Twin Falls Police Department.

Councilperson Johnson asked if the Committee hire their security.

Captain Hicks stated that it is recommended that the Police Department be used for the event based upon on past events.

Sylvia Renova stated that after meeting with the Police Department last year, the Police Department suggested that the car show be moved from Saturday to Sunday and also moving the beer garden into a less congested area. This year the Committee will be communicating with the use of walkie talkies.

Councilperson Lanting asked if the City can ban outside alcoholic beverages in the park for specific days and if one park can be treated differently from another.

City Attorney Wonderlich stated that it could be done, but notice to the public may be difficult. Also parks can be treated differently.

Mayor Clow asked if the car contest is a sound contest. He stated that he has a problem with having a car contest in City Park and condoning something that if it was actually done in the City streets would be a violation of City Code.

Representative of the car contest stated that the Power Plant has a device that measures the sound in the car.

Mayor Clow stated the problem occurs when the car leaves the park with the loud music booming.

Mayor Clow asked what the hours are of the City Park Bandshell.

Parks and Recreation Director Bowyer stated that the amplified music at the City Park Bandshell can go until 9:30 P.M. Monday – Friday, Saturday till 9:00 P.M., and Sunday till 8:00 P.M. and music is not to start until 12:15 P.M.

Mayor Clow stated this is a policy and not an ordinance and suggested changing it.

**MOTION:**

Vice Mayor Dwight made the motion to support the Police Department recommendation as presented by Staff Sergeant Stotts for the Beer Garden and the Bandshell hours and that six (6) Twin Falls City Police Officers and two (2) Rupert Police Officers provide security as presented.

The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

Vice Mayor Dwight asked Sylvia Renova what the cost has been for security.

Sylvia Renova stated that the cost for security has always been donated.

Mayor Clow stated that for several years Chief Devore looked at the event as a sponsorship by the Police Department. The Police Department contribution was the security.

Sylvia Renova stated that they could have hired from outside the Police Department after she had found out the cost of security.

Captain Matt Hicks stated that based on past situations at the festival it is strongly recommended that the Police Department security be used. Rupert Police Officers would also be compensated for their time.

A representative of the Committee stated that it was anticipated that the cost of security would be between \$800 and \$2,000.

Vice Mayor Dwight asked Staff Sergeant Stotts if based on the size of the event and the type of security, would it be workable to have some law enforcement officers and some from another security company contract with the Committee.

Captain Hicks stated that they would like to Fiesta to be safe and he feels comfortable with the Police Department being used for security. Police Officers are trained to recognize problems before they start.

**MOTION:**

Vice Mayor Dwight made the motion requiring the security as recommended by Staff Sergeant Stotts and the cost to be the responsibility of the Hispanic Heritage Festival Committee estimated at \$4,400. The motion was seconded by Councilperson Barigar.

**MOTION:**

Councilperson Lanting made an amendment to the motion that the City will absorb 50% of security cost and the Hispanic Heritage Committee will absorb the other 50% of the cost.

Councilperson Lanting stated this motion would be for this year's event only.

Roll call vote on the amendment to the motion showed Councilperson Barigar, Mayor Clow, Councilpersons Craig, Hall, Johnson and Lanting voted in favor of the motion. Vice Mayor Dwight voted against the motion. The motion passed.

Roll call vote on the main motion as amended showed Councilperson Barigar, Mayor Clow, Councilpersons Craig, Hall, Johnson and Lanting voted in favor of the motion. Vice Mayor Dwight voted against the motion. The motion passed.

2. Consideration of a Grant Offer for FAA Airport Improvement Project 26.

Airport Manager Carberry reviewed the request. He stated that this year the Airport's FAA Airport Improvement Program (AIP) project calls for the milling and overlay of the smaller crosswind runway and the reconstruction of taxiways A2, K, H and the west ramp helicopter parking area. Also included is \$10,950.00 for 3 updated fire fighter breathing apparatus for the ARFF truck. On June 18th the Council awarded the bid for the construction project to DEBCO construction for the amount of

\$791,910.00. The construction contract, engineering contract (\$157,264) and ARFF equipment total \$960,124.00. The federal grant covers \$912,118.00 at 95% and the City /County match is \$48,006.00 for the remaining 5%.

The cost of the project will be financed with the pending FAA grant at 95% federal participation and a local 5% City/County match. The Airport has matching funds for the grant in this year's budget. The grant offer will be subject to the standard assurances associated with FAA grant projects.

Staff recommends acceptance of the FAA Grant offer for AIP 26 in the amount of \$912,118.00

**MOTION:**

Councilperson Barigar made the motion to accept the FAA Grant offer for AIP 26 in the amount of \$912,118.00. (FAA grant at 95% federal participation and a local 5% City/County match.) Councilperson Hall seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of a kiosk design at Shoshone Falls that was recommended by the Parks and Recreation Commission.

Parks and Recreation Director Bowyer said that at the City Council meeting on May 14th of this year, staff presented three designs on kiosks for Shoshone Falls. After discussion of the designs, it was recommended to have the Parks and Recreation Commission review the designs. The Commission reviewed these same designs at its June 18th meeting. The Commission chose the design that incorporates the three small kiosks. Staff then requested Lytle Signs to develop a more in-depth drawing to present back to the Commission. At the next Commission meeting on July 10th, the Parks and Recreation Commission approved the design and recommended to the City Council to approve the design as well.

Staff concurs with the Parks and Recreation Commission's recommendation for the City Council to approve the design of the interpretive kiosks.

**MOTION:**

Councilperson Hall made the motion to approve the Parks and Recreation Commission's recommendation to approve the design of the interpretive kiosks as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration to accept dedication of Tract D Block 3 Morning Sun #3 and Tract E Block 1 Morning Sun #5.

Public Works Director Bates reviewed the request. He stated that during the platting of these two phases of Morning Sun Subdivision, the land adjacent to the coulee within the flood plain was placed in tracts. These tracts were to be dedicated to the City but were not expressly stated on the plat. The property owner, who has been billed for the parcels, has submitted the quitclaim for these tracts as requests that the City accept the land.

Staff recommends that the Council accept the quitclaim deed for Tract D Block 3 Morning Sun #3 and Tract E Block 1 Morning Sun #5.

**MOTION:**

Councilperson Johnson made the motion to accept dedication of Tract D Block 3 Morning Sun #3 and Tract E Block 1 Morning Sun #5 as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of the final plat of Wild Rose Estates Subdivision, Phase 3, consisting of 9 s/f residential lots on 12.87 (+/-) acres, located ½ mile north and east of the intersection of Falls Avenue East and 3300 East Road c/o Gerald Martens/EHM Engineers on behalf of Tiger Hills Partners, LLP.

Community Development Director Humble reviewed the request. He stated that prior to 2004 this property was not located within the City's Area of Impact. In 2004 Twin Falls City Council and the Twin Falls County Commissioners approved an amended Area of Impact Agreement and Area of Impact Map. As a result this area was incorporated into the City's Area of Impact.

In December 2002 the Twin Falls County Planning and Zoning Commission approved a request for a Conditional Use and the Preliminary Plat of Wild Rose Estates Subdivision. The preliminary plat consisted of 116 acres (+/-) and 85 residential lots. In May 2003 Twin Falls County approved the final plat of Wild Rose Estates, Phase I, which consisted of 35 acres (+/-) and 17 residential lots. On January 17, 2006, the City Council approved a request by the developer of Wild Rose Estates, Phase II for one private driveway within the project that exceeds 300 feet in length and on April 10, 2006, the Twin Falls County Board of Commissioners approved the final plat of Wild Rose Estates, Phase II. This final plat consisted of 28 acres (+/-) and 13 residential lots.

The request is for approval of Wild Rose Estates, Phase III. The plat consists of 13 acres (+/-) and 9 single family residential lots. The approved preliminary plat indicates the developer plans to complete this subdivision in 4 phases. Approval of this request will allow the applicant to proceed to develop a Final Plat that shall be in conformance with the approved Preliminary Plat and any conditions placed on the approval. In December 2002 and in April 2006 the Twin Falls County Board of County Commissioners approved the final plats of Wild Rose Estates, Phase I and II subject to the following condition:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Staff concurs with the Twin Falls County Board of County Commissioners' recommendation.

**MOTION:**

Councilperson Johnson made the motion to approve the final plat of Wild Rose Estates Subdivision, Phase 3, consisting of 9 s/f residential lots on 12.87 (+/-) acres, located ½ mile north and east of the intersection of Falls Avenue East and 3300 East Road c/o Gerald Martens/EHM Engineers on behalf of Tiger Hills Partners, LLP., as presented, subject to the following condition:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

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

6. Consideration of the PUD Agreement between the City of Twin Falls and Lighthouse Christian Fellowship, Inc.

Community Development Director Humble reviewed the request. The City Council approved a request to amend the existing Anderson Lumber PUD Agreement on February 20, 2007, to allow the facility to be utilized for a church and school. Staff has worked with Lighthouse Christian Fellowship to assure that the amendment to the PUD Agreement correctly reflects Council's approval. Approval of this request will allow the applicant to proceed with his development as approved.

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

Discussion followed:

Councilperson Lanting stated at the Planning and Zoning Commission Meeting there were neighborhood concerns regarding the location of football fields, lights, and public address.

Community Development Director Lanting stated that the concerns have been covered in the PUD.

**MOTION:**

Councilperson Barigar made the motion to move approval of the PUD Agreement between the City of Twin Falls and Lighthouse Christian Fellowship, Inc. as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

7. Consideration of a request to approve a contract with CH2M HILL to design and bid a CEPT (Chemically Enhanced Primary Treatment) Facility and biotower bypass project.

Public Works Director Bates reviewed the request. He stated that the current WWTP (Wastewater Treatment Plant) facility has a biotower that is in serious disrepair. The biotower is not safe to be around and no personnel have been able to work on the structure for years due to the safety concerns. The biotower still plays a vital role in the waste treatment at the plant; therefore,

it cannot be removed from the system without compensations being made in the treatment processes. The CEPT will allow the biotower to be removed from the system without decreasing the capacity of the WWTP. This contract will also cover the demolition of the biotower and the installation of a larger diameter bypass line around the biotower. This contract is not in the current budget but due to the current biotower condition a portion of the wall was blown over during a recent wind event and it is necessary to expedite its removal and replacement. The Council's approval of this request will eliminate a serious safety hazard at the WWTP, will not decrease the treatment capacity, will position the City for future upgrades, and allow the City to continue to operate within the current NPDES permit for wastewater discharge.

Staff recommends that the Council approve the project of \$138,700, and allow the scope of work to be submitted in a final form for signatures by Mayor or City Manager.

Discussion followed:

Public Works Director Bates stated that temporary measures currently are in place.

**MOTION:**

Vice Mayor Dwight made the motion to approve a contract with CH2M HILL to design and bid a CEPT (Chemically Enhanced Primary Treatment) Facility and biotower bypass project for the cost not to exceed \$138,700 as presented. The motion was seconded by Councilperson Craig as presented and roll call vote showed all members present voted in favor of the motion. The motion passed.

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

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. Request for annexation of 2.18 (+/-) acres located at the southeast corner of Harrison Street South and Orchard Drive aka 524 Orchard Drive by Tensco, LLC c/o Gerald Martens, EHM Engineering, Inc. (app. 2139)

Gerald Martens, representing the applicant, explained the request. The plan is to construct five multi-family structures accessing and retaining the existing residences. One of the approaches at the residence will be eliminated. There would be one approach off from Harrison and one off from Orchard looping through.

Vice Mayor Dwight asked that because the existing residence is to be retained, if the approaches from the apartment complex will be decided in the platting process.

Gerald Martens stated that the approaches would be decided in the platting process. On overhead projection he showed the preliminary site plan.

Community Development Director Humble reviewed the request. He stated that the request is to annex 2.18 (+/-) acres with zoning designation of R-4, which is the existing zoning of the property. The applicant intends to develop the property under these standards as a mixed residential development. As City utilities and services are only available to properties within City limits the applicants are requesting annexation to be able to develop the property with City water and sewer. Annexation does not guarantee that City utilities and services will be available at this location. The property is contiguous to City limits on the north, east, and south and thus is able to request annexation.

On June 26, 2007, the Planning and Zoning Commission unanimously voted to recommend the R-4 zoning designation as appropriate and if the City Council approves the annexation it should be 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 arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.

Staff concurs with the Commission's recommendations.

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

**MOTION:**

Councilperson Johnson made the motion to approve the annexation of 2.18 (+/-) acres located at the southeast corner of Harrison Street South and Orchard Drive aka 524 Orchard Drive by Tensco, LLC c/o Gerald Martens, EHM Engineering, Inc. (app. 2139), as presented, and subject to the following conditions:

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.

The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

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

**MOTION:**

Vice Mayor Dwight made the motion to move to Executive Session as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

The meeting adjourned to Executive Session at 6:26 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES  
 Special Meeting of the Twin Falls City Council  
 MONDAY, July 30, 2007  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

1. Continuation of review of the Preliminary 2007-2008 Budget.
2. Accounts Payable for the week of July 24-30, 2007.

ATTENDANCE

Present

Mayor Lance Clow  
 Vice Mayor Glenda Dwight  
 Shawn Barigar  
 Trip Craig  
 Don Hall  
 Dave Johnson  
 Greg Lanting

Absent

None

CITY STAFF PRESENT: City Manager Tom Courtney, Finance Director Gary Evans, Assistant Finance Director Lorie Race, Management Assistant Gretchen Scott, Captain Bryan Krear, and Deputy City Clerk Leila Sanchez.

Mayor Clow called the meeting to order at 3:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him.

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**AGENDA ITEMS**

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Accounts Payable for the week of July 24-30, 2007, total: \$186,090.16.

Councilperson Hall made the motion to approve the accounts payable as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

Continuation of review of the Preliminary 2007-2008 Budget.

City Manager Courtney reviewed the following:

- Hiring. A request for an additional dispatcher for the Police Department.
- PI Stations. 30,000 gallons a month per unit is saved with construction of the PI stations (12-17 mgd.)

Council discussion followed:

- Fire Dispatcher. Captain Krear reviewed the dispatcher position.

City Manager Courtney gave a recap of the review of the meeting of July 16, 2007.

Discussion followed:

- Employee turnover in the Police and Water Departments.
- Funding major capital projects.
  - a. Arsenic Water Supply Study.
  - b. Installation of PI supply stations.
- Fire hydrants are on potable water.

- Increase in proposed rates, to include PI supply stations.
- Foregone amount to go towards general capital such as streets, parks and building needs.
- Wastewater Fund.
  - a. Proposing a primary treatment system.
  - b. Replacement of the sewer line on Locust and Canyon Springs Road.
- Street Fund. \$522,000 allocated toward the Washington Street Project.
- Space needs at City Hall and Parks and Recreation Department.
- Increase Idaho Power franchise fees.
- Adoption of impact fees.
- Capacity and buy-in fees.
- Increase of water rates.
- Sanitation rates. Finance Director Evans reviewed the sanitation contract and fees.

Management Assistant Scott stated that currently there are 662 homes and vacant lots on the PI system. 340 homes were added this summer. 1,531 homes or vacant lots are to be connected.

City Manager Courtney reviewed the proposed increases to employee salaries and current health insurance plan.

RECOMMENDATION:

Councilperson Lanting made a recommendation to accept a 6% increase for staff. The motion was seconded by Councilperson Hall and voice showed all members present voted in favor of the recommendation. The recommendation passed.

RECOMMENDATION:

Councilperson Lanting made the recommendation to increase the franchise fee up to 3%. The recommendation was seconded by Councilperson Barigar and voice vote showed all members present voted in favor of the recommendation. The recommendation passed.

RECOMMENDATION:

Councilperson Lanting made the recommendation to collect the foregone in the amount of \$539,500, and reserve the current levy limit for the library. The recommendation was seconded by Vice Mayor Dwight and voice vote showed Mayor Clow, Vice Mayor Dwight, Councilperson Barigar, Hall, Johnson and Lanting voted for the recommendation. Councilperson Craig voted against the motion. The recommendation passed.

RECOMMENDATION:

Councilperson Barigar made the recommendation to direct staff to draw up an ordinance addressing the Council's salary. The recommendation was seconded by Councilperson Hall and voice vote showed all members present voted in favor of the recommendation. The recommendation passed.

Council discussion followed:

- New detective positions.
- Increase in health insurance premiums.
- Gallatin Group update.
- Improvements at the gun range.
- Update of CityWorks.
- Golf contract for profession services.
- Increase in the Golf Department budget for tree trimming.
- Expanding dock area at Dierkes Lake.
- Streets Department sand and gravel storage.

The meeting adjourned at 5:08 P.M.

**COUNCIL MEMBERS:**

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING

**Mayor**

**Vice Mayor**



**MINUTES**

Meeting of the Twin Falls City Council  
 MONDAY, August 6, 2007  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**5:00**

**TOUR OF THE CITY OF TWIN FALLS INCIDENT COMMAND TRAILER AND NEW FIRE TRUCK.**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**CALL MEETING TO ORDER: 5:00 P.M.**

**AGENDA ITEMS**

	<b>Purpose</b>	<b>By:</b>
<p><b>I. CONSENT CALENDAR:</b></p> <ol style="list-style-type: none"> <li>1. Consideration of accounts payable: July 31 – August 6, 2007, total: Prepay = \$69,935.00 and A/P reg = \$487,514.70.</li> <li>2. Consideration of the July 16, July 23, and July 30, 2007 Minutes.</li> <li>3. Findings of Fact, Conclusions of Law and Decisions                             <ul style="list-style-type: none"> <li>▪ KIDA –TV SUP Denial</li> <li>▪ Canyon Falls Subdivision No.2, PUD-Final Plat</li> <li>▪ Jayco, Inc. Subdivision, Final Plat</li> <li>▪ Riverhawk Subdivision PUD, Final Plat</li> <li>▪ James Anderson Vacation</li> <li>▪ Geoffrey Bushell Annexation</li> <li>▪ Eldridge Commercial Subdivision Final Plat</li> <li>▪ Davis Subdivision Final Plat</li> <li>▪ Ken Stutzman Annexation</li> <li>▪ Red Coat &amp; Broken Arrow Annexation</li> <li>▪ Hometowne Subdivision Final Plat</li> <li>▪ St. Luke's Subdivision PUD, Final Plat</li> <li>▪ Bosero Development Annexation</li> <li>▪ High Plains Estates Subdivision, Phase 3 Final Plat</li> </ul> </li> <li>4. Consideration to approve the Improvement Agreement for Developments, engineer's estimate and assurance of construction for Eastwood #5, R. G. and Deaun Messersmith, High Desert Holding LLC.,</li> <li>5. Consideration to approve the Improvement Agreement for Development for Canyon Falls #2, Concord Properties LLC.</li> </ol>	Action	Staff Report
<p><b>II. ITEMS FOR CONSIDERATION:</b></p> <ol style="list-style-type: none"> <li>1. Presentation by Stacy Madsen, Magic Valley Arts Council, of a Landscape Award to Carquest Auto Parts, 1806 Kimberly Road.</li> <li>2. Consideration of the appointment of Ron Yates to the Historic Preservation Commission.</li> <li>3. Consideration to approve Memorandum of Agreement from the State Historic Preservation Office's Certified Local Government (CLG) grant and direction of how funds are spent.</li> <li>4. Consideration of adoption of the following ordinances:                             <ol style="list-style-type: none"> <li>a. Annexation of 12.87 (+/-) acres of property located at the northeast corner of Kenyon Road, extended, and 3600 North Road, c/o EHM Gary Burkett &amp; Wills Land Co., LLC . (app. 2136) Proposed Ordinance #2911.</li> <li>b. Annexation of 2.18 (+/-) acres located at the southeast corner of Harrison Street South and Orchard Drive aka 524 Orchard Drive by Tensco, LLC c/o Gerald Martens/EHM. app. 2139) Proposed Ordinance #2912.</li> </ol> </li> <li>5. Consideration of an extension of the final plat of Grandview Estates Subdivision, 40 (+/-) acres, to develop 133 residential lots and 2 tracts, located at the southeast corner of Grandview Drive North and Federation Road.</li> <li>6. Public input and/or items from the City Manager and City Council.</li> </ol>	<p>Presentation</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p>	<p>Stacy Madsen</p> <p>Melinda Anderson</p> <p>Melinda Anderson</p> <p>Mitch Humble</p> <p>Mitch Humble</p>

NOTICE AND AGENDA

August 6, 2007

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III. <b>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>		
IV. <b>PUBLIC HEARINGS:</b> <b>6:00 P.M.</b> 1. Request for a Zoning District Change and Zoning Map Amendment for approximately 110 (+/-) acres from SUI CRO to SUI CRO PUD for property 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 Casper Southgate, LLC, and City of Twin Falls. (app. 2142)	Action	Mitch Humble
V. <b>ADJOURNMENT:</b>		

***\*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: Mayor Lance Clow, Vice Mayor Glenda Dwight, Councilpersons David Johnson, Shawn Barigar, Don Hall, City Manager Tom Courtney, Economic Development Director Melinda Anderson, Community Development Director Mitch Humble, Deputy City Clerk Sharon Bryan Absent: Councilperson Trip Craig and Greg Lanting.

City Council took a tour through the City of Twin Falls incident command trailer and new fire truck.

Mayor Clow called the meeting to order at 5:23: He then invited all present who wish, to recite the Pledge of Allegiance to the Flag. The City Council then considered the following items.

I. CONSENT CALENDAR:

1. Approve accounts payable  
July 31 – August 6, 2007 - \$557,449.70
2. Consideration of the July 16, July 23 and July 30, 2007 Minutes
3. Findings of Fact and Conclusions of Law:

Mayor Clow pulled the KIDA –TV SUP Denial and St Luke’s Subdivision PUD, Final Plat off to be reviewed and voted on separately.

- Canyon Falls Subdivision No.2, PUD-Final Plat
- Jayco, Inc. Subdivision, Final Plat
- Riverhawk Subdivision PUD, Final Plat
- James Anderson Vacation
- Geoffrey Bushell Annexation
- Eldridge Commercial Subdivision Final Plat
- Davis Subdivision Final Plat
- Ken Stutzman Annexation
- Red Coat & Broken Arrow Annexation
- Hometowne Subdivision Final Plat
- Bosero Development Annexation
- High Plains Estates Subdivision, Phase 3 Final Plat

4. Consideration to approve the improvement Agreement for Developments, engineer’s estimate and assurance of construction for Eastwood #5, R.G. and Deaun Messersmith, High Desert Holding LLC.,
5. Consideration to approve the Improvement Agreement for Development for Canyon Falls #2, Concord Properties LLC.

Councilperson Johnson made the motion to approve the Consent Calendar. The motion was seconded by Councilperson Dwight and roll call vote showed all members present in favor of the motion.

KIDA –TV SUP Denial Findings of Fact and Conclusions of Law pulled from the original agenda list.

Mayor Clow pulled this item because he wanted to clarify that he explained the public hearing procedure and that the applicant said he was unaware of a time limit.

Councilperson Johnson made the motion to approve the Findings of Fact and Conclusions of Law for the KIDA –TV SUP Denial. The motion was seconded by Councilperson Barigar and roll call vote showed all members present in favor of the motion.

St. Luke's Subdivision PUD, Final Plat Findings of Fact and Conclusions of Law pulled from the original agenda list.

Mayor Clow pulled this item due to a conflict of interest with Councilperson Barigar.

Councilperson Johnson made the motion to approve the Fact and Conclusions of Law for the St. Luke's Subdivision PUD, Final Plat. The motion was seconded by Councilperson Hall and roll call vote showed all members present in favor of the motion. Councilperson Barigar abstained.

Mayor Clow asked that a correction to the July 23 minutes reflect that he reviewed the procedures for public hearings and that Mr. Workman was given 15 minutes to speak.

## II. ITEMS FOR CONSIDERATION:

1. Presentation by Stacy Madsen, Magic Valley Arts Council, of a Landscape Award to Carquest Auto Parts, 1806 Kimberly Road.

Stacy Madsen, Magic Valley Arts Council presented Carquest Auto Parts with the Landscape Awarded of the month of August.

Stacy Madsen introduced the City Council Chambers featured photographer, Glenda Dwight.

Councilperson Barigar announced that the Beautification Committee will be presenting an award at Hot August Night Picnic, August 16, 2007.

2. Consideration of the appointment of Ron Yates to the historic Preservation Commission.

Economic Development Director Melinda Anderson reviewed the request. Anderson explained that presently we are at six members and that they would like to add one more. Mr. Yates has been actively interested in preservation work even though he is not formally on the commission. The Historic Preservation Commission has recommended Ron Yates as does staff.

Councilperson Barigar made a motion to appoint Ron Yates to the Historic Preservation Commission for a three year term. Councilperson Hall seconded the motion and roll call vote showed all members present in favor of the motion.

3. Consideration to approve Memorandum of Agreement from the State Historic Preservation Office's Certified Local Government (CLG) grant and direction of how funds are spent.

Economic Development Director Melinda Anderson reviewed Memorandum of Agreement with council.

- State gave board a \$5,000 grant.
- Board wants to spend it on a walking tour brochure.

- Council needs to accept the grant and authorize the funds to be spent on the brochure.

Councilperson Barigar reviewed the brochure with Council.

Councilperson Dwight made the motion to approve the Memorandum of Agreement from the State Historic Preservation Office's Certified Local Government (CLG) grant using the funds to revise and reproduce a historic downtown building walking-tour brochure. Councilperson Johnson seconded the motion and roll call vote showed all members present in favor of the motion.

Melinda will be out of the office next week to move family to Twin Falls.

4. Consideration of adoption of the following ordinances:
  - a. Annexation of 12.87 (+/-) acres of property located at the northeast corner of Kenyon Road, extended, and 3600 North Road, c/o EHM Gary Burkett & Wills Land Co., LLC. (app. 2136) Proposed Ordinance #2911
  - b. Annexation of 2.18 (+/-) acres located at the southeast corner of Harrison Street South and Orchard Drive aka 524 Orchard Drive by Tensco, LLC %Gerald Martens/EHM. App. 2139) Proposed Ordinance #2912

Councilperson Johnson made the motion to suspend the rules and place Ordinance No's 2911 and 2912 entitled:

Ordinance 2911

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

Ordinance 2912

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

On third and final reading by title only. The motion was seconded by Councilperson Dwight and roll call vote showed all members present in favor of the motion.

Deputy City Clerk Bryan read the Ordinance 2911 by title only.

Councilperson Hall made the motion to pass Ordinance 2911. The motion was seconded by Councilperson Barigar and roll call vote showed all members present in favor of the motion.

Deputy City Clerk Bryan read Ordinance 2912 by title only.

Councilperson Barigar made the motion to pass Ordinance 2912. The motion was seconded by Councilperson Johnson and roll call vote showed all members present in favor of the motion.

5. Consideration of an extension of the final plat of Grandview Estates Subdivision, 40 (+/-) acres, to develop 133 residential lots and 2 tracts, located at the southeast corner of Grandview Drive North and Federal Road.

Community Development Director Mitch Humble explained that on August 28, 2006 the City council approved the final plat of the Grandview Estates Subdivision subject to two conditions: 1) Subject to final technical review by the Engineering Department and 2) Proposed park area to comply with new Park Ordinance,. Provide adequate off street parking, as per City Standards. Being aware the plat would not be recorded by the one year time the developer/owner has requested a one year extension. He explained that approval of this request will allow the applicant to record the final plat without going back through the process.

Johnson – Is Engineering Dept. responsible for slowing process down.

Barigar – Other subdivision fed by PI systems?

Humble - Some are coming along. Plans are in the works for a PI station out there.

Johnson – Justin Peterson EHM Engineers – Any problem with putting a PI station out there. EHM said they would not have a problem with putting in a PI system. He gave council some history on the development of the area and the canal systems.

Councilperson Johnson made a motion to approve extension of the final plat of Grandview Estates Subdivision, 40 (+/-) acres, to develop 133 residential lots and 2 tracts, located at the southeast corner of Grandview Drive North and Federal Road with the following conditions: 1) Subject to final technical review by the Engineering Department and 2) Proposed park area to comply with new Park Ordinance and to provide adequate off street parking, as per City Standards and encourage developer to work with City staff to provide a pressurized irrigation system. Councilperson Dwight seconded the motion and roll call vote showed all members present in favor of the motion.

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

Paul Ostyn addressed council in regards of the weeds within the City of Twin Falls.

Council agreed with Mr. Ostyn and informed Mr. Ostyn that they have been working with staff to come up with a solution to the problem.

### III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS

Councilperson Barigar reported that he attended a meeting with the Tree Commission and Dan Brizee who expressed a concern with the row of ash trees that run along 2<sup>nd</sup> Avenue East across from Brizee Heating and Air Conditioning. He is concerned with the disease and overgrowth of these trees. The plan is to have the trees removed and tree commission will work on putting in new trees.

Councilperson Barigar reported that there is a master landscape plan for the downtown area being worked on and the sprinkler system is being repaired

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

Mayor Clow reviewed the Public Hearing procedures with public attending.

1. Request for a Zoning District Change and Zoning Map amendment for approximately 110 (+/-) acres from SUI CRO to SUI CRO PUD for property 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. %Casper Southgate, LLC, and City of Twin Falls. (app 2142)

Fran Florence, representing Casper Southgate LLC spoke. He reviewed the history of the property.

Scott Allen, Land Group, representing Casper Southgate LLC reviewed the technical aspects of the request.

Community Development Director Humble reviewed the process to request a zoning district change and zoning map amendment.

Community Development Director Humble reviewed the amendment using overhead projections. The Planning & Zoning Commission included a condition on their recommendation that the building setback from the canyon rim be 50 feet. He thinks that there was a little misunderstanding of the proposal. The proposal does include a provision for a minimum 50 foot canyon rim setback. The confusion comes from a provision in the proposal allowing a 20 foot rear property line setback for homes that back to the canyon. A rear property line setback is different from a canyon rim setback. Since the proposal includes a 50 foot canyon rim setback, that particular condition by the P&Z is not necessary.

He did recommend additional conditions. First, the intent of the PUD proposal is to allow a gated subdivision with private streets. But the proposal does not specify that this use is permitted. A condition should be added allowing the use of a gated subdivision with private streets. Second, the proposal lists out the exact uses to be permitted on the property. That list includes accessory buildings. However, in the Zoning Title, accessory buildings have size restrictions. This proposal eliminates the size restrictions so that it would be permitted to construct any size of an accessory building. He thinks that was an oversight in the PUD preparation and recommends that the Council include a condition that would limit the size of accessory buildings to match the Zoning Title limits.

Planning and Zoning recommended approval with the following conditions.

1. Subject to the "uses" portion of the PUD Agreement including the allowance of "Bus Facilities, Pick-up Shelters" by Special Use Permit.
2. Master Development Plan to include Cheney Drive, extended to Hankins Road.
3. The minimum building setback shall be 50' from the Canyon Rim with an approved geological study.
4. Subject to approval of a PUD Agreement.
5. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

In addition to the 5 P&Z conditions, staff recommends the following.

1. Add "gated subdivision with private streets" as a permitted use.

2. Include language for permitted accessory buildings that matches the Code for accessory buildings in the SUI base district.

Discussion ensued:

- Johnson – access to the jump site protected? Already done by the land trade agreement.
- Humble – Preliminary meeting with Land Board tomorrow.

The public hearing was opened. 6:26 PM

There being no one speaking for or against the public hearing was closed at 6:27 PM

Discussion followed on:

- Fran Florence reviewed the 20' setback.
- Johnson – Asked if they had any problem with the conditions? No problems.
- Clow – Staff – P & Z official definition for the bus area and stop. Just a place to park tour buses. Shelters for people to stand under.

Councilperson Johnson made the motion approve the request for a Zoning District Change and Zoning Map amendment for approximately 110 (+/-) acres from SUI CRO to SUI CRO PUD for property 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 with the following conditions:

1. Subject to the "uses" portion of the PUD Agreement including the allowance of "Bus Facilities, Pick-up Shelters" by Special Use Permit.
2. Master Development Plan to include Cheney Drive, extended to Hankins Road.
3. Subject to approval of a PUD Agreement.
4. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
5. Add "gated subdivision with private streets" as a permitted use.
6. Include language for permitted accessory buildings that matches the Code for accessory buildings in the SUI base district.

Councilperson Dwight seconded the motion and roll call vote showed all members present in favor of the motion.

V. ADJOURNMENT

There being no further business the meeting was adjourned at 6:34 PM

Sharon Bryan,  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND A	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, August 20, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for August 14 – 20, 2007, total: \$512,079.31
2. Consideration of the August 13, 2007, Minutes.
3. Curb-Gutter and Sidewalk Improvement Deferral Agreement:
  - a. James Renaldi, Lot 29 Sylvester Newton Subdivision
  - b. Larry Hieb, 3235 Spring Creek Drive
  - c. Michael E. and Joyce A. Riddle, 727 Lee Court
4. Consideration of a request to accept a perpetual easement for Eastland Drive from Ronald and Carole Kasel.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a proposed resolution adopting By-Laws of the Twin Falls Youth Advisory Council. Proposed Resolution 1787.
2. Consideration of a request by Gary Stone to extend the Magic Valley Mural in the main lobby of Twin Falls Airport and to be dedicated to fallen military personnel.
3. Consideration of a proposed resolution adopting declaring the intention of the City to exchange property and setting a date for a public hearing. Proposed Resolution 1788
4. Consideration of a request to pay fees in lieu of park land dedication for the Southern Comfort Subdivision.
5. Consideration of a request to pay fees in lieu of park land dedication for the Anderson Subdivision.
6. Consideration of the conveyance plat of Farnham Subdivision consisting of 2 lots on 5.5 (+/-) acres for property located at the southwest corner of Addison.
7. Consideration of a request to initiate a public hearing to consider amending City Code Title 10, Chapter 17, regarding elimination of the Planning and Zoning Commission alternate commission members.
8. Consideration of a request to initiate a public hearing to consider amending City Code Title 10, Chapter 8, regarding the application of recent Title 10 amendments to the City's Area of Impact.
9. Request for a 1-year extension of the final plat for North Haven Business Park PUD Subdivision.
10. Public input and/or items from the City Manager and City Council.

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

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

1. Appeal of the Planning and Zoning Commission's decision to deny a request for a Special Use Permit to operate an in-home daycare on property located at 2287 Hillcrest Drive, c/o Terance and Ana Thueson. (app. 2149)  
*The applicant has requested an additional 10 minutes to speak.*

**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.*

## ATTENDANCE

### Present

Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Shawn Barigar  
Dave Johnson  
Greg Lanting  
Don Hall

### Absent

Trip Craig

CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, City Engineer Jackie Fields, Captain Matt Hicks, Parks & Recreation Director Dennis Bowyer, Airport Manager Bill Carberry, Deputy City Clerk Leila Sanchez.

Mayor Clow 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.

City Manager Courtney stated that the following agenda item will be rescheduled:

9. Request for a 1-year extension of the final plat for North Haven Business Park PUD Subdivision.

## AGENDA ITEMS

### II. CONSENT CALENDAR:

1. Consideration of accounts payable for August 14 – 20, 2007, total: \$512,079.31
2. Consideration of the August 13, 2007, Minutes.
3. Curb-Gutter and Sidewalk Improvement Deferral Agreement:
  - a. James Renaldi, Lot 29 Sylvester Newton Subdivision
  - b. Larry Hieb, 3235 Spring Creek Drive
  - c. Michael E. and Joyce A. Riddle, 727 Lee Court
4. Consideration of a request to accept a perpetual easement for Eastland Drive from Ronald and Carole Kasel.

#### MOTION:

Vice Mayor Dwight made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

### II. ITEMS FOR CONSIDERATION:

1. Consideration of a proposed resolution adopting By-Laws of the Twin Falls Youth Advisory Council. Proposed Resolution 1787.

Mayor Clow reviewed the request. The Twin Falls Youth Advisory Council adopted the by-laws on August 15, 2007.

He read the Youth Advisory Council Mission statement:

“Our Mission is to improve the lives of current and future generations in the Magic Valley through positive leadership and interaction while promoting youth involvement and supporting the mission of the City of Twin Falls.”

Youth Advisory Council members Maddy Heath, Heidi Aardema, and Noah Boggess attended the meeting.

#### MOTION:

Councilperson Johnson made the motion to adopt Resolution 1787, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ORGANIZING A YOUTH COUNCIL AND SETTING FORTH THE BY-LAWS PURSUANT TO WHICH SAID COMMISSION SHALL OPERATE.” The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

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Mayor Clow stated the first meeting will be held on September 4, 2007. The meetings will be held the first Tuesday and fourth Wednesday of the month.

2. Consideration of a request by Gary Stone to extend the Magic Valley Mural in the main lobby of Twin Falls Airport and to be dedicated to fallen military personnel.

Airport Manager Carberry reviewed the request. On August 7, 2007, Gary Stone met with the Airport Board and presented his request to expand the mural around the corner, an additional area of approximately 12-14 feet of wall space. The Airport Board recommends approval to the Council.

Gary Stone explained the request. It is the 11<sup>th</sup> year the mural has been in existence. The City Council, initially, at that time, assisted with \$5,000, for materials to build the mural and erect it. This request is to extend the mural around the corner in the main lobby of the Twin Falls Airport and to be dedicated to honor fallen military personnel. An additional request is for funding of \$5,000.

Discussion followed:

Mayor Clow asked City Attorney Wonderlich to explain the dedication policy.

City Attorney Wonderlich stated that the Parks Memorial Policy applies to park dedication and would not apply to the mural.

Mayor Clow made the clarification that the agenda report by Airport Manager Carberry stated that Mr. Stone did not request any funding.

Gary Stone stated that the funding was not being requested from the Airport Board.

**MOTION:**

**Councilperson Johnson made the motion to approve the request to extend the Magic Valley mural around the corner of the main lobby, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion.**

Council discussion followed:

-Funding for the mural.

Airport Manager Carberry stated that he was unaware that Gary Stone would be requesting funding of \$5,000 from the Council.

Mayor Clow suggested that staff review the funding request and come back to the Council as to what the budget situation is for the upcoming fiscal year.

Gary Stone stated that if the airport ever disappears or if he disappears first, the mural would be going to the Twin Falls County Historical Society. Arrangements were made approximately ten years ago, or the mural could be moved to the new regional airport across the river.

3. Consideration of a proposed resolution adopting declaring the intention of the City to exchange property and setting a date for a public hearing. Proposed Resolution 1788

Parks and Recreation Director Bowyer reviewed the request. In the design of the parking lot next to the ticket booth at the entrance of Shoshone Falls/Dierkes Lake complex, it was discovered that part of the existing parking lot was on private property owned by Michael Kestler. In meeting with Mike Kestler, his desire is to trade land the City owns that is directly north of his residence located west of the ticket booth and parking lot. The properties were surveyed and the exchange proposal consisted of the City trading approximately .14 acres in exchange for approximately .11 acres.

Staff recommends approval of a public hearing date for 6:00 P.M., on Monday, September 10, 2007, for the purpose of exchanging City property.

**MOTION:**

**Councilperson Johnson made the motion to adopt Resolution 1788, to establish a public hearing of September 10, 2007, for the purpose of exchanging City property with Mike Kestler for a portion of his property at Shoshone Falls entrance, as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.**

4. Consideration of a request to pay fees in lieu of park land dedication for the Southern Comfort Subdivision.

Parks and Recreation Director Bowyer reviewed the request. Tensco Inc., has submitted a request for the City to accept payment of fees in lieu of the required park land dedication for the Southern Comfort Subdivision that is proposed at the southeast corner of Harrison Street South and Orchard Drive. The Southern Comfort Subdivision is planned to be five four-plexes containing 20 new household units and one existing household unit on 2.18 (+/-) acres at this location. The code requires the number of households in the subdivision multiplied by 0.01 to figure the number of acres set aside or use that number as part of the in lieu of contribution. The code does not differentiate between new or existing household units in the subdivision. Staff believes the intent of the ordinance and the spirit of the law was only for new household units to be counted.

Council discussion followed:

Councilperson Hall asked the monetary value of the in lieu of park land dedication.

Parks and Recreation Director Bowyer stated that an appraisal would be done at the final plat stage.

Mayor Clow asked if there a reasonableness to the size of the development to make this request. This project is on two-tenths of an acre which is 10% of the land dedicated. On a large subdivision of single families, the percentage of the total land mass is much smaller.

Councilperson Lanting stated 20 housing units have a higher demand for parks than a residential unit and it is easier to put in a residential unit, which have more space.

Parks and Recreation Director Bowyer stated he and Community Development Director Humble are reworking on the parks ordinance.

Councilperson Barigar stated that as the City continues to move forward with the comprehensive plan development and if Twin Falls continues going down this path in infield development, the City would want to make sure there is some mechanism in place to allow for enhancements to parks with two, three, or four acre developments. He stated he was not sure if there is a minimum size that the City would need to be dealing with.

**MOTION:**

**Councilperson Johnson made the motion to approve the in lieu of park land dedication for the Southern Comfort Subdivision as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.**

5. Consideration of a request to pay fees in lieu of park land dedication for the Anderson Subdivision.

Parks and Recreation Director Bowyer reviewed the request. Renaldi Construction has submitted a request for the City to accept payment of fees in lieu of the required park land dedication for the Anderson Subdivision that is proposed along 9<sup>th</sup> Avenue East and Maurice Street. The Anderson Subdivision is planned for the property to be split for another house to be built on the site.

Harmon Park is the only neighborhood park located within the same square mile as this property and currently there are no plans for another neighborhood park in this square mile. At the Parks and Recreation Commission meeting held on Tuesday, August 14, 2007, the Commission voted unanimously to accept the in lieu of application.

Approval of this request will allow the developer to pay fees in lieu of park land dedication. City staff has agreed upon an appraised price of \$20,606 per acre, and adding the cost of developing an acre of park land of \$31,700, then multiplying it by .01, the in lieu contribution is \$523.06. These fees would be used for projects at Harmon Park.

Staff recommends that the Council accept the developer's request to pay fees in lieu of park land dedication of \$523.06.

**MOTION:**

**Councilperson Hall made the motion to approve the in lieu of park dedication of \$523.06 for the Anderson Subdivision as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.**

6. Consideration of the conveyance plat of Farnham Subdivision consisting of 2 lots on 5.5 (+/-) acres for property located at the southwest corner of Addison.

Community Development Director Humble reviewed the request using overhead projections. The property is zoned C-1 and is located at the southwest corner of Addison Avenue East and Carriage Lane. The plat consists of 5.5 (+/-) acres subdivided into two lots. Lot 1 is 1.39 (+/-) acres and Lot 2 is 3.39 (+/-) acres. The applicant wishes to split the property in order to be able to sell the parcel as two lots. Approval of the conveyance plat will allow the plat to be recorded and only then may the sale of property occur.

Staff recommends approval of the conveyance plat as presented subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent to and within the property being dedicated to the City of Twin Falls and being built or rebuilt to current City Standards upon development of the property.

The applicant is present to answer any questions the Council may have.

**MOTION:**

**Councilperson Lanting made the motion to approve the conveyance plat of Farnham Subdivision at the southwest corner of Addison and Carriage Lane, as presented, and subject to the following conditions:**

1. **Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable city code requirements and standards.**
2. **Subject to arterial and collector streets adjacent to and within the property being dedicated to the City of Twin Falls and being built or rebuilt to current city standards upon development of the property.**

**The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.**

**Mayor Clow stated that Items 7. and 8. would be considered together.**

7. Consideration of a request to initiate a public hearing to consider amending City Code Title 10, Chapter 17, regarding elimination of the Planning and Zoning Commission alternate commission members.
8. Consideration of a request to initiate a public hearing to consider amending City Code Title 10, Chapter 8, regarding the application of recent Title 10 amendments to the City's Area of Impact.

Community Development Director Humble reviewed Item 7. *Consideration of a request to initiate a public hearing to consider amending City Code Title 10, Chapter 17, regarding elimination of the Planning and Zoning Commission alternate commission members.*

In February 2007, a Planning and Zoning Commission appointment recommendation panel made up of Mayor Lance Clow, Vice Mayor Glenda Dwight, Councilperson David Johnson, Planning and Zoning Chairperson Ryan Horsley and himself, reviewed the City's Planning and Zoning membership in order to make recommendations for new appointments to be made in March 2007. The panel made the recommendation to the City Council and County Commissioners that the two alternate positions on the Planning and Zoning Commission be eliminated. At their March 1, 2007, meeting the County Commissioners appointed Rick Mikesell to serve on the Planning and Zoning Commission as a full member. The County Commissioners intent, as recommended by the panel, was to continue without a Planning and Zoning alternate. At their March 5, 2007, meeting the City Council appointed Bonnie Lezamiz, also an alternate, to be a full member of the

Planning and Zoning Commission. Again, their intent was to implement the recommendation to eliminate the Planning and Zoning alternates.

Staff recommends that the Council authorize staff to begin preparing a code amendment to change the makeup of the Planning and Zoning Commission by eliminating the alternates.

He continued to review Item 8. *Consideration of a request to initiate a public hearing to consider amending City Code Title 10, Chapter 8, regarding the application of recent Title 10 amendments to the City's Area of Impact.*

The City Council recently adopted a City Code amendment that changed the definition of a subdivision and created a plat called a conveyance plat. The Council has also been asked to initiate a public hearing to change the membership of the Planning & Zoning Commission by eliminating alternates from the Planning and Zoning Commission. Both of these code amendments will affect the Area of Impact. An amendment is needed to Title 10, Chapter 8, to implement these same changes within the Area of Impact. As such, an amendment to the chapter requires both the City Council and the County Commissioners to approve an amendment. Staff recommends that the Council authorize staff to begin preparing a code amendment that applies to these two City Code amendments to the Area of Impact.

Staff recommends that the Council initiate a public hearing to consider amending City Code Title 10, Chapter 8, regarding the application of recent Title 10 amendments to the City's area of Impact.

**MOTION:**

**Councilperson Johnson made the motion to authorize staff to proceed with the public hearing necessary to make the changes to Title 10, Chapter 17, and Title 10, Chapter 8, as presented. The motion was seconded by Councilperson Hall.**

Council discussion followed:

Mayor Clow asked Community Development Director Humble if he has spoken with the County regarding not appointing the alternates.

Community Development Director stated that he had not spoken to the County since March regarding not appointing the alternates, but he did have a conveyance plat that the Council recently recommended for approval to the County Commissioners and which they reviewed today and approved.

Mayor Clow stated the County would have to go through the public hearing process to amend their codes.

**Voice vote showed all members present voted in favor of the motion. The motion passed.**

9. Request for a 1-year extension of the final plat for North Haven Business Park PUD Subdivision.

**TO BE RESCHEDULED**

10. Public input and/or items from the City Manager and City Council. None.

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

Councilperson Lanting stated that the Annual Twin Falls City Employee Picnic will be held on Thursday, August 23, 2007, at 5:30 P.M. at Cascade Park.

Mayor Clow announced that the meeting will be adjourned at this time, 5:45 P.M., and reconvene at 6:00 P.M.

The meeting reconvened at 6:00 P.M.

**Mayor Clow reviewed the following Public Hearing process:**

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.

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2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
  - A complete explanation and description of the request.
  - Why the request is being made.
  - Location of the Property.
  - Impacts on the surrounding properties and efforts to mitigate those impacts.Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor.
4. A City Staff Report shall summarize the application and history of the request.
  - The City Council may ask questions of staff or the applicant pertaining to the request.
5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
  - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the mayor. The spokesperson shall be limited to 15 minutes.
  - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
  - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
7. The Mayor shall close the Public Hearing. The City Council shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.

\* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor.

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

1. Appeal of the Planning and Zoning Commission's decision to deny a request for a Special Use Permit to operate an in-home daycare on property located at 2287 Hillcrest Drive, c/o Terance and Ana Thueson. (app. 2149)  
*The applicant has requested an additional 10 minutes to speak.*

Terance Thueson, applicant, explained the request.

Ana Thueson, applicant, explained the request. She stated that her personal goal is to provide quality care to children. She reviewed the following:

- Day Care Hours: 7:30 A.M – 5:30 P.M.
- The school will be closed on weekends and major holidays.
- Home is fully fenced with a 6' vinyl fence.
- Curriculum and daily schedule.
- CPR certified.
- Will comply with all City and State guidelines.

Terance Thueson stated that he has spoken with a majority of neighbors and received support to his request. He submitted a petition with 90 names. He addressed the neighbors concerns:

-Traffic issue.

The plan is to limit the number of children at the daycare, thus limiting the number of cars into the neighborhood. In addition, it is common for families to enroll sibling in childcare programs, reducing the number of cars in the neighborhood. State code limits the number of children to be cared for which is a ratio of 12 children to 1 caregiver, and includes children in the household under the ages of 12 and under. The request would be for 9 additional children.

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Traffic accesses to the property. There are no police reports on file to indicate that the property is hazardous to access.

Bus stop. He will advise that parents bypass the bus stop by taking Knottingham Drive to Longbow. The bus stop, due to the assisted living facility, is out his control and is not related to the request.

-Noise. A child playing outside creates a positive and uplifting noise and is not a noise that does not already exist in the neighborhood. Time outdoors will be limited.

Trees and arborvitae bushes will be planted along the back fence to create a noise barrier and to prevent any toys from going over the fence.

-Potential of property values decreasing.

On overhead projections he displayed letters from Lynn Rasmussen and Lee Devore, who both have done independent studies on several other in-home daycare centers in the City of Twin Falls, and found that the day care centers have not affected the property values in the neighborhoods. He believes that an in-home day care will increase the market for potential home buyers.

Ana Thueson will be the only employee of the daycare and will comply with all health and welfare requirements, health department regulations, and fire safety standards, and will follow all city and state codes that govern in-home daycares and preschools. The program will not affect the City budget or raise taxes or impose any costs to the neighbors. The intention is to work with the neighbors to ensure their are met.

He reviewed the number of Special Use Permits granted for in-home daycares, provided by the Planning and Zoning Department. Since 1978, 83 permits were approved while 14 were denied. In the past five years not one permit has been denied.

Community Development Director Humble reviewed the request using overhead projections. The home is approximately 2,028 square feet on a lot that is 8,858 square feet. Ann Thueson would be the only employee. The business will be certified with the State Health and Welfare. The hours of operation requested are from 7:30 A.M. to 6:00 P.M., Monday through Friday. The request is for 8 to 12 children. The Planning and Zoning Commission discussed the idea of limiting the number of children to 8, due to the applicants' four children. The backyard is fenced; the home has a two car garage and space in the paved driveway for two additional vehicles. There is an additional paved area to the side of the driveway. The applicant indicated that they would stagger delivery/drop off and would use the driveway rather than the street.

The staff recommendation to the Planning and Zoning Commission should the Special Use Permit be approved are as follows:

1. The driveway to be used for customer parking only during daycare operating hours.
2. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
3. Comply with all state and local requirements to establish a daycare facility.

The Planning and Zoning Commission discussed limiting it to 8 children instead of 12. The applicant tonight made a statement that they would be willing to plant arborvitae or some screen type trees on the back property line. If the Council decides to approve this request, they can add this condition as well.

Council discussion followed:

Vice Mayor Dwight asked for clarification of the location of Knottingham Drive on overhead projection.

Councilperson Hall asked where the bus stops are located.

Community Development Director Humble stated that the bus stops at the curb at Hillcrest Drive. The bus is an ADA handicap van. The van will not be allowed to park on Eastland.

Vice Mayor Dwight stated that she is the Council liaison to the Planning and Zoning Commission and the issue was brought up if at the assisted living center the van could park in the driveway. She believed someone from staff would follow up.

Community Development Director Humble stated that he could request that the staff at the assisted living center park their van in the driveway.

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Councilperson Johnson asked the number of children permitted in the daycare.

Community Development Director Humble stated that the state requirement is a 12 to 1 ratio. The applicants would be allowed 12 children maximum in the home, which would include the Theuson's children, assuming they are caring for their own children.

The public comment portion of the meeting was opened:

Mary Harshman, 2266 Sherwood Drive, spoke against the request. Her concerns include the safety of the children, increase in noise level, increase in traffic and safety, dangerous curve, and decrease in property values, and violation of covenants.

Al Daiss, 2335 Hillcrest Drive, spoke against the request. He stated that he agreed with the letter written by Mike Green submitted in the Council packet. His concerns included the dangerous curve and stated the subdivision covenants should be enforced.

Karla Enriquez, 1220 Monaco Street, translated a letter for Marissa Damian, 423 Second Street, speaking in favor of the request.

Verna Panopalos, 2351 Hillcrest Drive, spoke against the request. She stated that the area is a quiet neighborhood with elderly residents. Her concern is increase in traffic and traffic safety.

Jay Panopalos, 2351 Hillcrest Drive, spoke against the request. His concern is increase in traffic and traffic safety.

Angel Orr, 109 Coronado Avenue, spoke in favor of the request.

LaDawn Farnworth, 323 Knottingham Drive, spoke in favor of the request.

Karey White, 2260 Sherwood Drive, spoke in favor of the request.

Debbie Johnson, 389 Knottingham Drive, spoke in favor of the request.

Paige Burnham, 1060 Desert View Drive, spoke in favor of the request.

Melanie Hunsaker, 428 Whispering Pine Drive, spoke in favor of the request.

Karla Enriquez, 1220 Monaco Street, spoke in favor of the request.

Shelly Miller, 2332 Castle Drive, spoke in favor of the request.

Adrian Palomino, 2582 Carriage Way, Kimberly, spoke in favor of the request.

Justin Hendrickson spoke in favor of the request.

The public comment portion of the public hearing was closed:

Terance Thueson on overhead projection showed a diagram of the house and driveway. He stated the following:

- Three cars can park at once.
- No police accident reports on file.
- Full property between driveway and curb.
- Submitted a petition signed by 90 people.
- Parents will be asked to bypass the bus stop.
- Tall shrubs and trees will be planted to create a noise barrier.

In closing he stated that the daycare will provide an uplifting and safe environment.

Mayor Clow stated Mike Green, 2330 Hillcrest Drive, submitted a letter opposing the request.

City Attorney Wonderlich explained the restrictive covenants. He stated deed restrictions are on property owners and are not enforced by the City. The City is not a party to deed restrictions.

Councilperson Johnson asked City Engineer Fields questions on the curve on Hillcrest.

City Engineer Fields stated that streets are built to city standards and are designed to be safe and to slow down traffic.

Mayor Clow asked Captain Hicks about the bus stop on Hillcrest.

Captain Hicks stated that he would contact the School District regarding traffic concerns presented tonight.

Councilperson Johnson asked if the bus stop should be addressed separately from the request.

Mayor Clow encouraged the applicants to have a written set of rules for parents. He suggested to the Council to make a motion to have traffic rules in traffic control approved by the Police Department and the Traffic Safety Commission.

The public hearing was closed.

Council deliberations followed.

**MOTION:**

Councilperson Hall made the motion to approve the Special Use Permit to operate an in-home daycare on property located at 2287 Hillcrest Drive in care of Terance and Ana Thueson, as presented, subject to the following conditions:

1. The driveway to be used for customer parking only during daycare operating hours.
2. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
3. Comply with all state and local requirements to establish a daycare facility.

The motion was seconded Councilperson Barigar.

**MOTION:**

Councilperson Lanting made an amendment to the main motion to include the following fourth condition:

4. Sound reducing shrubbery and arborvitae bushes be planted along the back fence.

The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion.

Roll call vote on the main motion as amended showed all members present voted in favor of the motion. The motion passed

V. **ADJOURNMENT:** The meeting adjourned at 7:18 P.M.

Leila A. Sanchez  
Deputy City Clerk



**MOTION:**

**Councilperson Johnson made the motion to approve the appointment of Rebecca Duke to serve on the Traffic Safety Commission Board as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.**

2. Consideration to support the acceptance and installation of art work along the City's Canyon Rim Trail System by the Magic Valley Arts Council. Presentation by Stacy Madsen.

Stacy Madsen, Executive Director of the Magic Valley Arts Council, explained the request using overhead projections. A national request for proposals was distributed in September 2006, and in October the project committee narrowed the field of choices to five proposals by artists David LaMure, Jason Hick, David Clemons, Mathew Weir, and Gregory Proctor. In July, a survey was set up that allowed community residents to leave feedback on the five proposals, including written comments. After the survey was completed, the committee reconvened and chose David Clemons' piece to be installed on the walking trail, east of the Perrine Bridge near the lookout. David Clemons' piece was selected for many reasons, including positive community response, extended committee discussion, and recommendation of the Parks and Recreation Department, who will ultimately be responsible for maintenance of the art piece. The final decision was based on other factors including quality of the proposal, durability of artwork, suitability to the location chosen, and water concerns, especially in a time of drought, among others.

Parks and Recreation Director Bowyer reviewed the request. Once the art work is installed, it would be the City's responsibility to maintain the sculpture along the Canyon Rim Trail System. The Magic Valley Arts Council does have \$500 budgeted for maintenance and/or for any vandalism that may occur in the future.

Staff recommends that the City Council allow the Magic Valley Art Council to place the sculpture along the Canyon Rim Trail System.

**MOTION:**

**Vice Mayor Dwight made the motion to approve the acceptance and installation of art work along the City's Canyon Rim Trail System by the Magic Valley Arts Council. The artwork is entitled, "The Twins." The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.**

3. Consideration by Debbie Urrutia, owner of The Cove, to approve "The Cove Camp Out" in remembrance of Charlotte Myers.

Staff Sergeant Stotts reviewed the request. On September 8, 2007, a group of Cove patrons are planning to park their RVs and camp trailers in the parking lot at The Cove located at 496 Addison Avenue West. "The Cove Camp Out" is in remembrance of Charlotte Meyers. The patrons will congregate in lawn chairs and be served drinks and food. IDs will be checked for those wishing to purchase alcohol. The band, Sound Country, will play live music from 6:00 p.m. to 10:00 P.M. Between 7-10 RVs and camp trailers and sixty to ninety people are expected to attend.

Zoning and Development Manager Rene'e Carraway reviewed the application and placed a restriction that there be no parking allowed in a residential zone. Ms. Urrutia is aware of this and will make the appropriate modifications to her original employee/band parking arrangement. Two Twin Falls County Sheriff's Deputies will be providing security for this event.

Staff has the following concern: The live band may become a noise disturbance issue for the residential neighborhood. The amplification of the live band should be set at a minimal level in order to minimize the possibility of a noise disturbance complaint. The patrol supervisor will be advised to contact a representative from The Cove should any person call regarding a noise complaint. Staff recommends that the on-duty supervisor be given authority to order event organizers to mitigate the sound of amplified music. If the noise complaints become habitual, the patrol supervisor shall be granted the authority to order the live music to be terminated.

Debbie Urrutia explained the request using overhead projections. She stated that she received a letter from the Valley House showing support of the request.

Councilperson Johnson disclosed that he is one of the two owners of the ITEX of Magic Valley, Inc., building, as well as the adjacent building.

**Councilperson Johnson made the motion to approve the extension of the final plat of North Haven PUD Subdivision, expiring September 11, 2009, as presented, and subject to the following conditions:**

- 1. 10 conditions of approval (attached).**
- 2. Subject to final technical review by the Engineering Department.**
- 3. The private entrance shown as, "Washington Street Access 1" on the traffic study as discussed at the September 11, 2006, meeting, to be limited to right-in and right-out only with median divider on Washington Street North.**

Discussion followed:

Vice Mayor Dwight asked staff if discussion was made on Parkview, the width of Parkview, and the dedication of the land as possibly another recommendation for approval of extension.

Community Development Director Humble explained that the Parkview discussion happened on the approval of the PUD's for the hospital and the high school. The original approval of the plat did not include Parkview as a required dedication. The recommendation is to extend the existing preliminary plat.

Councilperson Lanting asked the status of the Wal-mart project.

Community Development Director Humble stated that, specifically, Wal-mart was unwilling to proceed without having finished the PUD amendment. The zoning has been approved but not the actual PUD amendment. The PUD amendment will have to be already approved – needs to be signed by all participating parties for it to be finalized. Wal-mart is currently redesigning the site to be one of their newer models, rather than their previous models.

Councilperson Lanting stated that he heard of a national stall and asked if this included the Twin Falls store.

Mayor Clow commented that Wal-mart has wanted to get a building permit on the site, but cannot receive one until the final plat is recorded. He understood that Wal-mart plans to continue at this site.

Vice Mayor Dwight asked staff if there were concerns on the construction of improvements on parts of Cheney and Parkview.

Community Development Director Humble stated that the conditions listed in the attachment of ten conditions discussed the construction of Cheney. Parkview will be constructed with the North Pointe Park development.

**Roll call vote showed all members present voted in favor of the motion. The motion passed.**

6. Update on Falls Avenue West by City Engineer Jackie Fields.

City Engineer Fields gave an update on Falls Avenue West. The past several months JUB did surveying for the City on Falls between Grandview and Washington. The Engineering Department is looking into how much capacity we can build in and what kind of right of way impacts exist. The request is to discuss options and receive direction from Council. Former Lead Engineering Technician Melinda Leiby worked on drawings fitting four lanes, detached sidewalk, and a five foot utility easement. In the area of Grandview and Washington it would require minor right of way takes.

City Engineer Fields recommended proceeding with a four lane section with improved sections at Grandview and Falls.

Discussion followed:

- No parking on Falls.
- City Code on sidewalks and arterials.
- Pedestrian safety concern.
- Cost of a detached sidewalk.
- Existing bike path on Falls.

Mayor Clow suggested contacting property owners near Falls and Washington to discuss detached sidewalks.

City Engineer Fields stated that the next step is complete a materials report and cost estimate.

No action taken.

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- Formation of a master landscaping plan for the BID District.
- Repair and replacement of parking meters.
- Revenue from Twin Falls Tonight.
- Contract labor.

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

**MOTION:**

**Councilperson Johnson made the motion to suspend the rules and place Ordinance 2914 on third and final reading by title only. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. Councilperson Barigar abstained. The motion passed.**

**Deputy City Clerk Sanchez read the title to Ordinance 2915, entitled:**

**AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO, APPROPRIATING THE VARIOUS SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES OF THE DOWNTOWN BID OF THE CITY OF TWIN FALLS, IDAHO, DESIGNATING AND SPECIFYING HE DIFFERENT FUNDS TO WHICH ALL REVENUE SHALL ACCRUE AND FROM WHICH SUCH APPROPRIATIONS SHALL BE MADE FOR THE FISCAL YEAR BEGINNING ON THE FIRST DAY OF OCTOBER, 2007, AND ENDING ON THE 30<sup>TH</sup> DAY OF SEPTEMBERS, 2008, TO BE KNOWN AS THE ANNUAL APPROPRIATION BILL FOR THE DOWNTOWN BID OF F.Y. 2008.**

**Councilperson Johnson made the motion to approve Ordinance 2915. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. Councilperson Barigar abstained from voting. The motion passed.**

**V. ADJOURNMENT:** The meeting was adjourned at 6:38 P.M.

Leila Sanchez  
Deputy City Clerk

CONDITIONS OF APPROVAL  
NORTH HAVEN SUBDIVISION

It is acknowledged that the development of North Haven Subdivision will have traffic impacts exceeding those anticipated at the time the North Haven Preliminary Plat was approved. The developer has not acquired all rights-of-way necessary on Washington Street North and Cheney Drive for the traffic that will be generated by the development. All of the following items must be completed before the City Engineer signs the Final Plat and before the Final Plat is recorded:

1. Dedication of right-of-way along the westerly border of Washington Street North between Pole Line Road and Cheney Drive to provide a total of 60.5' of right-of-way from the centerline of Washington Street North.
2. Dedication of ninety feet (90') of right-of-way for Cheney Drive from Washington Street North westerly to Station 53+00.
3. Dedication of eighty feet (80') of right-of-way for Cheney Drive from station 53+00 to the west boundary of North Haven Subdivision.
4. Dedication of four pieces of 15' x 200' right-of-way for right turn lanes on the north side of Cheney Drive at Sparks Street, Billiar Street and the two driveway entrances for westbound right turn lanes.
5. Dedication of adequate right-of-way at Washington Street North and Cheney Drive for four legs signal installation.
6. Provide financial assurance acceptable to the City of Twin Falls for construction of Washington Street North from station 218+65 Metric to 216+22 Metric to a pavement width of 56', plus curb, gutter and detached sidewalk, drainage facilities and construction of additional pavement width in coordination with ITD as necessary to transition from Alt 93 Project on east side of Washington Street North.
7. Provide financial assurance acceptable to the City of Twin Falls for construction of full pavement width of right-of-way on Cheney Drive from Washington Street North to the west boundary of North Haven Subdivision, including right turn lanes, curb, gutter sidewalk, and landscaped medians and drainage facilities. Construction of the sidewalk on the south side of Cheney Drive is not required.
8. Provide financial assurance acceptable to the City of Twin Falls for construction of the Washington Street North/Cheney Drive intersection, including pavement, curb, gutter, sidewalk, turn lanes, drainage facilities, and traffic signal, including all under street conduits to facilitate future construction of the fourth leg of the intersection.
9. Provide financial assurance acceptable to the City of Twin Falls for construction of all other public facilities shown on the City approved construction plans.
10. Payment to the City for 21% of the estimated cost of intersection improvements for the intersection of Washington Street North and North College Road, pursuant to the Wal-Mart Super Center Transportation Impact Study.



## MEETING CANCELLATION

### CITY OF TWIN FALLS, IDAHO CITY COUNCIL

The September 4, 2007, Tuesday, regularly scheduled meeting has been canceled.

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
Monday, September 10, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for August 28 – September 10, 2007, total: \$777,413.90.  
Prepaid run: \$65,019.93
2. Consideration of the August 27, 2007, Minutes.
3. Consideration of two parking spaces on Shoshone Street on either side of the alley adjacent to the Rex Arms Apartment building, as ADA Accessible Parking.
4. Consideration of the Improvement Agreement for Developments for Parkwood Subdivision #3.
5. Consideration of an Improvement Agreement for Developments, Engineer's Estimate, Sidewalk Improvement Deferral Agreement and Bridge Deferral Agreement for Jayco Subdivision.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration by Gary Stone for funding from the City of Twin Falls for labor and materials needed to expand the Magic Valley Mural in the airport terminal.
2. Consideration of an opportunity to purchase the South Central Head Start building located at 324 Hansen Street East from the College of Southern Idaho.
3. Consideration of Amendment #2 to the contract with Riedesel Engineering, Inc., to redesign the water and sewer utility extensions for the Jayco utility project.
4. Consideration of a 1-year extension of the approval of the final plat of Pheasant Meadows Subdivision, No. 2, 42 (+/-) acres, to develop 166 residential lots, located north and south of the 300 and 400 blocks of Pheasant Road West.
5. Public input and/or items from the City Manager and City Council.

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

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

1. To trade .14 acres of City property for .11 acres of land owned by Michael and Nora Kestler above Shoshone Falls near the ticket booth.
2. Request for vacation of a portion of public right-of-way to place a development sign in an island at the intersection of White Birch Avenue and Grandview Drive North, c/o R.G. Messersmith/Riedesel Engineering, Inc. (app. 2153)

**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.*

ATTENDANCE

Present	Absent
Mayor Lance Clow	
Vice Mayor Glenda Dwight	
Shawn Barigar	
Trip Craig	
Don Hall	
David E. Johnson	
Greg Lanting	

CITY STAFF PRESENT:  
City Manager Tom Courtney  
City Attorney Fritz Wonderlich  
Community Development Director Mitch Humble  
City Engineer Jackie Fields  
Community Development Director Melinda Anderson  
Assistant Finance Director Lorie Race  
Parks and Recreation Director Dennis Bowyer  
Deputy City Clerk Leila Sanchez.

Mayor Clow 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.

Full Council in attendance.

The following was added to the Agenda:

**5. Consideration to set a Public Hearing to Amend the 2006-2007 Budget for September 24, 2007, at 6:00 P.M.**

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for August 28 – September 10, 2007, total: \$777,413.90.  
Prepaid run: \$65,019.93.
2. Consideration of the August 27, 2007, Minutes.
3. Consideration of two parking spaces on Shoshone Street on either side of the alley adjacent to the Rex Arms Apartment building, as ADA Accessible Parking.
4. Consideration of the Improvement Agreement for Developments for Parkwood Subdivision #3.
5. Consideration of an Improvement Agreement for Developments, Engineer's Estimate, Sidewalk Improvement Deferral Agreement and Bridge Deferral Agreement for Jayco Subdivision.

Councilperson Johnson made the motion to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration by Gary Stone for funding from the City of Twin Falls for labor and materials needed to expand the Magic Valley Mural in the airport terminal.

City Manager Courtney reviewed the request. On August 20, 2007, Gary Stone presented his ideas for expanding the mural to the City Council and received approval of the additional wall needed for the project. At that time, Gary Stone requested funding from the City for labor and materials. Mr. Stone stated that it is his intention to have the mural remain the property of the City. If the request is approved, the money would come out of the contingency fund.

Gary Stone, applicant, explained the request. On September 27, 2007, he was informed that the County Commissioners denied his request for funding because of budgetary constraints. The request from the City is \$5,000. He stated that he would sign ownership over to the City.

Discussion followed:

Councilperson Barigar asked if money is charged for sponsorship and if there would be opportunity by sponsorship to cover costs.

Mayor Clow asked for clarification in regards to the memorial donation.

Mr. Stone stated that the Airport mural project was initially funded by sponsorships and a one-time fee paid. He stated that he would donate the memorial portion of the wall which would be dedicated to the American soldiers who have died fighting in Iraq and Afghanistan. Money would not be received for this memorial.

Councilperson Johnson asked if the Magic Valley Arts Council is involved in the project.

Mr. Stone stated no.

**MOTION:**

Councilperson Johnson made the motion to approve the expenditure of \$5,000 towards the project as presented by Gary Stone to come out of the contingency fund for the next fiscal year which begins October 1, 2007. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Consideration of an opportunity to purchase the South Central Head Start building located at 324 Hansen Street East from the College of Southern Idaho.

Community Development Director Humble reviewed the request. On August 13, 2007, the Council toured the South Central Head Start building. The CSI staff indicated a desire to sell the building and a willingness to negotiate a sale to the City. CSI's asking price is \$300,000. Following the tour of the building, the Council directed staff to come back at a future Council meeting with more specific price information, including an appraisal, and estimates for construction work that will need to be done to accommodate the shuffling around of City personnel.

Staff contacted Gary Bond Construction, Inc. to provide an estimate of needed building improvements so that the Council could consider all of the costs associated with the purchase of this building at the same time. Following is a breakdown of the estimated costs, by building, for these necessary improvements:

- Head Start Building: \$56,247
- City Hall: \$4,862
- Fire Station: \$454
- Police Department: \$19,175

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- Total: \$80,739

The following table provides a ranged breakdown of the potential cost of purchasing the Head Start building. The lower number would be the total cost including the appraised value of the building. The higher number is the total cost including the requested value of the building.

Purchase Price:	\$230,000	\$300,000
IS Improvements:	\$91,700	\$91,700
Building Improvements:	\$80,739	\$80,739
Total:	\$402,439	\$472,439

Staff has reviewed several options to help address the immediate need for space in the Police Department and City Hall. In reviewing the available existing buildings located near the City Hall complex, staff believes that this building provides the best opportunity for the City. It is the largest building we have researched and the only one large enough to accommodate the desired development services single location plan. Other buildings considered ranged from \$35 per square foot to \$120 per square foot with an average of \$72 per square foot. This building at the requested \$300,000 price works out to be \$27 per square foot and at the \$230,000 appraised value is only \$21 per square foot. It is the best option regarding parking, since the City owns a 57 space lot within 200 feet of the building. There are very few vacant lots near City Hall that could be used to construct a new building. None of these vacant lots would be large enough to construct a

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building of this size and provide the same level of parking. Also, the new construction cost for an 11,000 square foot building would likely be higher than the cost of this building.

Staff recommends that the Council authorize staff to negotiate a purchase of this building from CSI and provide direction to staff regarding a purchase price to offer.

Discussion followed:

Councilperson Craig asked the cost paid by CSI when purchased was discussed.

Community Development Director Humble stated he did not know the purchase price. He stated 18 months ago an appraisal was done on the building. The appraisal price was \$205,000.

Councilperson Lanting asked when the building was last occupied.

Community Development Director Humble stated it was last occupied in July 2007.

Councilperson Clow asked what improvements would be made to the building.

Community Development Director Humble explained the anticipated building improvements.

**MOTION:**

Councilperson Johnson made the motion to authorize staff to proceed in the acquisition of the building referred to as South Central Head Start located at 324 Hansen Street East. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

Discussion followed:

Councilperson Craig stated that he is unclear if the new building CSI is planning to construct has any bearing on the existing building they are planning on selling. The assessment done was \$230,000.

The Council agreed that they would like to see the price negotiated under \$300,000.

Community Development Director Humble stated that the appraisal report was commissioned by Head Start in February 2006, and had been updated.

3. Consideration of Amendment #2 to the contract with Riedesel Engineering, Inc., to redesign the water and sewer utility extensions for the Jayco utility project.

Economic Development Director Anderson reviewed the request. The new water line will serve the new Jayco Subdivision. It is necessary to construct the waterline over the Perrine Coulee instead of under as originally designed.

Amendment #2 adds \$7,500 to the last amount of \$16,000 bringing the new total to \$23,500. This pays for the redesign of the waterline coulee crossing.

Staff recommends that the Council approve the request and authorize the Mayor to execute the attached contract amendment.

**MOTION:**

Vice Mayor Dwight made the motion to approve as stated in Amendment #2 to the contract with Riedesel Engineering, Inc., regarding water and sewer utilities extensions for the Jayco utility project in the amount of \$7,500. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration of a 1-year extension of the approval of the final plat of Pheasant Meadows Subdivision, No. 2, 42 (+/-) acres, to develop 166 residential lots, located north and south of the 300 and 400 blocks of Pheasant Road West.

Community Development Director Humble reviewed the request. On September 18, 2006, the City Council approved the final plat of Pheasant Meadows Subdivision No. 2, subject to the following condition:

1. Subject to final technical approval by the City of Twin Falls Engineering Department.

The developer, being aware that the plat would not be recorded by the one year time deadline, has requested a one year extension. Approval of this request will allow the applicant to record the final plat without going back through the process. If approved the final plat would expire on September 18, 2008.

**MOTION:**

Councilperson Barigar made the motion to approve the one year extension (September 18, 2008) for the final plat of the Pheasant Meadows Subdivision, as presented, and subject to the following condition:

1. Subject to final technical approval by the City of Twin Falls Engineering Department.

The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

**5. Consideration to set a Public Hearing to Amend the 2006-2007 Budget for September 24, 2007, at 6:00 P.M.**

City Manager Courtney explained the request.

Assistant Finance Director Assistant explained the request using overhead projections. She stated that this request is formality that is done at the end of the year to amend the budget for items that were not in the original budget 2006-2007. The Council approved all the expenditures and has revenue sources for them.

Discussion followed:

-Court fee money.

**MOTION:**

Councilperson Johnson made the motion to proceed with a public hearing to review the fiscal year budget 2006-2007 appropriations on September 24, 2007, at 6:00 P.M. in the Council Chambers. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Public input and/or items from the City Manager and City Council. None.

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

At Vice Mayor Dwight's request, Parks and Recreation Director Bowyer gave an update on the in-lieu for parks.

Councilperson Johnson suggested that on Falls Avenue West City staff look into a super two lane road as an option.

Mayor Clow announced the Twin Falls City Youth Council Officers and Executive Council.

The meeting recessed at 5:50 P.M.  
The meeting reconvened at 6:00 P.M.

**Mayor Clow reviewed the following:**

Twin Falls City Council  
Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.

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2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
  3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
    - A complete explanation and description of the request.
    - Why the request is being made.
    - Location of the Property.
    - Impacts on the surrounding properties and efforts to mitigate those impacts.Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor.
  4. A City Staff Report shall summarize the application and history of the request.
    - The City Council may ask questions of staff or the applicant pertaining to the request.
  5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
    - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the mayor. The spokesperson shall be limited to 15 minutes.
    - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
    - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
  6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
  7. The Mayor shall close the Public Hearing. The City Council shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- \* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor.

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

1. To trade .14 acres of City property for .11 acres of land owned by Michael and Nora Kestler above Shoshone Falls near the ticket booth.

Parks and Recreation Director Bowyer reviewed the request. On August 20, 2007, the Council authorized the Mayor to sign Resolution #1788, declaring the intent to exchange property with Michael and Nora Kestler and to set September 10, 2007, at 6:00 P.M. for a public hearing.

In meeting with Michael and Nora Kestler, they requested to trade some land that the City owns that is directly north of their residence. This exchange will allow the City to expand the existing parking lot, additional designated parking spaces, one handicap space, one RV parking, and an area for motorcycles.

Staff recommends approval of the land exchange with Michael and Nora Kestler.

Discussion followed:

- RV parking. Parks and Recreation Director Bowyer stated he has been working with the Land Group, Inc., on drawings to design a turn around to allow for a large travel buses .
- Posting signs.

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

#### MOTION:

Councilperson Johnson made the motion to authorize the Mayor to sign the paperwork necessary to exchange the land with Mike and Nora Kestler, specifically .14 acres of City property for .11 acres of land owned by the Kestler's above Shoshone Falls. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

Parks and Recreation Director Bowyer stated that the annual Idaho Recreation and Parks Association State Conference started today at the Red Lion Inn and will run through September 11, 2007.

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2. Request for vacation of a portion of public right-of-way to place a development sign in an island at the intersection of White Birch Avenue and Grandview Drive North, c/o R.G. Messersmith/Riedesel Engineering, Inc. (app. 2153)

Don Acheson, Riedesel Engineering Inc., explained the request. The request is for the vacation of public right-of-way under the White Birch island to mount an entrance monument-style sign for the SunTerra Subdivision. The vacation covers the footprint of the island. Two utility companies have facilities that run underneath the island. Easements for these utilities will be provided.

Community Development Director Humble reviewed the request. As per City Code 10-9-2 (D) a development may place one sign of a maximum size of 32 sq. ft. and a maximum height of seven feet (7') measured from the top of the curb closest to the sign at each vehicular entrance to a development. However, a development sign advertising a private subdivision may not be placed on a publicly owned property. In order to place a development sign within the island the property may not be public right-of-way.

On August 14, 2007, the Planning and Zoning Commission recommended approval of the request subject to the following conditions:

1. Subject to the recordation of a utility easement as requested by Intermountain Gas and Cable One.
2. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.

Discussion followed:

Councilperson Johnson asked for the height of the sign.

Community Development Director Humble stated that the sign is 4' tall.

City Engineer Fields stated the sign is out of the sight triangle.

Mayor Clow asked who would maintain the sign.

Community Development Director Humble stated that the homeowner's association would own and maintain the sign.

Don Acheson agreed with Community Development Director Humble on the maintenance of the property.

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

Councilperson Johnson made the motion to approve the vacation of the public right of way subject to the following conditions:

1. Subject to the recordation of a utility easement as requested by Intermountain Gas and Cable One.
2. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.

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

V. **ADJOURNMENT:** The meeting adjourned at 6:24 P.M.

Leila Sanchez  
Deputy City Clerk



ggCOUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, September 17, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for September 11 – 17, 2007, total: \$385,982.42.
2. Consideration of the September 10, 2007, Minutes.
3. Consideration of a Curb-Gutter and Sidewalk Deferral Agreement for Marvin Hempleman located at 2916 E. 3600 N.
4. Consideration of the following Special Events Applications:
  - a. Snake Harley-Davidson - September 21, 2007.
  - b. Annual Oktoberfest Harvest Festival – October 5 – 6, 2007.
  - c. Kruger's Nightlife – October 6, 2007

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Nancy Choker of a Landscape Award to Mary and Art Hoag.
2. Update by Gerald Martens, EHM Engineers, Inc., on the Northeast Sewer Project.
3. Consideration to approve a contract with Murray, Smith, & Associates, Inc. (MSA) for sewage collection system modeling.
4. Consideration to hold a public hearing on October 1, 2007, for the purpose of raising fees for Adult Flag Football program.
5. Consideration of adoption of the following two ordinances:
  - a. Zoning District Change and Zoning Map Amendment for 110 (+/-) acres from SUI CRO to SUI CRO PUD for property located on the east side of the 1500-1900 blocks of Hankins Road North and south of the Snake River Canyon within the City's Area of Impact, c/o Hal T. Anderson on behalf of American West Group, Inc., and the City of Twin Falls (app.2142) **Proposed Ordinance #2916.**
  - b. Vacation of a portion of public right-of-way to place a development sign in an island at the intersection of White Birch Avenue and Grandview Drive North, c/o R.G. Messersmith/Riedesel Engineering, Inc. (app.2153) **Proposed Ordinance #2917.**
6. Consideration for a 1-year extension of the approval of the final plat of River Ridge Estates Subdivision No. 4, 5(+/-) acres to develop 19 single family residential lots located east of the 1400 and 1500 blocks of Madrona Street North and south of the 1700 and 1800 blocks of Cheney Drive.
7. Consideration to announce a public hearing to be held on October 1, 2007, to consider increasing water, sewer, and sanitation rates for 2007-2008.
8. Public input and/or items from the City Manager and City Council.

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

**IV. PUBLIC HEARINGS:           6:00 P.M. None**

**V. ADJOURNMENT:**

ATTENDANCE

<u>Present</u>	<u>Absent</u>
Mayor Lance Clow	Shawn Barigar
Vice Mayor Glenda Dwight	
Trip Craig	
Don Hall	
David E. Johnson	
Greg Lanting	

CITY STAFF PRESENT:

Acting City Manager Gary Evans  
City Attorney Fritz Wonderlich  
Community Development Director Mitch Humble  
City Engineer Jackie Fields  
Recreation Coordinator Beth Pendergrass  
Deputy City Clerk Leila Sanchez.

Mayor Clow 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. Councilperson Barigar was absent.

The following was added to the Agenda:

Executive Session to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. 67-2345 (b)

**AGENDA ITEMS**

**II. CONSENT CALENDAR:**

1. Consideration of accounts payable for September 11 – 17, 2007, total: \$385,982.42.
2. Consideration of the September 10, 2007, Minutes.
3. Consideration of a Curb-Gutter and Sidewalk Deferral Agreement for Marvin Hempleman located at 2916 E. 3600 N.
4. Consideration of the following Special Events Applications:
  - a. Snake Harley-Davidson - September 21, 2007.
  - b. Annual Oktoberfest Harvest Festival – October 5 – 6, 2007.
  - c. Kruzer's Nightlife – October 6, 2007

**MOTION:**

Councilperson Hall made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Nancy Choker of a Landscape Award to Mary and Art Hoag.

Nancy Choker, on behalf of the Twin Falls Chamber of Commerce Beautification Committee, presented Mary and Art Hoag a Landscape Award for improvements to a park located on Main Street.

Art and Mary Hoag were present to accept the award. Art Hoag gave an update of future improvements to the park.

2. Update by Gerald Martens, EHM Engineers, Inc., on the Northeast Sewer Project.

Gerald Martens gave an update of the Northeast Sewer Project. Following is the time line for the project:

<u>Activity Name</u>	<u>Finish</u>	<u>Complete</u>
1. Northeast Sewer	11/23/07	No
2. Sub Grade Eastland and Pole Line	10/02/07	No
3. Eastland Concrete	10/01/07	No
4. Eastland Gravel	10/04/07	No
5. Eastland Paving	10/10/07	No
6. Pole Line Concrete	10/09/07	No
7. Pole Line Gravel	10/12/07	No
8. Pole Line Paving	10/24/07	No
9. Dry Wells	10/31/07	No
10. Mountain View Sewer	11/07/07	No
11. Cleanup	11/23/07	No

Mr. Martens stated that he and the City have been receiving complaints on the project from neighbors, but stated that overall the neighbors have been understanding.

He stated that Eastland will be opened the week of October 7, 2007. Pole Line Road will follow a couple of weeks behind. The project should be completed on November 18, 2007.

Discussion followed:

- Councilperson Johnson recommended that developers work on weed abatement on vacant lots.
- Power lines are buried underground.
- Access points.

3. Consideration to approve a contract with Murray, Smith, & Associates, Inc. (MSA) for sewage collection system modeling.

City Engineer Fields reviewed the request. The City's code requires sewer system modeling as part of the subdivision development. The City contracted with CH2M Hill for development of the model which includes existing trunk lines. The model is complete and the modeler is currently employed with Murray, Smith & Associates, Inc. The generic contract is for continuing development and modeling of new subdivisions and potentially designs work. The contract is set up so that the City requests work, MSA provides an estimate, and the City authorizes work. This will enable a comprehensive approach to building and reviewing the sewer collection system. The contract will allow the City to test alternatives.

*Exhibit B Scope of Work – Sewage Collection System Modeling and Analysis for the City of Twin Falls, Idaho*, was not enclosed in the agenda packet; therefore, approval of Exhibit B will be at a future Council meeting.

Discussion followed:

Mayor Clow stated that originally CH2M Hill built the model and the MSA Inc. team worked for CH2M Hill. For clarification, he asked who owned the model.

City Engineer Fields stated that the City does not own the modeling software but the City owns the file. The MSA, Inc., team does have the software. She stated that she has spoken with the Project Manager at CH2M Hill and it was stated that CH2M Hill is okay with the plan. The City will continue to do work with CH2M Hill at the Wastewater Treatment Plant and other City projects.

Councilperson Johnson asked if a bidding process was done on the project.

Mayor Clow stated that in a professional services contract the City is not required to put it out for bid. Selection is based on qualifications.

**MOTION:**

Mayor Dwight made the motion to approve the contract with Murray, Smith & Associates, Inc., as presented by Jackie Fields for sewer collection system modeling, not to exceed the budget up to \$50,000, and authorize the Mayor to sign. The motion was seconded by Councilperson Lanting. Roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration to hold a public hearing on October 1, 2007, for the purpose of raising fees for the Adult Flag Football program.

Recreation Coordinator Pendergrass reviewed the request. The Parks and Recreation Department offered an Adult Flag Football trial season in the fall of 2006. With ten teams and nearly 120 participants the league was considered a success. This season the league chose to expand the program. The program will now have a similar structure to other adult leagues which may include a jamboree, end of season tournament, and awards. The team fee last year was \$100. In order to offset the costs of the program, the fees will need to be increased to \$370 per team.

Staff recommends that the Council set October 1, 2007, as the date for the public hearing.

**MOTION:**

Councilperson Lanting made the motion to establish a public hearing on October 1, 2007, for the purpose of raising fees for the Adult Football program fees. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of adoption of the following two ordinances:
  - a. *Zoning District Change and Zoning Map Amendment for 110 (+/-) acres from SUI CRO to SUI CRO PUD for property located on the east side of the 1500-1900 blocks of Hankins Road North and south of the Snake River Canyon within the City's Area of Impact, c/o Hal T. Anderson on behalf of American West Group, Inc., and the City of Twin Falls (app.2142) Proposed Ordinance #2916.*

Community Development Director Humble reviewed the adoption of proposed Ordinance #2916.

On August 6, 2007, the City Council held a public hearing regarding the request and unanimously recommended the SUI, CRO, PUD, as presented, as an appropriate zoning designation to the Board of County Commissioners, subject to six conditions.

On September 5, 2007, the Board of County Commissioners at their public meeting, unanimously approved the request as presented for a Zoning District Change and Zoning Map Amendment for 110 (+/-) acres from SUI CRO to SUI CRO PUD for property located on the east side of the 1500-1900 blocks of Hankins Road North and south of the Snake River Canyon within the City's Area of Impact, c/o Hal T. Anderson on behalf of American West Group, Inc., and the City of Twin Falls (app.2142)

1. Subject to the "uses" portion of the PUD Agreement including the allowance of "Bus Pick-up Shelters" by Special Use Permit.
2. Master Development Plan to include Cheney Drive extension to Hankins Road.
3. Subject to approval of a PUD Agreement
4. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
5. Gated community with private streets built to City standards as a permitted use
6. Accessory building requirements to mirror code as per size and location and to include a Special Use Permit process if required.

- b. *Vacation of a portion of public right-of-way to place a development sign in an island at the intersection of White Birch Avenue and Grandview Drive North, c/o R.G. Messersmith/Riedesel Engineering, Inc. (app.2153) Proposed Ordinance #2917.*

Community Development Director Humble reviewed the adoption of proposed Ordinance #2917:

On September 10, 2007, the City Council approved the request, as presented, subject to the following conditions:

1. Subject to the recordation of a utility easement as requested by Intermountain Gas and Cable One.
2. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City code requirements and standards.

**MOTION:**

Councilperson Johnson made the motion to suspend the rules and place Ordinances #2916 and #2917 on third and final reading by title only. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read Ordinance #2916, entitled:

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

**MOTION:**

Councilperson Hall made the motion to adopt Ordinance #2916 as presented, subject to the following conditions:

1. Subject to the "uses" portion of the PUD Agreement including the allowance of "Bus Pick-up Shelters" by Special Use Permit.
2. Master Development Plan to include Cheney Drive extension to Hankins Road.
3. Subject to approval of a PUD Agreement
4. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
5. Gated community with private streets built to City standards as a permitted use
6. Accessory building requirements to mirror code as per size and location and to include a Special Use Permit process if required.

The motion was seconded by Vice Mayor Dwight.

Discussion followed:

Mayor Clow, referring to proposed Ordinance #2916, asked if the trade of land was approved by the State Land Board.

Community Development Director Humble stated that he and Parks and Recreation Director Bowyer attended the State Land Board meeting in August and it was approved.

Roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read Ordinance #2917, 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 THE ISSUANCE OF DEEDS AND THE VESTING OF TITLE TO THE PROPERTY SO VACATED.

**MOTION:**

Councilperson Craig made the motion to adopt Ordinance #2917, as presented, subject to the following conditions:

1. Subject to the recordation of a utility easement as requested by Intermountain Gas and Cable One.
2. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City code requirements and standards.

The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Consideration for a 1-year extension of the approval of the final plat of River Ridge Estates Subdivision No. 4, 5(+/-) acres to develop 19 single family residential lots located east of the 1400 and 1500 blocks of Madrona Street North and south of the 1700 and 1800 blocks of Cheney Drive.

Community Development Director Humble reviewed the request. On September 18, 2006, the City Council approved the final plat of River Ridge Estates Subdivision, No. 4, subject to the following condition:

1. Subject to final technical approval by the City of Twin Falls Engineering Department.

Being aware the plat would not be recorded by the one year time deadline, the developer/owner has requested a one year extension.

Staff recommends approval of the request as presented.

**MOTION:**

Councilperson Johnson made the motion to approve the one year extension of the final plat of River Ridge Estates Subdivision, No. 4, expiring September 18, 2007, as presented, subject to the following condition:

1. Subject to final technical approval by the City of Twin Falls Engineering Department.

The motion was seconded by Councilperson Craig and roll call vote showed all members presented voted in favor of the motion. The motion passed.

7. Consideration to announce a public hearing to be held on October 1, 2007, to consider increasing water, sewer, and sanitation rates for 2007-2008.

Acting City Manager Evans reviewed the request. Throughout the budget process for fiscal year 2007-2008, staff has determined that it would be necessary to increase water rates to cover current needs and accumulate funds for future needs in Water, Wastewater, and Sanitation Funds.

Since the proposed new rates are more than 105% of the current rate a public hearing is required.

Additionally, in order to adequately maintain the cleanliness of City streets, the Street Department needs additional revenue to cover operating costs and equipment replacements for street sweeping, which requires an increase in the sanitation rates.

The rate increases proposed are as follows:

<u>Department</u>	<u>Increase</u>
Water	10%
Sewer	15%
Sanitation	Fixed Amount

Impact on average residential monthly bill:

Water	\$2.11
Sewer	\$2.05
Sanitation	\$0.84

**MOTION:**

Councilperson Johnson made the motion to approve the announcement of the public hearing for 6:00 P.M., on October 1, 2007, to consider the water, sewer, and sanitation rates as recommended by staff. The motion was seconded by Councilperson Hall. Roll call vote showed Mayor Clow, Vice Mayor Dwight, Councilpersons Hall, Johnson, and Lanting voted in favor of the motion. Councilperson Craig voted against the motion. The motion passed.

8. Public input and/or items from the City Manager and City Council. None

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

**IV. PUBLIC HEARINGS: None**

**V. ADJOURNMENT:**

*Executive Session to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. 67- 2345 (b)*

**MOTION:**

Vice Mayor Dwight made the motion to move to Executive Session as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

**Adjourned at 5:51 P.M.**

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, September 24, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

4:30 P.M.

A Special Meeting of the Twin Falls City Council and Twin Falls School District 411 to discuss the following:

1. Consideration of a trade agreement between the City of Twin Falls and the Twin Falls School District No. 411 regarding land exchanges, fee waivers, and development requirements.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for September 18 – 24, 2007.
2. Consideration of the September 17, 2007, Minutes.
3. Consideration for one parking space for a private residence located at 461 Second Avenue East as ADA Accessible Parking.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of an offer to purchase the South Central Head Start building, located at 324 Hansen Street East, from the College of Southern Idaho.
2. Presentation of POST Certificates to the following officers: Officer Gregg Lockwood, Officer Jerry Hutchison, Officer Travis Langway, Officer Preston Stephenson, Officer Tony Ostrander, and Officer Brian Maughan.
3. Consideration to hold the MDA Fill the Boot Fundraiser on September 28, 2007, at the intersection of Addison Avenue East and Locust Street.
4. Update by Karen Sharpnack on the Y/City Pool Overview Report.
5. Consideration to approve the Governmental Fire Service Agreement to provide fire protection services to the Twin Falls Rural Fire District.
6. Consideration to award the Morning Sun Park Irrigation and Seeding bid to Idaho Scapes of Twin Falls.
7. Consideration to approve Amendment #6 for CH2M Hill OMI Contract.
8. Consideration of the final plat of North Haven PUD Subdivision Phase 1, being 32.3 (+/-) acres located at the southwest corner of Pole Line Road West and Washington Street North.
9. Consideration of the final plat and developer's agreement for North Haven PUD Subdivision, Phase 2, and being 29.1 (+/-) acres located at the southeast corner of Pole Line Road West and Park View Drive.
10. Public input and/or items from the City Manager and City Council.

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

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

1. Public hearing to amend the 2006-2007 Budget. *Proposed Ordinance 2918.*
2. Request for a Zoning District Change and Zoning Map Amendment from R-6 to R-6 PRO to develop a professional office on one (+/-) acre of property located on the west side of the 450 block of Locust Street North, [c/o EHM Engineering on behalf of Mike Ajeti](#). (app.2158)
3. Request for a Zoning District Change and Zoning Map Amendment for 40 (+/-) acres proposed to be annexed from R-2 to C-1 PUD for the purpose of allowing a professional/commercial development on property located at the northeast corner of Pole Line Road and Grandview Drive North, [c/o Center Pointe, LLC and Conner Properties, LLC](#). (app.2147)
4. Request for a PUD Modification of the Northbridge PUD Agreement to rezone (3 (+/-) acres located at the northeast corner of Washington Street North and Pole Line Road from R-4 PRO to C-1 PUD to allow for commercial/retail development and to amend the landscape requirements for this parcel as specified within

the Northbridge PUD Agreement to require the landscaping, for this parcel only, to comply with minimum City code landscaping standards for commercial development on a gateway arterial, [c/o Hawkins Companies](#). (app.2161)

- V. **ADJOURNMENT:** to Executive Session to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, or public school student.

ATTENDANCE

Present	Absent
Mayor Lance Clow	Greg Lanting
Vice Mayor Glenda Dwight	
Shawn Barigar	
Trip Craig	
Don Hall	
David E. Johnson	

CITY STAFF PRESENT:

City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Economic Development Director Melinda Anderson, Finance Director Assistant Lorie Race, Chief Jim Munn, Captain Bryan Krear, Deputy City Clerk Leila Sanchez.

Mayor Clow called the meeting to order at 4:30 P.M.

A quorum of Council was present. Councilperson Lanting was absent. Vice Mayor Dwight and Councilperson Johnson were absent at this time.

The School District called their meeting to order.

Community Development Director Humble stated that the meeting is a joint meeting with the School Board. For nearly a year City staff and District staff have been working together to draft a trade agreement regarding sharing and exchanging property and services that will benefit the City, the District, and the taxpayers. The District recently received voter approval of a bond to finance several District construction projects. The bond was for a specific amount. As is generally the case with construction projects, the prices for the bond funded construction projects are rising with time. Unfortunately, the bond amount is not rising accordingly. Therefore, the District is very interested in approving an agreement with the City that will reduce several of the costs related to these bond funded projects. Likewise, the City has several needs for land that the District can help fill through this agreement.

*(Councilperson Johnson joined the meeting at 4:34 P.M.)*

City staff and District staff arrived at the following agreement terms.

AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by and between the CITY OF TWIN FALLS, IDAHO, hereinafter called "City" and TWIN FALLS SCHOOL DISTRICT NO. 411, hereinafter called "School District",

WITNESSETH:

WHEREAS, School District owns certain real property located west of Washington Street North between Cheney Drive and North College Road, currently being planned and developed as Riverhawk Subdivision, for construction of a new high school and related facilities ("High School"), as well as lots to be sold for commercial and residential development ("Riverhawk Subdivision"); and,

WHEREAS, Development of Riverhawk Subdivision will require construction of adjoining and included streets and public infrastructure, as specified in the Twin Falls City Code and development policies ("Twin Falls City Code"); and,

WHEREAS, Construction of the High School will require building, plumbing, electrical, and mechanical permits, as well as capacity fees for connection to public water and sewer; and,

WHEREAS, School District owns certain real property located on Hankins Road known as the Sackett Farm ("Sackett Property"); and,

WHEREAS, School District owns certain real property located east of Blue Lakes Boulevard South at 3600 North Road ("Colton Farm Property"); and,

WHEREAS, City needs additional real property in the southern area of the city for development of a future park; and,

WHEREAS, School District will require additional permits related to planned construction projects at many of its schools across the City, and the parties desire to exchange permit fees for additional land, to be documented in future agreements or addenda to this Agreement.

NOW, THEREFORE, In consideration of the mutual promises contained herein, the parties agree as follows:

The City agrees:

1. To waive the payment of all building permit fees necessary for development of Riverhawk Subdivision and/or the High School, including, but not limited to building permit (\$64,000), plan review (\$41,600), plumbing (\$14,730), electrical (\$18,000), mechanical (\$14,730), and sewer capacity (\$20,794) fees. The total fees to be waived are \$173, 854.
2. To waive
  - a) all requirement for the reconstruction of the existing portion of North College Road from Sparks to the westerly boundary of Riverhawk Subdivision adjoining Riverhawk Subdivision;
  - b) all requirement for the construction of curb, gutter, sidewalk and street construction along Washington Street North adjacent to the Riverhawk Subdivision;
  - c) all requirement for the construction of street, curb and gutter along Cheney Drive adjacent to Riverhawk Subdivision;
  - d) payment by the School District of its share of the cost of the traffic signal at the intersection of North College Road and Washington Street North;Provided, however, that the School District will, however, be required to construct all other adjoining public street infrastructure, including curb, gutter, sidewalk, additional street width to conform to City street standards, and transition the street surface from the new construction to the existing street adjoining Riverhawk Subdivision.
3. To waive the Twin Falls City Code requirement of the conveyance of approximately 56.14 shares of TFCC water for irrigation use at the High School which are appurtenant to Riverhawk Subdivision.

The School District agrees:

1. To convey to the City approximately 1.37 acres identified as Lot 3, Block 1, Riverhawk Subdivision, located on the east side of Park View Drive.
2. To construct the easterly half of the street, curb, gutter and sidewalk on Park View Drive adjacent to Lot 3, Block 1, Riverhawk Subdivision.
3. To convey to the City approximately 2.0 acres of the Sackett Property at a location on the property to be mutually agreed upon by the parties, for the development of a City pressurized

irrigation station and/or water storage tank,

4. To convey to the City approximately 11.0 acres of the Colton Farm Property at a location on the property to be mutually agreed upon by the parties, for development of a City park.
5. To deliver approximately 56.14 shares of TFCC water to the pressure irrigation station to be constructed by the City and to share maintenance of the facility with the City, proportionally by water shares delivered to the pumping station.

A Summary of the consideration for this agreement is set forth below:

City will provide the following to the District		
1.	Waiver of Building Permit Fees	\$173,854
2.	Waiver of Rebuilding North College Road	\$70,000
3.	Waiver of Washington Street Improvements	\$100,000
4.	Waiver of the District's Share of the Traffic Signal at Washington & North College	\$100,000
Total =		\$443,854 (+\$6,354)
District will provide the following to the City		
1.	1.37 Acres East of Park View Drive - \$75,000/Acre	\$102,750
2.	Construct easterly ½ of Park View Drive including Curb, Gutter & Sidewalk Along Property to be Transferred to the City (1.37± acres) at Cheney & Park View Dr.	\$77,250
3.	2± Acres on Hankins Road - \$60,000/Acre	\$120,000
4.	11.0± Acres on the south side of town for a park - \$12,500/acre	\$137,500
Total =		\$437,500 (-\$6,354)

"TWIN FALLS SCHOOL DISTRICT NO. 411"

By \_\_\_\_\_  
 CHAIRMAN OF THE BOARD OF TRUSTEES

ATTEST:

\_\_\_\_\_  
 CLERK

"CITY OF TWIN FALLS, IDAHO"

By \_\_\_\_\_  
 MAYOR

ATTEST:

\_\_\_\_\_  
 CLERK

Discussion followed:

- Waiver of North College Road.
- Washington Street improvements – traffic signal.
- Responsibility of the upgrade and repairs the City is waiving.

Community Development Director Humble stated that Washington Street waiver is being placed in the State project. The Cheney Road construction has been placed on the North Haven Development. North College Road stays as it is.

-Building of Cheney Drive.

Community Development Director Humble stated that in the agreement, it is acknowledged that the District will not have to build a portion of Cheney.

Mayor Clow clarified that if that portion of the agreement fell through, the District would not be responsible for building Cheney, but it will be the responsibility of the City.

Community Development Director Humble stated that the School District ultimately is required to build one-half of Cheney, unless that requirement is waived by the Council.

Mayor Clow stated that the District would not have a share in the traffic signal at North College.

Wiley Dobbs, School District 411 Superintendent, introduced the Board and reviewed the request.

Discussion followed:

- Clarification of the waiver of rebuilding North College Road.
- Water shares for pressure irrigation station.
- The State will review the building plans.

**MOTION:**

Councilperson Barigar made the motion to approve the trade agreement between the City of Twin Falls and the Twin Falls School District 411, regarding land exchanges, fee waivers, and development requirements as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed with a vote of 5 to 0.

School District 411 approved the request as presented.

The meeting adjourned for recess at 4:55 P.M.

The meeting reconvened at 5:00 P.M.

Mayor Clow invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him.

*(Vice Mayor Dwight joined the meeting at 5:00 P.M.)*

Item 2 was presented at this time.

- II.2. Presentation of POST Certificates to the following officers: Officer Gregg Lockwood, Officer Jerry Hutchison, Officer Travis Langway, Officer Preston Stephenson, Officer Tony Ostrander, and Officer Brian Maughan.

Captain Krear, Mayor Clow, Councilperson Hall, and Chief Munn presented certificates to Officer Gregg Lockwood, Officer Travis Langway, Officer Preston Stephenson, Officer Tony Ostrander, and Officer Brian Maughan.

Officer Jerry Hutchison was not present to receive his certificate.

AGENDA ITEMS

- I. CONSENT CALENDAR:

1. Consideration of accounts payable for September 18 – 24, 2007, total: \$513,944.65.
2. Consideration of the September 17, 2007, Minutes.
3. Consideration for one parking space for a private residence located at 461 Second Avenue East as ADA Accessible Parking.

**MOTION:**

Councilperson Johnson made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed with a vote of 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of an offer to purchase the South Central Head Start building, located at 324 Hansen Street East, from the College of Southern Idaho.

Community Development Director Humble reviewed the request. He explained the following breakdown costs:

At their September 10, 2007, meeting, the Council authorized staff to negotiate a purchase of the South Central Head Start building, located at 324 Hansen Street East, from the College of Southern Idaho. Since that meeting, City staff has worked with College staff to arrive at a purchase price that is acceptable to both. Ultimately, City staff submitted an offer of \$265,000. College staff has indicated that they will recommend that the College Board accept this offer. The College Board will meet on Monday, September 24, 2007, to review and approve the offer.

At the September 10, 2007, meeting, the Council also discussed the other costs associated with the City's purchase of this building. Below is a breakdown of those estimated costs, including the \$265,000 purchase price.

• Purchase Price:	\$265,000
• Electrical & Communication Improvements for City Hall:	\$91,700
• Building Improvements:	\$80,739
o Head Start Building:	\$56,247
o City Hall:	\$4,862
o Fire Station:	\$454
o Police Department:	\$19,175
<hr/>	
• Total Cost	\$437,439

Staff recommends that the Council approve the offer price of \$265,000 to purchase the South Central Head Start building, located at 324 Hansen Street East, from the College of Southern Idaho.

Discussion followed:

-Total Cost of \$437,439.

Community Development Director Humble stated that the total cost of \$437,439 includes building improvements and remodeling that would occur at other buildings to make use of the space vacated by the people going into the new building.

-Electrical & Communication Improvements at City Hall.

Community Development Director Humble stated that all of the electrical and communication improvements will be at the Head Start building and connecting the new building to City Hall.

**MOTION:**

Councilperson Johnson made the motion to approve the offer price of \$265,000 to purchase the South Central Head Start building located at 324 Hansen Street East from the College of Southern Idaho. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members voted in favor of the motion. The motion passed with a vote of 6 to 0.

3. Consideration to hold the MDA Fill the Boot Fundraiser on September 28, 2007, at the intersection of Addison Avenue East and Locust Street.

Randy L. Lammers, President – Local 1556, reviewed the request. The MDA Fill the Boot would be scheduled from 10:00 A.M. to 5:00 P.M. on September 28, 2007.

**MOTION:**

Councilperson Johnson made the motion to approve the request by the Fire Department, Randy Lammers, for the Fill the Boot Fundraiser, based on the same format as presented and previously discussed. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed with a vote of 6 to 0.

4. Update by Karen Sharpnack on the Y/City Pool Overview Report.

Scott Standley, YMCA President, reviewed the following report:

**Y / City Pool Overview Report**

October 1, 2006 through June 30, 2007

In the past year, the City of Twin Falls / YMCA partnership has expanded recreation usage in the community. The partnership is working and we thank you for the opportunity to serve our community.

	<u>04-05</u>	<u>05-06</u>	<u>10/06-6/07</u>
Programs	Participants	Participants	Participants
Water Aerobics	4,441	5,094	4,122
Arthritis	1,440	1,510	1,115
Swim Lessons			
Skipper – preschool	1,034	913	638
Progressive – youth	839	925	679
Sagebrush Swim Team	38	65	67
Y Marlin Swim Team average	38	61	65
Certification Classes:	80	101	**
Life guarding, First Aid/CPR, Water Safety Instructor, Head Guard & Waterfront Guard (** contacted Red Cross to get those numbers)			

Memberships

YMCA (includes Y / City Pool membership)	4,130 total members
Y / City Pool memberships only	*466

\*In May of 2007 the YMCA acquired the Canyon Rim YMCA. The YMCA made a financial/marketing plan to lower the Y membership prices and offer all three locations at one low cost. Most of our membership across the board took advantage of this great offer.

### Financial Assistance (Partnership with Youth)

The YMCA's goal is to "never turn away anyone for the inability to pay." In 2006 the Y gave out over \$60,000 in financial assistance to children, adults and families who needed assistance, in program and memberships at the Y, Canyon Rim Y and the Y / City Pool.

### Other Events:

- 8 Swim meets – Marlins, high school, Sagebrush
- Open Houses
- Cabin Fever Days
- Easter Egg Hunt
- Splash Week

### Volunteers

The YMCA depends on its volunteers to help with events and projects. In 2005-06 225 volunteers donated 1,250 hours at the Y / City Pool alone.

### Contracts @ Y / City Pool

#### CSI credit classes

\$10 pool passes  
Outdoor Recreation  
kayaking, scuba  
Swimming Lessons  
Aerobics Class  
Water Polo  
St Luke's Magic Valley (MVRMC)  
Arthritis Water Aerobics  
Physical Therapy  
Humana Health Insurance  
St. Edwards School  
Lighthouse Christian School  
ConAgra / Lamb Weston  
Jerome School District  
Calvary Chapel  
New Life Community Church  
Local preschools  
Home Schoolers of Magic Valley  
Boys and Girls Club

Twin Falls School District  
High School  
Wrestling Team  
Tennis Team  
Swim Team  
PE Program  
Elementary Schools  
Pool Parties  
Safety Class  
Third Grade Swim  
Pal-Step (21st Century)  
Hansen School District  
Intermountain Martial Arts  
Salvation Army  
Migrant School  
Twin Falls County Safe House  
Boy Scouts  
CDC (TF County Juvenile Services)  
Dive Magic  
Kimberly School District

### Discussion followed:

- Decrease in water aerobics participation.
- Hiring of a new Pool Director.
- Pool rates for family.
- Daily Admissions under the revenue.
- Full family membership cost.
- Fixed overhead at pool.

5. Consideration to approve the Governmental Fire Service Agreement to provide fire protection services to the Twin Falls Rural Fire District.

Finance Director Evans reviewed the request. Since 1993, the City Fire Department has provided fire protection services to the Fire District. The prior agreement has expired and the proposed agreement has been developed and approved by City staff, City Attorney, and the Fire District Board and their attorney. It is basically the same agreement as previous, with a provision added to provide for increases in the payment paid by the District to the City, for growth and development within the District. The previous agreement had existing provisions for changes in the City's cost of providing the services and for reduction from City annexations of District territory.

During fiscal year 2006-2007, the District has paid the City the \$323,295 amount defined as the annual payment in the agreement. For 2007-2008, the payment computed under the terms of the agreement will be \$339,462.

Staff recommends that the Council approve the agreement and authorize the Mayor to sign it.

Discussion followed:

-Growth and annexation in the Fire District.

**MOTION:**

Vice Mayor Dwight made the motion to approve, as presented, the Government Fire Services Agreement with the Rural Fire District, including the cost of \$339,462. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed with a vote of 6 to 0.

6. Consideration to award the Morning Sun Park Irrigation and Seeding bid to Idaho Scapes of Twin Falls.

Community Development Director Humble reviewed the request. The Parks & Recreation Department solicited bids for the installation of an irrigation system and seeding for this 3-acre park. The bids were due by Monday, September 10, 2007, and the City received three bids on time for the project. The following is a list of qualified bidders with the proposed amount required to install the system:

Idaho Scapes	\$ 48,376
All Seasons Landscaping	\$ 53,999
Kimberly Nurseries	\$ 66,565

This year's budget includes \$30,000 for this project which was based on the cost of the irrigation project at Northern Ridge Park. Staff is proposing to use in-lieu fees to pay for the remaining balance (\$18,376) to complete this project this fall. The City has collected over \$155,000 of in-lieu fees in the past two years.

Staff recommends that the City Council award the irrigation and seeding contract to Idaho Scapes in the amount of \$48,376 by using the budgeted \$30,000 and \$18,376 of collected in-lieu fees.

Discussion:

-Transfer of in-lieu fees when collected.

**MOTION:**

Councilperson Hall made the motion to award the Morning Sun Park Irrigation and Seeding bid to Idaho Scapes of Twin Falls for \$48,376. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed with a vote of 6 to 0.

7. Consideration to approve Amendment #6 for CH2M Hill OMI Contract.

Shawn Moffitt, CH2M Hill, OMI, explained the request. The original agreement to the Operations, Maintenance, and Management services was effective October 1, 2001. Amendment #6 is to the agreement between the City of Twin Falls and OMI, Inc.

Discussion followed:

-Changes made to the original contract by Amendment #6.

City Manager Courtney stated that OMI has contracted with the City the past 22 years. The basic agreement has followed the same format. The significant change is in Section I, Article 4.1., increasing the base fee from \$2,572,000 to \$2,631,000, a 2.3% increase. The balances of the changes are further detailed in the change of the base fee. The base fees are direct costs and OMI's management fee.

John Keady, Project Manager of OMI, explained the request. A \$58,000 increase over last year is due to the electrical rate, natural gas, fuel prices, chemical costs, and increases to loadings to the plant.

**MOTION:**

Vice Mayor Dwight made the motion to approve Amendment #6 to CH2M Hill OMI Contract as presented. The motion was seconded by Councilperson Craig. Roll call vote showed Mayor Clow, Vice Mayor Dwight, Councilpersons Barigar, Craig, and Hall voted in favor of the motion. Councilperson Johnson voted against the motion. The motion passed with a vote of 5 to 1.

Mayor Clow stated that Items 8. and 9. would be heard at this time.

8. Consideration of the final plat of North Haven PUD Subdivision Phase 1, being 32.3 (+/-) acres located at the southwest corner of Pole Line Road West and Washington Street North.
9. Consideration of the final plat and developer's agreement for North Haven PUD Subdivision, Phase 2, being 29.1 (+/-) acres located at the southeast corner of Pole Line Road West and Park View Drive.

Paul Smith, representing the North Haven PUD Subdivision, Phase 1 applicant, explained the request. Phase 1 is the Wal-mart property and the intent is to divide the PUD into two phases to be developed separately from each other. The property to the west is a long-term development. Wal-mart will have the store redesigned to add the changes to the pharmacy and changes previously approved. The time schedule for redesigning of the building and changes will take approximately three months.

Gary Slette, representing the North Haven PUD Subdivision, Phase 2 applicant reviewed the request. In regards to the time line of Phase 2, he stated that, "As things progress with issues evolving with the hospital and the building going forward and the development of Wal-mart, you can logically think that suit would be followed in regards to Phase 2."

Community Development Director Humble reviewed the request. The original plat was a single phase development, but since then, the developers have determined that it will be in their best interests to split the development into two phases, to be developed separately from each other.

Staff recommended approval of Phase 1 subject to the following conditions:

1. Subject to final technical review by the Engineering Department.
2. The private entrance shown as "Washington Street Access #1" on traffic study to be limited to Right-In and Right-Out only with a median divider on Washington Street North.
3. Subject to the City Engineer's approval of phased construction plans.
4. Subject to the original 10 plat conditions, amended as below to accommodate the phased development of the subdivision:
  1. Dedication of right-of-way along the westerly border of Washington Street North between Pole Line Road and Cheney Drive to provide a total of 60.5' of right-of-way from the centerline of Washington Street North.
  2. Dedication Approved as presented. Vote: 6 to 0. of ninety feet (90') of right-of-way for Cheney Drive from Washington Street North westerly to Station 53+00. The south half of this right-of-way dedication will be accomplished upon recordation of the plat for the Riverhawk subdivision.

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3. Dedication of eighty feet (80') of right-of-way for Cheney Drive from station 53+00 to the west boundary of North Haven Subdivision Phase 1. The south half of this right-of-way dedication will be accomplished upon recordation of the plat for the Riverhawk Subdivision.
4. Dedication of two pieces of 15' x 200' right-of-way for right turn lanes on the north side of Cheney Drive at Billiar Street and the driveway entrance for westbound right turn lanes.
5. Dedication of adequate right-of-way at Washington Street North and Cheney Drive for installation of four legs of a traffic signal.
6. Provide financial assurance acceptable to the City of Twin Falls for construction of Washington Street North from station 218+65 Metric to 216+22 Metric to a pavement width of 56', plus curb, gutter and detached sidewalk, drainage facilities and construction of additional pavement width in coordination with ITD as necessary to transition from Alt 93 Project on east side of Washington Street North.
7. Provide financial assurance acceptable to the City of Twin Falls for construction of full pavement width of right-of-way on Cheney Drive adjacent to North Haven Subdivision Phase 1, including right turn lanes, curb, gutter sidewalk, and landscaped medians and drainage facilities. Construction of the sidewalk on the south side of Cheney Drive is not required.
8. Provide financial assurance acceptable to the City of Twin Falls for construction of the Washington Street North/Cheney Drive intersection, including pavement, curb, gutter, sidewalk, turn lanes, drainage facilities, and traffic signal, including all under street conduits to facilitate future construction of the fourth leg of the intersection.
9. Provide financial assurance acceptable to the City of Twin Falls for construction of all other public facilities shown on the City approved construction plans for North Haven Subdivision Phase 1.
10. Payment to the City for 21% of the estimated cost of intersection improvements for the intersection of Washington Street North and North College Road, pursuant to the Wal-Mart Super Center Transportation Impact Study.

Staff recommends approval of Phase 2 subject to the following conditions:

1. Subject to final technical review by the Engineering Department.
2. Subject to the City Engineer's approval of phased construction plans.
3. Subject to the following 4 of the original 10 plat conditions that apply to Phase 2, amended as below to accommodate the phased development of the subdivision:
  1. Dedication of eighty feet (80') of right-of-way for Cheney Drive adjacent to North Haven Subdivision Phase 2. The south half of this right-of-way dedication will be accomplished upon recordation of the plat for the Riverhawk Subdivision.
  2. Dedication of two pieces of 15' x 200' right-of-way for right turn lanes on the north side of Cheney Drive at Sparks Street (Parkview Drive) and the driveway entrance for westbound right turn lanes.
  3. Provide financial assurance acceptable to the City of Twin Falls for construction of full pavement width of right-of-way on Cheney Drive adjacent to North Haven Subdivision Phase 2, including right turn lanes, curb, gutter sidewalk, and landscaped medians and drainage facilities. Construction of the sidewalk on the south side of Cheney Drive is not required.
  4. Provide financial assurance acceptable to the City of Twin Falls for construction of all other public facilities shown on the City approved construction plans for North Haven Subdivision Phase 2.

Discussion followed:

-Requirements of Cheney and Phase 1 and Phase 2.

Community Development Director Humble stated that Phase 1 would be required to secure the right of way for Washington back to Billiar Street, Phase 2 would be required to secure the right of way for Billiar Street to what is going to be called Parkview Drive and to provide financial assurance the requirements would be completed.

-Traffic pattern.

Community Development Director Humble stated that Wal-mart traffic would go to Washington by Cheney or directly out to Washington.

-Approximate time line for Phase 2.

Gary Slette stated that he does not have a time line for the project, but intends to comply with the PUD agreement that was executed by the Mayor in 2005. The PUD agreement provides that there is no minimum allowed for phases and a maximum of three years between phase recordation.

-Absence of requirement of sidewalk on the south side of Cheney.

Community Development Director Humble stated that at the time the requirement was not placed on the ten conditions. They were to build their sidewalk and the full roadway. The demands for traffic to and from the site would require the full width to be built. The sidewalk traffic would be provided on the north side and the future development of the south side would provide their own sidewalk traffic, since it would not be impacted by the cars coming and going.

-Cheney Drive allowing left turns onto Washington.

Community Development Director Humble stated that there will an intersection designed to allow left and right turns.

-Redesign of the Wal-mart building.

Paul Smith stated that the basic look of the footprint is not changing. The building is not being moved and the landscaping and lighting requirements will stay the same.

Community Development Director Humble stated that at the PUD amendment hearing held in March, the Council placed a condition on the approval of the PUD, that it would be subject to those documents presented at that time. The PUD agreement has a copy of the elevations and landscape plans that had been submitted. Staff will review the plans as they come in to comply with what was presented at that meeting. The conditions of lighting are also in the amended PUD agreement.

**MOTION:**

8. *Consideration of the final plat of North Haven PUD Subdivision Phase 1, being 32.3 (+/-) acres located at the southwest corner of Pole Line Road West and Washington Street North.*

Councilperson Johnson made the motion to approve the final plat of North Haven PUD Subdivision Phase 1, as presented, subject to the following conditions:

1. Subject to final technical review by the Engineering Department.
2. The private entrance shown as "Washington Street Access #1" on traffic study to be limited to Right-In and Right-Out only with a median divider on Washington Street North.
3. Subject to the City Engineer's approval of phased construction plans.
4. Subject to the original 10 plat conditions, amended as below to accommodate the phased development of the subdivision:
  1. Dedication of right-of-way along the westerly border of Washington Street North between Pole Line Road and Cheney Drive to provide a total of 60.5' of right-of-way from the centerline of Washington Street North.
  2. Dedication Approved as presented. Vote: 6 to 0. of ninety feet (90') of right-of-way for Cheney Drive from Washington Street North westerly to Station 53+00. The south half of this right-of-way dedication will be accomplished upon recordation of the plat for the Riverhawk subdivision.
  3. Dedication of eighty feet (80') of right-of-way for Cheney Drive from station 53+00 to the west boundary of North Haven Subdivision Phase 1. The south half of this right-of-way dedication will be accomplished upon recordation of the plat for the Riverhawk Subdivision.
  4. Dedication of two pieces of 15' x 200' right-of-way for right turn lanes on the north side of Cheney Drive at Billiar Street and the driveway entrance for westbound right turn lanes.
  5. Dedication of adequate of right-of-way at Washington Street North and Cheney Drive for installation of four legs of a traffic signal.
  6. Provide financial assurance acceptable to the City of Twin Falls for construction of Washington Street North from station 218+65 Metric to 216+22 Metric to a pavement width of 56', plus curb, gutter and detached sidewalk, drainage facilities and construction of additional pavement width in coordination with ITD as necessary to transition from Alt 93 Project on east side of Washington Street North.
  7. Provide financial assurance acceptable to the City of Twin Falls for construction of full pavement width of right-of-way on Cheney Drive adjacent to North Haven Subdivision Phase 1, including right turn lanes, curb,

gutter sidewalk, and landscaped medians and drainage facilities. Construction of the sidewalk on the south side of Cheney Drive is not required.

8. Provide financial assurance acceptable to the City of Twin Falls for construction of the Washington Street North/Cheney Drive intersection, including pavement, curb, gutter, sidewalk, turn lanes, drainage facilities, and traffic signal, including all under street conduits to facilitate future construction of the fourth leg of the intersection.
9. Provide financial assurance acceptable to the City of Twin Falls for construction of all other public facilities shown on the City approved construction plans for North Haven Subdivision Phase 1.
10. Payment to the City for 21% of the estimated cost of intersection improvements for the intersection of Washington Street North and North College Road, pursuant to the Wal-Mart Super Center Transportation Impact Study.

Vice Mayor Dwight seconded the motion and roll call vote showed all members present voted in favor of the motion. Vote: 6 to 0.

**MOTION:**

9. *Consideration of the final plat and developer's agreement for North Haven PUD Subdivision, Phase 2, being 29.1 (+/-) acres located at the southeast corner of Pole Line Road West and Park View Drive.*

Councilperson Johnson made the motion to approve the final plat and developer's agreement for North Haven PUD Subdivision, Phase 2, as presented, subject to the following conditions:

1. Subject to final technical review by the Engineering Department.
2. Subject to the City Engineer's approval of phased construction plans.
3. Subject to the following 4 of the original 10 plat conditions that apply to Phase 2, amended as below to accommodate the phased development of the subdivision:
  1. Dedication of eighty feet (80') of right-of-way for Cheney Drive adjacent to North Haven Subdivision Phase 2. The south half of this right-of-way dedication will be accomplished upon recordation of the plat for the Riverhawk Subdivision.
  2. Dedication of two pieces of 15' x 200' right-of-way for right turn lanes on the north side of Cheney Drive at Sparks Street (Parkview Drive) and the driveway entrance for westbound right turn lanes.
  3. Provide financial assurance acceptable to the City of Twin Falls for construction of full pavement width of right-of-way on Cheney Drive adjacent to North Haven Subdivision Phase 2, including right turn lanes, curb, gutter, sidewalk, and landscaped medians and drainage facilities. Construction of the sidewalk on the south side of Cheney Drive is not required.
  4. Provide financial assurance acceptable to the City of Twin Falls for construction of all other public facilities shown on the City approved construction plans for North Haven Subdivision Phase 2.

The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

10. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None.

IV. PUBLIC HEARINGS: 6:18 P.M.

1. Public hearing to amend the 2006-2007 Budget. Proposed Ordinance 2918.

Finance Director Assistant Race reviewed the proposed ordinance. The proposed Ordinance will ensure the City of Twin Falls compliance with State code.

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

The public hearing was closed.

**MOTION:**

Councilperson Johnson made the motion to suspend the rules and place Ordinance 2918 on third and final reading by title only. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members voted in favor of the motion. Vote: 6 to 0.

Deputy City Clerk Sanchez read the title to Ordinance 2918, entitled:

AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO, AMENDING ORDINANCE NO. 2918, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007; APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF TWIN FALLS, IDAHO, IN THE SUM OF \$1,728,100; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Dwight made the motion to adopt Ordinance 2918, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

Mayor Clow reviewed the Hearing Procedures:

2. Request for a Zoning District Change and Zoning Map Amendment from R-6 to R-6 PRO to develop a professional office on one (+/-) acre of property located on the west side of the 450 block of Locust Street North, c/o EHM Engineering on behalf of Mike Ajeti. (app.2158)

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

Community Development Director Humble reviewed the request. On August 28, 2007, the Commission recommended the R-6 PRO zoning designation as presented, subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.

Staff concurs with the Planning and Zoning Commission's recommendation.

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

The public hearing was closed.

**MOTION:**

Councilperson Johnson made the motion to approve the request of a Zoning District Change and Zoning Map Amendment from R-6 to R-6 PRO to develop a professional office on one (+/-) acre of property located on the west side of the 450 block of Locust Street North, c/o EHM Engineering on behalf of Mike Ajeti. (app.2158) as presented, subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.

The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

3. Request for a Zoning District Change and Zoning Map Amendment for 40 (+/-) acres proposed to be annexed from R-2 to C-1 PUD for the purpose of allowing a professional/commercial development on property located at the northeast corner of Pole Line Road and Grandview Drive North, c/o Center Pointe, LLC and Conner Properties, LLC. (app.2147)

Scott Allen, The Landgroup, representing the applicant explained the request.

Community Development Director Humble reviewed the request. On August 28, 2007, the Planning and Zoning Commission recommended the C-1 PUD zoning designation, as presented, subject to the following conditions:

1. Modify the draft PUD agreement with the following changes:
  - a. Keep "bus facilities as a prohibited use but allow bus pick up shelters as a permitted use" in 2.1(d)
  - b. Section 3.8 to include provision of a sign plan for the PUD limited to a maximum 10' tall and a maximum 100 sq ft. for free-standing signs.
2. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City code requirements and standards.
3. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

Staff concurs with the Planning and Zoning Commission's recommendation.

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

Discussion followed:

-Commercial/rural residential water usage comparison.

City Engineer Fields stated what specific uses you choose to place in the area determines water usage.

The public hearing was closed.

**MOTION:**

Councilperson Johnson made the motion to approve the request for a Zoning District Change and Zoning Map Amendment for 40 (+/-) acres proposed to be annexed from R-2 to C-1 PUD for the purpose of allowing a professional/commercial development on property located at the northeast corner of Pole Line Road and Grandview Drive North, c/o Center Pointe, LLC and Conner Properties, LLC. (app.2147)

1. Modify the draft PUD agreement with the following changes:
  - c. Keep "bus facilities as a prohibited use but allow bus pick up shelters as a permitted use" in 2.1(d)
  - d. Section 3.8 to include provision of a sign plan for the PUD limited to a maximum 10' tall and a maximum 100 sq ft. for free-standing signs.
2. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City code requirements and standards.
3. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

The motion was seconded by Councilperson Barigar. Vice Mayor Dwight, Councilpersons Barigar, Craig, Hall, and Johnson voted in favor of the motion. Mayor Clow voted against the motion. The motion passed. Vote: 5 to 1.

4. Request for a PUD Modification of the Northbridge PUD Agreement to rezone 3 (+/-) acres located at the northeast corner of Washington Street North and Pole Line Road from R-4 PRO to C-1 PUD to allow for commercial/retail development and to amend the landscape requirements for this parcel as specified within the Northbridge PUD Agreement to require the landscaping, for this parcel only, to comply with minimum City code landscaping standards for commercial development on a gateway arterial, c/o Hawkins Companies. (app.2161)

Brandon Whallon, 8645 West Franklin Road, Boise, Idaho, explained the request.

Community Development Director Humble reviewed the request. On August 28, 2007, the Planning and Zoning Commission recommended approval subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City code requirements and standards.

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2. Subject to the zoning of Lot 6, Block 2, Westpark Commercial Subdivision No. 3 being amended from R-4 PRO PUD to C-1 PUD. The language of the PUD Agreement would remain C-1 and R-4 pro PUD to protect the 1.5 (+/-) acre parcel remaining zoned R-4 PRO.
3. Subject to landscaping requirements remaining as established in the Northbridge PUD Agreement along Pole Line Road and Washington St. North and to comply with gateway landscaping requirements, whichever is greater.

Staff concurs with the Planning and Zoning Commission recommendation.

Discussion followed:

- Walgreens drive thru window.
- Property owners' notification.

Community Development Director Humble stated that the drive thru window would require further SUP, but the use of the store/pharmacy is an outright permitted use. A 24/hour operation would also require a SUP.

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

Brandon Whallon stated that in lot 6, would be the only lot to have the R-4 PRO Overlay, and the remainder would have the C-1. The purchase is for the entirety of lot 6.

Community Development Director Humble stated lot 7 lies to the north of the proposed lot and is the lot with two zoning districts.

The public hearing was closed.

Vice Mayor Dwight made the motion for approval of the PUD Modification of Northbridge PUD to rezone approximately 3 acres at the northeast corner of Washington and Pole Line Road as presented, subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to the zoning of Lot 6, Block 2, Westpark Commercial Subdivision No. 3 being amended from R-4 PRO PUD to C-1 PUD. The language of the PUD Agreement would remain C-1 and R-4 PRO PUD to protect the 1.5 (+/-) acre parcel remaining zoned R-4 PRO.
3. Subject to landscaping requirements remaining as established in the Northbridge PUD Agreement along Pole Line Road and Washington St. North and to comply with gateway landscaping requirements, whichever is greater.

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

V. ADJOURNMENT: to Executive Session to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, or public school student. 67-2345(b)

Vice Mayor Dwight made the motion to move to Executive Session. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote 6 to 0.

Adjourned at 7:12 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, October 1, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

I. CONSENT CALENDAR:

1. Consideration of accounts payable: September 25 –October 1, 2007
2. Consideration of the September 24, 2007, Minutes.
3. Curb-Gutter and Sidewalk Improvement Deferral Agreement for:
  - a. Joseph Cypher, 1179 Harmony Road.
  - b. Danny Alaniz, 480 Diamond Avenue.
4. Consideration to approve one parking space for a private residence located at 331 Second Avenue West as ADA Accessible Parking.
5. Consideration to approve the Improvement Agreement for Developments for Wild Rose Estates No. 3, c/o Tiger Hills Partners, LLC.
6. Consideration to accept two perpetual roadway and utility easements for Cheney Drive East from Northeast Development, L.L.C.
7. Consideration to allow an access easement across City property to Ameritel Inn.

II. ITEMS FOR CONSIDERATION:

1. Consideration to set a date for a public hearing to raise the punch card rate at the Municipal Golf Course.
2. Consideration of adoption of the following three (3) ordinance(s):
  - a. Request for a Zoning District Change and Zoning Map Amendment from R-6 to R-6 PRO to develop a professional office on one (+/-) acre of property located on the west side of the 450 block of Locust Street North, c/o EHM Engineering on behalf of Mike Ajeti. (app.2158) **Proposed Ordinance 2919.**
  - b. Request for a Zoning District Change and Zoning Map Amendment for 40 (+/-) acres proposed to be annexed from R-2 to C-1 PUD for the purpose of allowing a professional/commercial development on property located at the northeast corner of Pole Line Road and Grandview Drive North, c/o Center Pointe, LLC and Conner Properties, LLC. (app.2147) **Proposed Ordinance 2920.**
  - c. Request for a PUD Modification of the Northbridge PUD Agreement to rezone 3 (+/-) acres located at the northeast corner of Washington Street North and Pole Line Road from R-4 PRO to C-1 PUD to allow for commercial/retail development and to amend the landscape requirements for this parcel as specified within the Northbridge PUD Agreement to require the landscaping, for this parcel only, to comply with minimum City code landscaping standards for commercial development on a gateway arterial, c/o Hawkins Companies. (app.2161) **Proposed Ordinance 2921.**
3. Request for approval of the final plat for Hilton Subdivision, 3.52 (+/-) acres consisting of 2 lots located north of Pole Line Road, and west of Harrison Street North, c/o AmeriTel Inn Twin Falls, LLC, and EHM Engineers, Inc.
4. Appeal of the Planning & Zoning Commission's denial of the preliminary plat for Timberlake Village Subdivision, 4.75 (+/-) acres consisting of 2 lots located south of Marie Street, extended, and east and west of the 100-200 blocks of Meadowview Lane, extended, c/o TRW Architecture Chtd., on behalf of Tom Williams.
5. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. Consideration to adopt Resolution 1789, to consider increasing water, sewer, and sanitation rates for 2007-2008.
2. A public hearing for the purpose of raising fees for the Adult Flag Football Program.

V. ADJOURNMENT:

ATTENDANCE

<u>Present</u>	<u>Absent</u>
Mayor Lance Clow	Don Hall
Vice Mayor Glenda Dwight	
Shawn Barigar	
Trip Craig	
David E. Johnson	
Greg Lanting	

CITY STAFF PRESENT:

City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Finance Director Gary Evans, Parks and Recreation Director Dennis Bowyer, Parks and Recreation Assistant Director Eli Roberts, Recreation Coordinator Beth Pendergrass, City Clerk Leila Sanchez.

Mayor Clow called the meeting to order at 5:00 P.M.

A quorum of Council was present. Councilperson Hall was absent.

**AGENDA ITEMS**

II. **CONSENT CALENDAR:**

1. Consideration of accounts payable: September 25 –October 1, 2007
2. Consideration of the September 24, 2007, Minutes.
3. Curb-Gutter and Sidewalk Improvement Deferral Agreement for:
  - a. Joseph Cypher, 1179 Harmony Road.
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4. Consideration to approve one parking space for a private residence located at 331 Second Avenue West as ADA Accessible Parking.
5. Consideration to approve the Improvement Agreement for Developments for Wild Rose Estates No. 3, c/o Tiger Hills Partners, LLC.
6. Consideration to accept two perpetual roadway and utility easements for Cheney Drive East from Northeast Development, L.L.C.
7. Consideration to allow an access easement across City property to Ameritel Inn.

**MOTION:**

Councilperson Johnson made the motion to approve the Consent Calendar as Amended:

-Deletion of the September 24, 2007, Minutes.

-Addition of an Alcohol License Application Transfer for Garibaldis, 677 Filer Avenue.

Vice Mayor Dwight seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

II. **ITEMS FOR CONSIDERATION:**

1. Consideration to set a date for a public hearing to raise the punch card rate at the Municipal Golf Course.

Parks and Recreation Director Bowyer reviewed the request. For the 2006 golf season, the punch card was sold at \$125 for 10 rounds of golf during the weekdays or weekends. The Golf Commission recommended that this fee be reduced to \$100 while other fees were recommended to be raised. The City Council adopted the new fee schedule at a public hearing on November 12, 2006. At the September 12, 2007, meeting, the Golf Commission recommended raising the punch card rate back to \$125 and leaving all other fees the same.

**MOTION:**

Vice Mayor Dwight made the motion to approve to set a Public Hearing for October 15, 2007, at 6:00 P.M., regarding raising the punch card rate at the Municipal Golf Course. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

2. Consideration of adoption of the following three (3) ordinance(s):
  - a. Request for a Zoning District Change and Zoning Map Amendment from R-6 to R-6 PRO to develop a professional office on one (+/-) acre of property located on the west side of the 450 block of Locust Street North, c/o EHM Engineering on behalf of Mike Ajeti. (app.2158) **Proposed Ordinance 2919.**
  - b. Request for a Zoning District Change and Zoning Map Amendment for 40 (+/-) acres proposed to be annexed from R-2 to C-1 PUD for the purpose of allowing a professional/commercial development on property located at the northeast corner of Pole Line Road and Grandview Drive North, c/o Center Pointe, LLC and Conner Properties, LLC. (app.2147) **Proposed Ordinance 2920.**
  - c. Request for a PUD Modification of the Northbridge PUD Agreement to rezone 3 (+/-) acres located at the northeast corner of Washington Street North and Pole Line Road from R-4 PRO to C-1 PUD to allow for commercial/retail development and to amend the landscape requirements for this parcel as specified within the Northbridge PUD Agreement to require the landscaping, for this parcel only, to comply with minimum City code landscaping standards for commercial development on a gateway arterial, c/o Hawkins Companies. (app.2161) **Proposed Ordinance 2921.**

Community Development Director Humble reviewed the request.

**MOTION:**

Councilperson Johnson made the motion to suspend the rules and place Ordinances 2919, 2920, and 2921, on third and final reading by title only. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members voted in favor of the motion. Vote: 6 to 0.

Deputy City Clerk Sanchez read the title to Ordinance 2919, entitled:

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

Councilperson Barigar made the motion to adopt Ordinance 2919, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Vote: 6 to 0.

Deputy City Clerk Sanchez read the title to Ordinance 2920, entitled:

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

**MOTION:**

Councilperson Craig made the motion to adopt Ordinance 2920, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

Deputy City Clerk Sanchez read the title to Ordinance 2921, entitled:

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

**MOTION:**

Councilperson Craig made the motion to adopt Ordinance 2921, as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

3. Request for approval of the final plat for Hilton Subdivision, 3.52 (+/-) acres consisting of 2 lots located north of Pole Line Road, and west of Harrison Street North, c/o AmeriTel Inn Twin Falls, LLC, and EHM Engineers, Inc.

Community Development Director Humble reviewed the request. On September 25, 2007, the Planning and Zoning Commission approved the preliminary plat for this subdivision, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City code and requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

Staff recommends the same two conditions be placed on the final plat.

Discussion followed:

-Trail crossing points to the new restaurant.

**MOTION:**

Councilperson Barigar made the motion to approve the final plat for Hilton Subdivision, 3.52 (+/-) acres consisting of 2 lots located north of Pole Line Road, and west of Harrison Street North, c/o AmeriTel Inn Twin Falls, LLC, and EHM Engineers, Inc., as presented, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City code and requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote : 6 to 0.

4. Appeal of the Planning & Zoning Commission's denial of the preliminary plat for Timberlake Village Subdivision, 4.75 (+/-) acres consisting of 2 lots located south of Marie Street, extended, and east and west of the 100-200 blocks of Meadowview Lane, extended, c/o TRW Architecture Chtd., on behalf of Tom Williams.

Tom Williams, TRW Architecture Chtd., representing the applicant, explained the request. He referred to a letter dated September 13, 2007, to Renee Carraway in reference to Timberlake Village Apartments.

Discussion followed:

-72' road required rather than a 64' road.  
-Health and safety problem.  
-Crosswalks and stop signs.

Community Development Director Humble stated the following:

-72' road is current collector street standard. The speed limit would not change. The road would be four lanes with a detached sidewalk.

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-The Planning and Zoning Commission's concern was that the proposed development created by the division of the apartments west of Meadowview Lane from the recreation facilities east of Meadowview Lane, and due to insufficient off street parking for the project that may create safety hazards. The concern is residents crossing back and forth across the collector street to get back and forth from the proposed community center.

-Stop signs may not be welcomed by the Engineering Department, but would be supportive of crosswalks.

-The 72' road and 64' road are the rights of way widths. Northbound into the subdivision homes are all built and platted and acquiring more rights of way may be difficult and costly but not impossible.

-Parking spots for units.

-Clarification of number of units.

Tom Williams stated that the design meets City code requirements.

Community Development Director Humble stated that the Council can require the parking requirement be met per lot.

-Staff recommendation #2 and #4 clarification.

-Grass area on the west side of the road.

-Street design – Kimberly Road.

-Proposed traffic light at Kimberly Road and Hankins.

Chris Collett, representing the applicant, discussed the realignment of Meadowview Lane.

Community Development Director Humble stated that the State is contemplating a proposed traffic signal at Kimberly and Hankins.

Public input:

Alex Tubbs, 276 Jo Ellen Drive, spoke against the request. His concerns includes inadequate parking, traffic flow off of Kimberly Road, property values decreasing with development, and property owners not notified by the developer.

Mayor Clow made the clarification that the Planning and Zoning Department confirmed that property owners within 300' of the property were properly notified.

John Calabro, 336 Jeannie, spoke against the request. His concern includes decrease in property values, vacant buildings attracting crime, and traffic flow.

Curtis Jacobson, 370 Meadowlark Way, spoke against the request. His concerns include traffic issues and decrease in property values.

Elaine Cramer, 391 Meadowlark Way, spoke against the request. Her concerns include inadequate parking and decrease in property value.

Charles Cramer, 391 Meadowlark Way, spoke against the request. His concerns include traffic issues.

The public comment portion of the meeting was closed.

Discussion followed:

-Parking requirements and safety issues.

-72' road.

-Inadequate parking.

-Speed limit concerns.

- Traffic calming devices.
- Detached sidewalk.

Vice Mayor Dwight made the motion to approve the preliminary plat for Timberlake Village Subdivision, 4.75 (+/-) acres consisting of 2 lots located south of Marie Street, extended, and east and west of the 100-200 blocks of Meadowview Lane, extended, c/o TRW Architecture Chtd., on behalf of Tom Williams, with the following staff recommendations:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to currently City standards upon development of the property.
3. Full development of Meadowview Lane to Kimberly Road.
4. The easement known as Marie Street, to the north of the property, shall be landscaped and maintained to meet minimum landscaping standards by the owner/developer as part of this project.

The motion was seconded by Councilperson Barigar.

Councilperson Barigar made a motion to amend the main motion to add a condition that the minimum of two spaces per unit be applied to each lot in the development, separately. The motion was seconded by Councilperson Johnson.

Councilperson Johnson made a motion to amend the main motion to have the Engineering Department submit a traffic calming plan as part of the final plat. The motion was seconded by Councilperson Barigar.

***MOTION ON THE TRAFFIC CALMING PLAN:***

Roll call vote showed all members present voted in favor of the motion. The motion passed. Vote 6 to 0.

**MOTION ON PARKING:**

Roll call vote showed all members present voted in favor of the motion. The motion passed. Vote 6 to 0.

**MOTION ON THE MAIN MOTION WITH AMENDMENTS:**

Roll call vote showed Mayor Clow, Councilperson Barigar, and Craig voted in favor of the motion. Vice Mayor Dwight, Councilpersons Johnson and Lanting voted against the motion. The motion failed. Vote: 3 to 3. The final plat is denied.

5. Public input and/or items from the City Manager and City Council. None.

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

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

1. Consideration to adopt Resolution 1789, to consider increasing water, sewer, and sanitation rates for 2007-2008.

Finance Director Evans reviewed the request. He reviewed *Utility Rates 2007-2008 – With Increases Proposed in Budget October 1, 2007.*

Discussion followed:

- Total average projected increase: \$1.3 million.
- Fee increases.
- Landfill fee and collection rates are not changing.
- Street Sweepers
- City/state/nationwide comparisons not available.
- Activated biofilter replacement.
- Canyon Springs Road Trunk line

The public hearing portion of the public hearing was opened:

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Ralph Lowe, 401 Gem Street, stated his complaint on his current garbage collection. His garbage has not been picked up the past four weeks.

City Manager Courtney stated that he will make contact with Parks and Sons.

The public input portion of the hearing was closed.

**MOTION:**

Councilperson Johnson made the motion to adopt Resolution 1789. The motion was seconded by Vice Mayor Dwight. Roll call vote showed Mayor Clow, Vice Mayor Dwight, Councilperson Barigar, Johnson and Lanting voted in favor of the motion. Councilperson Craig voted against the motion. The motion passed. Vote: 5 to 1.

2. A public hearing for the purpose of raising fees for the Adult Flag Football Program.

Recreation Coordinator Pendergrass reviewed the request.

Discussion followed:

- The Parks and Recreation Commission did not review raising of fees for the Adult Flag Football Program.
- Parks and Recreation Assistant Director Roberts stated that the Parks and Recreation Commission have recommended full cost recovery for adult programs.

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

Councilperson Lanting made the motion to raise the Adult Flag Football League fees from \$100 per team to \$370 per team to cover the additional costs of expanding the program. The motion was seconded by Vice Mayor Dwight. Roll call vote showed Mayor Clow, Vice Mayor Dwight, Councilpersons Barigar, Craig, and Lanting voted in favor of the motion. Councilperson Johnson voted against the motion. The motion passed.

V. **ADJOURNMENT:** The meeting adjourned at 6:58 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



**MINUTES**  
Meeting of the Twin Falls City Council  
**MONDAY, October 15, 2007**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**3:30 P.M.**

**Presentation by Civil Science and discussion on the Transportation Master Plan.**

PROCLAMATION: Twin Falls Infection Prevention Week.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable total for October 2-15 is: \$369,381.28 and September total is: \$612,079.81
2. Consideration of the September 24 and October 1, 2007, Minutes.
3. Findings of Fact & Conclusions of Law:
  - a. Timberlake Village Pre-plat Denial
  - b. American West Group- Rezone (aka Casper Southgate)
  - c. North Haven PUD Subdivision Phase 1 Final Plat
  - d. North Haven PUD Subdivision Phase 2 Final Plat
  - e. R. G. Messersmith Vacation
  - f. Hawkins Company-PUD Modification
  - g. Center Point-Annexation/Rezone
4. Curb-Gutter and Sidewalk Improvement Deferral Agreement:
  - a. Chris Clayville DBA Clayville Insulation, 829 Eastland Drive.
  - b. Renaldi Construction, 3973 N. 3300 E..
  - c. Burks Tractor Inc., 3140 Kimberly Road.
  - d. Ramon Galindo, 215 Adams St.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of Twin Falls Fire Department Drivers Academy Certifications to Mike Shewmaker, Brian Rice, Sean Burgess, T.J. Prescott, Tristan Jones, David Owens, Matt Bayless, Tom Bloxham, and Fred McDonald.
2. Consideration of the disposal of a 1976 American LaFrance Fire Truck.
3. Consideration to allow the American Legion use of the band shell to hold the annual Veteran's Day services at City Park on Sunday November 11<sup>th</sup>.
4. Consideration of the conveyance plat of Interstate Amusement Subdivision consisting of 2 lots on 12.5 (+/0) acres for property located at the northwest corner of Madrona Street North and Cheney Drive.
5. Consideration of a request to City Council's denial of a preliminary plat for the Timberlake Village Subdivision.
6. Council discussion for a creation of a Municipal Powers Outsource Grant Review Committee.
7. Public input and/or items from the City Manager and City Council.

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

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

1. To increase the punch card rate from \$100 to \$125 at the Municipal Golf Course. Proposed Resolution #1790.
2. Request for a Zoning District Change and a Zoning Map Amendment from R-1 VAR to SUI for approximately 4.79 (+/-) acres located at 3953 North 3300 East, c/o Tim ZeBarth. (app.2163)

**V. ADJOURNMENT:**

ATTENDANCE

Present	Absent
Mayor Lance Clow	
Vice Mayor Glenda Dwight	
Shawn Barigar (5:00 P.M.)	
Trip Craig	
Don Hall	
David E. Johnson	
Greg Lanting	

CITY STAFF PRESENT:

City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Parks and Recreation Director Dennis Bowyer, Fire Chief Ron Clark, Assistant City Engineer Chuck Collins, Public Works Director Jon Caton, Project Coordinator Lee Glaesemann, City Clerk Leila Sanchez.

**AGENDA ITEMS**  
**3:30 P.M.**

**Presentation by Civil Science and discussion on the Transportation Master Plan.**

Presentation was made by Kyle Comer and Rob Ramsey of Civil Science, and Mike Pepper of KMP Planning.

Mike Pepper gave an overview of the planning process.

Discussion followed:

- Future land use plan.
- Time frame to update the plan.
- Truck route evaluation.
- Use of MPO guidelines.
- Rerouting and funding of Second Avenues.
- ITD reroute of Hwy 74 consideration.
- School safety. (Bickel School and TFHS)
- Pedestrian safety. (Second Avenues)

Rob Ramsey reviewed the Pavement Management System Work Program.

City Engineer Fields asked the Council to state their concerns.

Discussion followed:

- Reconstruction and/or replacement of deteriorating roads.
- Inconsistency of sidewalks.
- Street lights from mercury vapor to LED lighting.-
- Federal government funding.
- Traffic calming traffic devices.
- Population density.

Public input.

- John Hathaway suggested that public transportation be addressed.
- A suggestion was made that roundabouts be used to slow traffic.

Break 4:39 P.M.

Mayor Clow reconvened the meeting to order at 5:00 P.M.

**PROCLAMATION: Twin Falls Infection Prevention Week.**

Mayor Clow read the Proclamation.

Trish Heath of St. Luke's Magic Valley Regional Medical Center was present to accept the proclamation.

**AGENDA ITEMS**

**II. CONSENT CALENDAR:**

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  - c. North Haven PUD Subdivision Phase 1 Final Plat
  - d. North Haven PUD Subdivision Phase 2 Final Plat
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  - g. Center Point-Annexation/Rezone
4. Curb-Gutter and Sidewalk Improvement Deferral Agreement:
  - a. Chris Clayville DBA Clayville Insulation, 829 Eastland Drive.
  - b. Renaldi Construction, 3973 N. 3300 E..
  - c. Burks Tractor Inc., 3140 Kimberly Road.
  - d. Ramon Galindo, 215 Adams St.

**MOTION:**

Vice Mayor Dwight made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of Twin Falls Fire Department Drivers Academy Certifications to Mike Shewmaker, Brian Rice, Sean Burgess, T.J. Prescott, Tristan Jones, David Owens, Matt Bayless, Tom Bloxham, and Fred McDonald.

Fire Chief Clark, Mayor Clow, and Councilperson Lanting presented Brian Rice, Sean Burgess, T.J. Prescott, Tristan Jones, David Owens, Tom Bloxham and Fred McDonald certificates.

Mike Shewmaker and Matt Bayless were not present.

2. Consideration of the disposal of a 1976 American LaFrance Fire Truck.

Fire Chief Clark stated that the Twin Falls Fire Department recently purchased a new 2007 BME fire apparatus. The request is for permission from the Council to declare the Fire Department's 1976 American LaFrance fire truck as surplus equipment and to ask Council direction for the disposal of the vehicle.

Discussion followed:

- Albion Fire Department and a citizen have shown interest in the truck.
- BME gave an appraisal price of the truck to be worth \$2,500.00 to \$4,000.00, without equipment.

Council gave staff direction to advertise for request for proposals.

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3. Consideration to allow the American Legion use of the band shell to hold the annual Veteran's Day services at City Park on Sunday November 11<sup>th</sup>.

Parks and Recreation Director Bowyer reviewed the request. The American Legion is requesting to use the band shell allowing them to have amplified sound during the ceremony and allow Burt Huish to sing the national anthem from the band shell and to waive the \$50.00 fee for the use of the band shell. The Veteran's Day ceremony is planned to begin at 11:00 a.m. Contact has been made with Rhonda Eldredge of St. Edwards and Jim Tubbs at the First Christian Church and both stated they did not have a problem with the request.

**MOTION:**

Councilperson Hall made the motion to allow the American Legion to hold their annual Veteran's Day ceremony beginning at 11:00 a.m. at the City Park band shell on November 11, 2007, and to waive the \$50 fee for the use of the band shell. The motion was seconded by Vice Mayor Dwight.

Discussion followed:

- Hours of operation of the band shell.
- Waiving of fees for the police officers, parades, band shell, and special events.

Roll call vote on the motion showed all members present voted in favor of the motion. The motion passed. Vote 7 to 0.

Discussion followed:

- Hispanic Heritage Fiesta

Parks and Recreation Director Bowyer stated that the Council directed staff to have the Parks and Recreation Commission review the issue of City Park hours and regulations at the band shell and alcohol in parks. The sub-committee has not meet regarding the hours and regulations at the band shell, but plan to have something back to the Council by January, or no later than February. The sub-committee reviewing alcohol in parks has met once and plans to meet again. Their plan is to come back to the Council with their recommendations.

4. Consideration of the conveyance plat of Interstate Amusement Subdivision consisting of 2 lots on 12.5 (+/0) acres for property located at the northwest corner of Madrona Street North and Cheney Drive.

Community Development Director Humble reviewed the request.

Staff recommends approval of the conveyance plat as presented, subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to right-of-way for the perimeter streets as shown on the plat being dedicated to the City of Twin Falls.
3. Subject to required street and public utility improvements for both lots being constructed to City standards upon development of either lot.

Discussion followed:

- Sign currently placed on property appears to be a non-permitted sign.

**MOTION:**

Councilperson Johnson made the motion to approve the conveyance plat of Interstate Amusement Subdivision consisting of 2 lots on 12.5 (+/-) acres for property located at the northwest corner of Madrona Street North and Cheney Drive, as presented, subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to right-of-way for the perimeter streets as shown on the plat being dedicated to the City of Twin Falls.
3. Subject to required street and public utility improvements for both lots being constructed to City standards upon development of either lot.

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Councilperson Barigar seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote 7 to 0.

5. Consideration of a request to City Council's denial of a preliminary plat for the Timberlake Village Subdivision.

Fred Kornforth, CDI Development, representing the applicant, explained the request. The owner would like to be subject to a vote by the full Council so there could not be a tie decision as received at the October 1, 2007, Council meeting.

Community Development Director Humble reviewed the request. The request is only on whether or not to reconsider the preliminary plat at a future meeting. Approval of this request will allow the applicant another opportunity to request approval of the preliminary plat for the Timberlake Village Subdivision. If the Council approves the request, the applicant will have to send notification letters to all property owners within 300 feet of the subject property informing them of yet another agenda on which this item will be considered.

Discussion followed:

-Proper notification to property owners.

**MOTION:**

Vice Mayor Dwight made a motion to reconsider the appeal of the preliminary plat for Timberlake Village Subdivision, after proper notification, at a future date to the City Council. The motion was seconded by Councilperson Barigar.

Discussion followed:

-No guarantee that a full Council will be present at the scheduled public hearing.

-Public hearing process.

City Attorney Wonderlich stated that the preliminary plat brought to the City Council is for a land division and street development. The hearing heard before the Council was similar to a PUD approval. The preliminary plat cannot be changed but in terms of subdivision, can be changed, and not necessarily tied to the development. If the request is denied, the owner would have to start the preliminary plat process or they can do an administrative appeal to the District Court.

-Time frame of the preliminary plat review.

-Engineering Department was not present at the October 1, 2007, meeting.

-Final plat review process.

-Remanding the preliminary plat back to the Planning and Zoning Commission.

**MOTION:**

Councilperson Craig made a motion to amend to remand the preliminary plat to the Planning and Zoning Commission and to give direction to the Commission as to the process explained by City Attorney Wonderlich. No second to the motion. The motion failed.

Roll call vote on the original motion showed Mayor Clow, Vice Mayor Dwight, Councilperson Barigar and Johnson voted in favor of the motion. Councilperson Craig, Johnson and Lanting voted against the motion. The motion passed. Vote 4 to 3.

**MOTION:**

Councilperson Lanting made a motion to direct staff to review parking regulations relating to multi-family housing. The motion was seconded by Councilperson Hall and voice vote showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

6. Council discussion for a creation of a Municipal Powers Outsource Grant Review Committee.

Mayor Clow, Vice Mayor Dwight, and Councilperson Lanting will serve on the MPOG Committee.

7. Public input and/or items from the City Manager and City Council. None.

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

Mayor Clow reported on the following:

-Twin Falls Community Foundation Committee meeting will be held on October 18, 2007, at 7:00 P.M. in the Council Chambers.

**MOTION:**

Councilperson Johnson made motion to authorize the Twin Falls Community Foundation Committee to use the City of Twin Falls Centennial Logo. The motion was seconded by Councilperson Lanting and voice vote showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

-Mid-Snake Regional Water Resource Commission meeting will be held on October 17, 2007, at 1:00 P.M., at the College of Southern Idaho.

-AIC meeting discussion was made regarding the Idaho Meth Project. He has asked for support from the Council, City and other organizations in the community on the project.

Recess: 5:43 p.m.

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

1. To increase the punch card rate from \$100 to \$125 at the Municipal Golf Course. Proposed Resolution #1790.

Parks and Recreation Director Bowyer reviewed the request. The Golf Commission recommended raising the punch card rate from \$100 to \$125 and leaving all other fees the same. The intent is to limit the punch card sales during the months of November and December.

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

Discussion followed:

-Continuation of lowering and raising the punch card fees.

The public hearing was closed.

Vice Mayor Dwight made the motion to adopt Resolution #1790. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

2. Request for a Zoning District Change and a Zoning Map Amendment from R-1 VAR to SUI for approximately 4.79 (+/-) acres located at 3953 North 3300 East, c/o Tim ZeBarth. (app.2163)

Tim ZeBarth, applicant, explained the request.

Community Development Director Humble reviewed the request. The request is to change the zoning district and amend the zoning map designation for property located at 3953 North 3300 East in the City's Area of Impact. The applicant is requesting a change from the current zoning designation of R-1 VAR, Residential Single-household district to SUI, Suburban-Urban Interface designation. If approved, an ordinance is prepared and at a later public meeting is adopted by both the Board of County Commissioners and the City Council. Once the ordinance is published the zoning district and zoning map are officially amended. The platting process and/or development may be initiated at this time.

On September 11, 2007 the Commission recommended the request to rezone this property from R-1 VAR to SUI, as presented, as appropriate subject to the following conditions:

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

MINUTES

October 15, 2007

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2. Subject to the property being platted through the City of Twin Falls and Twin Falls County prior to development of any new dwellings.

Discussion followed:

- Hooking up to sewer/water services in an R-1 variable zone.
- Gravity sewer in the area.
- Not a spot zone.

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

Discussion followed:

- The proposed Comprehensive Plan is consistent with the water service boundary on Hankins Road.

Councilperson Johnson made the motion to recommend for approval to the Twin Falls County Commissioners for a Zoning District Change and a Zoning Map Amendment from R-1 VAR to SUI for approximately 4.79 (+/-) acres located at 3953 North 3300 East, c/o Tim ZeBarth. (app.2163), as presented, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to the property being platted through the City of Twin Falls and Twin Falls County prior to development of any new dwellings.

The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

- V. **ADJOURNMENT:** The meeting adjourned at 6:53 P.M.

*Leila Sanchez*  
*Deputy City Clerk*

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, October 22, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG

CALL MEETING TO ORDER: 5:00 P.M.

PROCLAMATION: National Weatherization Day – Representative: Ken Robinette  
2007 Red Ribbon Week Proclamation – Representative: George Brown

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: October 16 – 22, 2007, total: \$711,515.20 and September Payables total: \$87,461.78.
2. Consideration of the October 15, 2007, Minutes.
3. Consideration of a request by Snake Harley-Davidson to approve a customer appreciation day to be catered by the Pioneer Club.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of a Landscape Award to Kent Taylor & Eagle Pointe Development located at 420 Falls Avenue.
2. To recognize the award the Twin Falls Parks & Recreation Department and Idaho Power Company received from the Idaho Recreation & Park Association.
3. Consideration of a request to appoint Dr. Cindy Bond to an 8-month term (expires June 2008) to the Twin Falls Development Agency Board to finish Curtis Eaton's term and the opportunity to reappoint Dr. Bond to two further 3-year terms.
4. Consideration of renewal of the Swimming Pool Operations Agreement with the YMCA.
5. Public input and/or items from the City Manager and City Council.

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

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

1. Request for a Zoning Title Amendment to City Code Title 10, Chapter 8, regarding the Area of Impact Planning & Zoning Commission alternate and the required zoning actions of the Board of County Commissioners for property located within the Area of Impact, c/o City of Twin Falls. (app. 2166)
2. Request for a Zoning Title Amendment to City Code 10-17-3 regarding the Planning & Zoning Commission alternates, c/o City of Twin Falls. (app. 2165)

**V. ADJOURNMENT:**

**ATTENDANCE**

Present \_\_\_\_\_ Absent \_\_\_\_\_

Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Shawn Barigar (Departed at 6:35 P.M.)  
Trip Craig (Arrived at 5:42)  
Don Hall  
David E. Johnson  
Greg Lanting

**CITY STAFF PRESENT:**

City Manager Tom Courtney, City Attorney Fritz Wonderlich, Finance Director Gary Evans, Community Development Director Mitch Humble, Economic Development Director Melinda Anderson, Parks and Recreation Director Dennis Bowyer, Parks and Recreation Director Assistant Eli Roberts, Management Assistant Gretchen Scott, and City Clerk Leila Sanchez.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Clow called the meeting to order at 5:00 p.m. He then invited all present who wish, to recite the Pledge of Allegiance to the Flag. He stated that a quorum of six was in attendance.

**PROCLAMATIONS:**

**National Weatherization Day – Representative: Ken Robinette**

Mayor Clow read the proclamation.

Ken Robinette explained the need for a weatherization program.

**2007 Red Ribbon Week Proclamation – Representative: George Brown**

Mayor Clow read the proclamation.

George Brown explained the week's activities.

Vice Mayor Dwight thanked Mr. Brown for his presentation made to the Twin Falls Youth Council.

Mayor Clow stated that item II.4. was added to the Consent Calendar.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: October 16 – 22, 2007, total: \$711,515.20 and September Payables total: \$87,461.78.
2. Consideration of the October 15, 2007, Minutes.
3. Consideration of a request by Snake Harley-Davidson to approve a customer appreciation day to be catered by the Pioneer Club.
4. *Alcohol License Application Beer/Wine for Riley Creek Restaurant located at 611 Blue Lakes Blvd. North.*

**MOTION:**

Vice Mayor Dwight made a motion to approve the amended Consent Calendar as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.  
Vote 6 to 0.

**II. ITEMS FOR CONSIDERATION:**

- 1. Consideration of a request to appoint Dr. Cindy Bond to an 8-month term (expires June 2008) to the Twin Falls Development Agency Board to finish Curtis Eaton's term and the opportunity to reappoint Dr. Bond to two further 3-year terms.**

Economic Development Director Anderson explained the request. She made the clarification that the Twin Falls Urban Renewal Agency name has not changed to Twin Falls Development Agency. She also reviewed the request.

Staff recommends Dr. Cindy Bond's appointment to the Urban Renewal Agency Board.

The Mayor has also suggested the Agency and City appoint a Twin Falls County Commissioner as an ex officio member to the Agency which the Agency is pleased to do. Tom Mikesell, County Commissioner, has volunteered to be that appointee.

**MOTION:**

Councilperson Johnson made the motion to approve the appointment of Dr. Cindy Bond to an 8-month term, expiring June 2008 to the Twin Falls Urban Renewal Agency Board and the opportunity to reappoint to two further 3-year terms. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

Discussion followed:

-County Commissioner's ex-officio role.

**MOTION:**

Councilperson Johnson made the motion to officially invite Tom Mikesell, County Commissioner, as ex-officio to the Twin Falls Urban Renewal Agency Board. The motion was seconded by Councilperson Lanting. Voice vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

- 2. Presentation of a Landscape Award to Kent Taylor & Eagle Pointe Development located at 420 Falls Avenue.**

Nancy Chocker of Moss Greenhouse made a presentation stating that Kent Taylor is the recipient of the award.

- 3. To recognize the award the Twin Falls Parks & Recreation Department and Idaho Power Company received from the Idaho Recreation & Park Association.**

Parks and Recreation Director Bowyer stated that the Idaho Recreation and Park Association (IRPA) formed in 1959 is an organization of Parks and Recreation professionals and agencies that are dedicated to the promotion, development, and improvement of each member through education, certification, networking and professional services such as media representation and publications. At the IRPA's annual conference, they honored individuals, organizations, governmental agencies, private corporations, and commissions or boards for their outstanding achievements.

Idaho Power Company and Twin Falls Parks and Recreation Department were given the Outstanding Facility and Parks Award for their partnership in the major rehabilitation project at Shoshone Falls Park. This award is given to governmental, private, institutional, or educational agencies directly involved in park, recreation, conservation, or tourism services. The purpose of the award is to emphasize and recognize outstanding and/or unique achievements in parks and recreation facility design and/or development in new construction or major rehabilitation projects.

Staff would like to thank Idaho Power and the City Council in signing the agreement to spend \$1,000,000 on improvements at Shoshone Falls in making this park a showcase for the community.

Parks and Recreation Director Bowyer presented the award to Dan Olmstead of Idaho Power and Councilperson Johnson, liaison to the Parks and Recreation Commission.

Councilperson Craig arrived at 5:42 P.M.

#### **4. Consideration of renewal of the Swimming Pool Operations Agreement with the YMCA.**

Management Assistant Scott stated that the YMCA, Pool Advisory Board, and City staff have been working on the new contract for management of the City Pool. Following is the revised contract with changes being highlighted.

##### **SWIMMING POOL OPERATIONS AGREEMENT**

This agreement is made this 22<sup>nd</sup> day of October, 2007, by and between the CITY OF TWIN FALLS, IDAHO, a municipal corporation (hereafter "City"), and YOUNG MEN'S CHRISTIAN ASSOCIATION OF TWIN FALLS, INC., (hereafter "YMCA").

WHEREAS, the City owns a municipal swimming pool on Locust Street North; and,

WHEREAS, the YMCA will manage (as outlined by the attached "City Pool Employee Job Descriptions" document) the pool and aquatic programs for the City of Twin Falls; and,

WHEREAS, the municipal pool is hereby dedicated for the use of the public.

NOW THEREFORE, The parties agree as follows:

1. **TERM:** The term of this Agreement shall commence on October 22, 2007, and expire on September 30, 2008.
2. **POOL STAFFING REQUIREMENTS:** During the term of this Agreement, the YMCA shall employ an Aquatics Director, or qualified designee during an unforeseen absence of the Aquatics Director, who is familiar with the operation of the pool and is responsible for the health and safety of the public using the pool and for operating the pool. The Aquatics Director shall maintain one of the following valid Certifications:  
Certified Pool Operator Certification (CPO), from the National Swimming Pool Foundation,  
Aquatic Facility Operator Certification (AFO), from the National Recreation and Parks Association; or,  
National Swimming Pool Institute Certification (NSPI Tech 1), from the National Spa and Pool Institute.  
The Aquatics Director and all lifeguards shall maintain current certifications in the following; Life Guarding, Cardiopulmonary Resuscitation (CPR) and First Aid.  
The YMCA shall provide copies of required current certifications, upon request of a city representative.  
The Aquatics Director shall work full time on City Pool assignments.
3. **POOL AQUATICS ADVISORY BOARD:** There shall be five (5) members of the Pool Aquatics Advisory Board that are to be appointed by the Mayor and confirmed by the City Council. Each of the appointed members shall serve three (3) year terms, except three (3) members of the initial board shall serve two (2) year terms. In addition to the regular members, the following persons shall be ex-officio members of the Board: City Manager or designee, the C.E.O. of the YMCA or designee, one (1) City Parks and Recreation Staff (acting secretary), the Aquatics Director and one member of the City Council, to be appointed by the Mayor. The purpose of the Board shall be to review citizen complaints, advise and recommend to the City Council and the YMCA matters concerning the operations, aquatics programs and facility needs of the municipal pool.
4. **MEETINGS (QUORUM):** The Board shall hold at least six (6) meetings during the year at a designated time and place, and all meetings shall comply with the "open meeting" law, including posted notice and agenda. A best-faith effort shall be made by both parties, in providing to the other, any known potential agenda items or concerns as soon as they are made known. This will assist both parties in having as much time as possible so that the other party can prepare for the upcoming public

meeting. A majority of the voting members of the Board shall be necessary to constitute a “quorum” in order to conduct business at any meeting of the Board.

5. RULES: The Aquatics Board shall adopt general rules for the transaction of its business and shall make written records of meetings, resolutions, findings, and recommendations.
6. 2007-2008 BUDGET: The City shall pay the YMCA \$50,000 for the 2007-2008 fiscal year in operating and administration expenses in monthly payments of \$4,166.67, due and payable on the first day of each month beginning October 1, 2007. The YMCA shall pay all personnel costs.
7. The YMCA and the City will provide a “chain of command” and/or an established “contact list” to be used by both parties in order to streamline communication and problem resolutions.

Contract issues and operational history –

City - Management Assistant

YMCA – C.E.O.

Maintenance and current operations –

City - Parks and Recreation Assistant Director

YMCA – Aquatics Director

8. UTILITIES: The City shall pay utilities for the municipal pool, including telephone, water, sewer, sanitation, power and natural gas. The YMCA shall perform Best Practices for Energy and Water Conservation. Best practices shall be established by the City of Twin Falls Parks and Recreation Department and YMCA and include the following:

Regulate the pressure and heat inside the bubble according to weather and Barometric pressures;

Use pool blankets to control pool temperature and water evaporation;

Turn off lights and lower thermostat in office area/locker rooms during non-use periods;

Inspect locker rooms to control usage and unregulated flow of water in the showers, sinks and toilets.

9. ADMISSIONS FEES AND REVENUE: The YMCA shall charge fees for the following: Daily Admission, Annual Passes, Season Passes, Swim Lessons, Pool Rental, Water Aerobics, and Lap Swim. The YMCA shall keep posted at the pool, and include in the yearly information booklet, a schedule of rates for all above-mentioned activities. Water Aerobics, Lap Swim and Open Swim are included programs in a YMCA membership and Y City Pool pass and do not require additional admission fees.

It is agreed, that until a new “fee” schedule is approved by the City Council, The YMCA can continue to charge the following rates for Water Aerobics: \$0 to Y members, \$1.50 per visit for Y City Pool pass holders and \$3.00 per visit for the public. It is further agreed that a rate increase for the Y City Pool pass should be proposed to the City Council. The rate increase is proposed to recover revenues the YMCA will not collect by honoring the “same fee” intent of this document. For any other aquatics programs, the YMCA shall charge the same price for both YMCA members and Y City Pool pass holders.

By January 1, 2008, the YMCA agrees to establish standardized “Pool Rental” rates and policies. Additionally, by January 1, 2008 the YMCA shall propose to the City Council a Youth Pool Pass and a rate increase for Y City Pool Pass holders. Upon City Council approval, all program fees for YMCA members and Y City Pool pass holders (including water aerobics) will be the same.

Fees for all other persons shall not be more than 25% higher than fees charged to YMCA members or Y City Pool pass holders. Any changes to overall admission fees, or pool passes, must first be approved by the City Council. The YMCA shall retain all fees to reimburse its costs in operating the pools.

10. FACILITIES USE AGREEMENT: In recognition of the Facilities Use Agreement and property lease that exists between the City and the Twin Falls School District #411 (T.F.S.D.) the YMCA shall give precedence to requests for use of the facility by all school affiliated programs and events, including but not limited to, swim clubs, physical education classes, P.T.A/O. groups, class parties and reward programs of the T.F.S.D. Additionally, contracts for requests of regularly scheduled pool space and times (by the T.F.S.D or other affiliated groups and Marlins Swim Team) must be approved by the Pool Aquatics Advisory Board prior to execution and before the start of the program when possible.

The advisory board will respond by its next scheduled meeting or within 30 days from the date of submittal. The fees for use of the pool shall be charged in accordance with the advertised fee schedule and in accordance with item 9 above.

11. FINANCIAL REPORTING: The YMCA shall provide to City officers and Council ongoing quarterly financial statements and annual financial statements for the year ending December 31, 2007. These statements should include and detail all city pool revenues, expenses *and* attendance. These statements should also include a ledger line item detailing the number of YMCA memberships that do or could have access to the pool. Additionally, the YMCA should report any fundraising events or funds that have been raised during each quarter and on the annual financial statement for review.
  
12. MAINTENANCE, REPAIRS AND ALTERATIONS: The YMCA shall be responsible for daily maintenance, repairs and upkeep of the following areas; locker rooms, office, pool deck, wading pool, and the equipment, fixtures and contents of the facility. They are further responsible for the operation of the municipal pool in a manner which promotes longevity and that meets any applicable state regulations. An appointed City Official and Aquatics Board member shall approve the repairs and maintenance, and the level of quality. The City shall be responsible for the repair and maintenance of the following; pumps, motors and chemical feed equipment of the main pool, bubble blower unit, the bubble, landscape and sprinklers, alarm system, the structural components of the plumbing, electrical and HVAC systems; the diving boards and the fencing at the municipal pool.  
The YMCA shall promptly notify the City in writing of any such needed maintenance. The City shall have 30 days in which to take corrective action after such time if the situation has not been resolved the YMCA will submit receipts incurred for the repair for reimbursement. The City will promptly notify the YMCA in writing of any such needed maintenance. The YMCA shall have 30 days in which to take corrective action after such time if the situation has not been resolved the city shall withhold from the monthly payments an amount equivalent to the cost needed to remedy the situation. No alterations will be made to the facility without the written approval of the city. Any such alteration approved by the city will become property of the city.
  
13. LIABILITY INSURANCE: The YMCA shall maintain a liability insurance policy during the term of this Agreement with an insurance company that is licensed to do business in the State of Idaho all at the sole cost and expense of the YMCA, in the sum of \$1,000,000 single limit coverage. The YMCA shall furnish the City with a certificate of such liability insurance stating that said insurance is in full force and effect during the term of this Agreement.
  
14. INDEMNIFICATION: The YMCA agrees to indemnify and hold harmless the City, its employees and agents, of and from, any claim or cause of action arising out of or related to its operation or management of the City's Pool.
  
15. TERMINATION: Either party to this agreement may terminate the agreement by giving 90-days prior written notice to the other party. At termination, the YMCA shall return to the City, any unused fees or funds collected on behalf of the pool. Additionally, both the City and YMCA agree to allow any party who requests it, a refund or transfer of membership to either the YMCA or City Pool. This includes YMCA members who wish to drop their YMCA membership and have the funds used towards a City Pool Pass. The exchange of funds shall be completed by the end of the 90-day notice.
  
16. The parties hereby acknowledge that the swimming pool depth below the diving boards at the swimming pool is ten feet (10'). This meets Idaho Code. However, the requirement for YMCA swimming pools is 11 feet, 6 inches (11'6"). As such, the City hereby agrees to indemnify and hold harmless the YMCA, its employees and agents, of and from any claim or causes of action arising out of or related to injury or damages to persons hitting the bottom of the pool under the diving boards as a result of the use of the diving boards. This is a specific exemption to paragraph 16 above.

CITY OF TWIN FALLS

YMCA

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By Mayor Lance Clow

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By, Scott Standley President

Discussion followed:

- Concern that the *City Pool Employee Job Descriptions* referred to in the contract was not attached to the agenda request for Council's request.
- Modify language in 2. POOL STAFFING REQUIREMENTS. The following shall be changed from *The Aquatics Director shall work full time on City Pool assignments* to read: *The Aquatic Director shall work full time on Y/City Aquatics Programs.*

Will Kezele and Scott Standley agreed on the change.

-Budget.

Parks and Recreation Assistant Director Roberts showed on overhead the fees paid by the City in FY 2006-2007. The cost to the City to run the pool is \$174,869.00, paid out of the general fund. The water/sewer portion is not metered by the City.

- Aquatics pool pass.

Karen/YMCA stated that when the Y/City Pool is closed the members who hold an aquatic pool passes have access to the YMCA facility.

- Grammar error in 10. FACILITIES USE AGREEMENT. A comma to be placed between "*T.F.S.D., other affiliated groups, or Marlins Swim Team.*"
- Addition of language in 11. FINANCIAL REPORTING. *For all allocations for indirect or overhead costs charged to City pool operation information should be provided showing how these amounts are determined.*

Scott Standley agreed with the addition of the language.

- Extensive discussion was made on 12. MAINTENANCE, REPAIRS AND ALTERATIONS: An appointed City Official and Aquatics Board member shall approve the repairs and maintenance, and the level of quality.
- Budget for repairs and maintenance.
- Expense and time of putting up and taking down the bubble, 15 to 20 years life expectancy of the bubble, storage of the bubble.
- Quality of repair work done at the YMCA.

Will Kezele stated that the City is setting a standard to help the YMCA understand what is expected by the citizens.

Scott Standley stated that complaints had been received and have been addressed in regards to pool maintenance.

**MOTION:**

Councilperson Hall made the motion to approve the Swimming Pool Operations Agreement subject to the following revisions:

Follow up and update of the City Pool Employee Job Descriptions document.

- Modify language in 2. POOL STAFFING REQUIREMENTS. The following shall be changed from *The Aquatics Director shall work full time on City Pool assignments* to read: *The Aquatic Director shall work full time on Y/City Aquatics Programs...*

- Grammar error in 10. FACILITIES USE AGREEMENT. A comma to be placed between “T.F.S.D., other affiliated groups, or Marlins Swim Team.
- Addition of language in 11. FINANCIAL REPORTING. For all allocations for indirect or overhead costs charged to City pool operation information should be provided showing how these amounts are determined.

The motion was seconded by Councilperson Lanting.

**MOTION:**

Councilperson Johnson made a motion to table the contract until the Council receives the clarification of the item that references the attached City Pool Employee Job Descriptions document. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

6:35 P.M. Councilperson Barigar recused himself at this time.

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

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

Councilperson Craig stated that a tour of the Y/City Pool will be held on October 24, 2007.

**IV. PUBLIC HEARINGS:**

- 1. Request for a Zoning Title Amendment to City Code Title 10, Chapter 8, regarding the Area of Impact Planning & Zoning Commission alternate and the required zoning actions of the Board of County Commissioners for property located within the Area of Impact, c/o City of Twin Falls. (app. 2166)**
- 2. Request for a Zoning Title Amendment to City Code 10-17-3 regarding the Planning & Zoning Commission alternates, c/o City of Twin Falls. (app. 2165)**

Community Development Director Humble reviewed the requests.

On September 25, 2007, the Planning and Zoning Commission unanimously recommended approval of the changes to the City Council as presented, by amending City Code Title 10, Chapter 8; Section 4 (C) & (D) regarding the application of recent Title 10 amendments to the City’s Area of Impact and adding “conveyance plat” as indicated in the draft changes.

On September 25, 2007, the Planning & Zoning Commission unanimously recommended approval of the changes to the City Council as presented, by amending City Code Title 10, Chapter 17; Section 3; regarding the Planning & Zoning Commission membership and term by eliminating the requirement for alternate Commission members.

Staff concurs with the Commission’s recommendations.

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

**MOTION:**

Councilperson Lanting made the motion to approve the Zoning Title Amendment to City Code Title 10, Chapter 8, regarding the Area of Impact Planning & Zoning Commission alternate and the required zoning actions of the Board of County Commissioners for property located within the Area of Impact, c/o City of Twin Falls. (app. 2166) The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

**MOTION:**

Councilperson Lanting made the motion to approve the Zoning Title Amendment to City Code 10-17-3 regarding the Planning & Zoning Commission alternates, c/o City of Twin Falls. (app. 2165) The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

**MOTION:**

Councilperson Johnson made the motion to place **Ordinances 2922 and 2923**, on third and final reading by title only. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 6 to 0.

Deputy City Clerk Sanchez read **Ordinance 2922:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE 10-8-4(C) BY DELETING THE APPOINTMENT OF AN ALTERNATE FOR THE AREA OF IMPACT TO THE PLANNING AND ZONING COMMISSION.

**MOTION:**

Councilperson Craig made the motion to adopt **Ordinance 2922**, as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote 6 to 0.

Deputy City Clerk Sanchez read **Ordinance 2923:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE 10-17-3 BY DELETING THE APPOINTMENT OF ALTERNATES TO THE PLANNING AND ZONING COMMISSION.

**MOTION:**

Councilperson Craig made the motion to adopt **Ordinance 2923**, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote 6 to 0.

V. **ADJOURNMENT:** The meeting adjourned at 6:58 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND A	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, October 29, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG

CALL MEETING TO ORDER:

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: October 23, 2007 – October 29, 2007.
2. Consideration of the October 22, 2007, Minutes.
3. Curb-Gutter Improvement Deferral Agreements for:
  - a. James Schelhorn – 279 Osterloh Avenue West.
  - b. Jim Boyd, Weathervane Homes, 547, 551, 555, and 557 Heyburn Avenue West.
  - c. Jim Boyd, Weathervane Homes, 559, 563, 567, and 571 Heyburn Avenue West.
  - d. Amber Zaccone, 179 Osterloh
4. Multi-Year Improvement Deferral Agreement for Amber Zaccone, 179 Osterloh.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a resolution for the sole source designation of the purchase of a three wheeled street sweeper. Proposed Resolution #1791.
2. To review the Corporate Membership proposal for the Municipal Golf Course and to set a date for a public hearing to set these new fees.
3. Update and discussion regarding the adoption of development impact fees.
4. Request for approval of the final plat for the Anderson Subdivision, being 2 lots on 2.1± acres located between Maurice & Morningside on 9th Avenue East, c/o Clyde Anderson.
5. Request for approval of the final plat for the Treasure Meadows Subdivision, being 39 lots on 9.9± acres located at the northwest corner of Hankins Road and Elizabeth Boulevard East, c/o EHM Engineering & Gerald Martens.
6. Public input and/or items from the City Manager and City Council.

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

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

1. Request for annexation of 117.4± acres located south of the intersection of Harrison Street South and 3600 North Road and North of the Low Line Canal, with a zoning designation of R-4, currently zoned R-1 VAR, c/o Gary Wolverton. (app. 2044)

**V. ADJOURNMENT:**

**ATTENDANCE**

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Present:  
Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Shawn Barigar  
Trip Craig  
Don Hall  
David E. Johnson  
Greg Lanting

Absent:  
None

**CITY STAFF PRESENT:**

**City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Parks and Recreation Director Dennis Bowyer, Street Superintendent Bruce Stephens, and City Clerk Leila Sanchez.**

**CALL MEETING TO ORDER:**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Clow called the meeting to order at 5:00 p.m. He then invited all present who wish, to recite the Pledge of Allegiance to the Flag. He stated that a quorum was present.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: October 23, 2007 – October 29, 2007.
2. Consideration of the October 22, 2007, Minutes.
3. Curb-Gutter Improvement Deferral Agreements for:
  - a. James Schelhorn – 279 Osterloh Avenue West.
  - b. Jim Boyd, Weathervane Homes, 547, 551, 555, and 557 Heyburn Avenue West.
  - c. Jim Boyd, Weathervane Homes, 559, 563, 567, and 571 Heyburn Avenue West.
  - d. Amber Zaccone, 179 Osterloh
4. Multi-Year Improvement Deferral Agreement for Amber Zaccone, 179 Osterloh.

**MOTION:**

Councilperson Johnson made the motion to approve the Consent Calendar, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a resolution for the sole source designation of the purchase of a three wheeled street sweeper. Proposed Resolution #1791.

Street Superintendent Stephens reviewed the request.

The City has maintained a fleet of Elgin 3-wheeled sweepers since 1990, and currently has four sweepers, which are used, depending on weather, about 12 months each year. Operators are familiar with and trained to operate the equipment. An established parts inventory and mechanics have developed a schedule for maintenance and repair of the equipment. State law allows the City to declare a "sole source" exemption from bidding requirements when the compatibility of equipment is the paramount consideration. The FY 2007-2008 budget provides for the purchase of a replacement sweeper.

Staff is requesting to proceed with the purchase on a "sole source" basis and if approved by the Council, a notice of sole source procurement will be published in the Times News at least 14 days prior to the award of the contract.

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This resolution will allow the award of a contract for a specific three wheeled sweeper that will meet current city specifications, as well as ensure continuity of the current city system, materials, training, and spare parts. This is a capital improvement item in current budget. If we are able to award the contract before the end of the calendar year, we will avoid price jumps forecasted to happen in January 2008.

Discussion followed:

Elgin dealer is located in Boise.

**MOTION:**

Councilperson Craig made the motion to adopt Resolution #1791, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

2. To review the Corporate Membership proposal for the Municipal Golf Course and to set a date for a public hearing to set these new fees.

Parks and Recreation Director Bowyer reviewed the request.

Staff has been directed to look at different ways to increase revenue at the golf course. In the past, increasing daily rates and season passes has not seen the increase in revenues as planned. Mike Hamblin, at the June meeting, introduced the ideas of Corporate or Lifetime Memberships. At following meetings, the Advisory Board recommended dropping the Lifetime Membership idea and pursuing the Corporate Membership in further detail.

The Corporate Membership would introduce three new levels of corporate memberships: Player, Nicklaus and Woods levels. The Player level would be for corporations with 50 employees or less, the Nicklaus level would be for corporations with 50-100 employees, and the Woods level would be for corporations with 100- 250 employees.

Suggested prices: Player level- \$5,000, Nicklaus level- \$10,000 and the Woods level- \$25,000. We are also offering a plus level to each membership which would include spouses. The Player level would be \$7,500, the Nicklaus level would be \$15,000, and the Woods level would be \$37,500.

The Golf Advisory Commission saw no downside to these corporate memberships. Mike was asked to make some contacts in the community to see if there is any interest. After making contacts with seven local businesses that have 50 or less employees, there seems to be some interest in this type of membership. If this plan does not work and the City sells no corporate memberships, it has lost nothing. If it does work and the City sells over \$50,000 in corporate memberships, the Golf Course could become self-supporting.

Corporate memberships would not be valid for corporate outings, scrambles, etc. For example, if the City sells a corporate membership to XYZ Company, they will not be allowed to book a corporate outing for the weekend and take all of the tee times. Corporate memberships would have all of the same privileges as any season pass holder as far as playing the facility and making tee times.

The Commission unanimously recommended that staff present the Corporate Membership proposal to the City Council.

Staff recommends that the City Council approve the proposal of Corporate Memberships and to set a public hearing date for 6:00 p.m. on Monday, November 19, 2007, for the purpose of implementing the Corporate Membership rate.

Discussion followed:

-One-year trial.

-Legal ramification using "Nicklaus" and "Woods."

-Eliminating name categories.

**MOTION:**

Councilperson Johnson made the motion to approve the proposal of Corporate Memberships and to set a public hearing date for 6:00 P.M., on Monday, November 19, 2007, for the purpose of implementing the Corporate Membership rate. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote 7 to 0.

3. Update and discussion regarding the adoption of development impact fees.

Community Development Director Humble reviewed the request.

The City has hired a consultant to assist with the creation of an impact fee ordinance. The consultant has now completed a final draft of the proposed impact fee report. That final draft has been distributed to key staff for final review. Following this staff review, the report will be forwarded to the Twin Falls Developers Council. Staff has committed to the Developers Council that they would have an opportunity to review the final report and discuss it with staff before it is scheduled for public hearings and adoption.

The process that the State requires for adopting development impact fees requires that cities appoint a Development Impact Fee Advisory Committee. This Committee is the first body to officially review the proposed impact fees so that they can make a recommendation to the Planning and Zoning Commission and Council regarding the impact fees and the associated capital improvement plans.

The next step in the process is for the Planning and Zoning Commission to hold a hearing regarding the capital improvement plans included in the impact fee report. They will review the capital improvements plans to make a determination whether or not they comply with long term plans for the community. The Planning and Zoning Commission will then make a recommendation to the Council regarding their determination. Following the Planning and Zoning Commission hearing and recommendation, the Council will hold a public hearing to consider both the capital improvement plans and the proposed impact fees. The Council will have to determine if the proposed fee amounts are adequate. The fees will be shown as full cost recovery. However, the Council can approve any fee amount up to that full cost recovery. Following the public hearing at the Council, an ordinance will be prepared and adopted in accordance with the Council's direction.

This process requires the involvement of a Development Impact Fee Advisory Committee. Twin Falls does not have such a committee at this time. Therefore, one must be created and committee members appointed. The State has some specific membership criteria for this committee. It must have at least 5 members and at least 2 of those members have to currently work in the development, building, or real estate industries. Most of the City's boards and committees are provided for in Title 2 of the City Code. Therefore, an amendment to Title 2 that creates "Chapter 10: Development Impact Fee Advisory Committee" needs to be prepared and adopted.

Staff would like to get some direction from the Council regarding the make up and membership of this committee. Staff and the Mayor have discussed several ideas for this committee and believe this committee will probably not meet more than once or twice a year, so appointing members who already serve on another board would be appropriate. Other boards/committees that would be compatible include the Building Inspection Department Advisory Commission (BIDAC), the Planning and Zoning Commission, the Urban Renewal Agency Board, and the Parks and Recreation Commission. Some of the members of these boards/commissions are not City residents. City Code 2-1-1 states, "The members of all advisory commissions established under this title shall be residents of the city unless this residency requirement is specifically waived by the council." Staff approached the members of the PLANNING AND ZONING COMMISSION and BIDAC to determine if there was interest in serving on this new committee. We received responses from seven of them indicating they were interested. Four of these seven are not full time City residents. Therefore, we would also like the Council's direction regarding the residency requirement for membership on the committee.

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Staff recommends that the Council discuss this item and provide feedback regarding the make up and membership of the Development Impact Fee Advisory Committee.

Discussion followed:

- Vice Mayor Dwight and Councilperson Johnson asked to be included in any upcoming meetings.
- BBC Research has been hired to do the Impact Fee Study.
- Residents/non-residents to be part of the committee.

**COUNCIL DIRECTION:**

Council gave staff direction to gather a list a names for Council review to form an Impact Fee Advisory Committee to consist of 7 members: a minimum of three members from the building community and a minimum of four members to be City residents.

4. Request for approval of the final plat for the Anderson Subdivision, being 2 lots on 2.1± acres located between Maurice & Morningside on 9th Avenue East, c/o Clyde Anderson.

Community Development Director Humble reviewed the request.

At their October 23, 2007 meeting, the Planning and Zoning Commission unanimously approved the preliminary plat for this subdivision subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

Staff recommends that the Council approve the final plat for the Anderson Subdivision subject to:

1. Site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

**MOTION:**

Councilperson Johnson made the motion to approve the final plat for the Anderson Subdivision, being 2 lots on 2.1± acres located between Maurice and Morningside on 9th Avenue East, c/o Clyde Anderson, as presented, and subject to the following conditions:

1. Site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code Requirements and Standards.

The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

5. Request for approval of the final plat for the Treasure Meadows Subdivision, being 39 lots on 9.9± acres located at the northwest corner of Hankins Road and Elizabeth Boulevard East, c/o EHM Engineering & Gerald Martens.

Community Development Director Humble reviewed the request.

At their March 13, 2007 meeting, the Planning and Zoning Commission unanimously approved an extension to the preliminary plat for this subdivision subject to:

1. Final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.

Staff recommends that the Council approve the final plat for the Treasure Meadows Subdivision subject to:

1. Final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.

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3. The applicant and the City Engineer working out the final design of the required 1,000-foot pressurized irrigation service line extension.

Discussion followed:

-Pressure irrigation service line.

City Engineer Fields stated that by extending north to Morning Sun Subdivision #7, the provision is to allow some type of connectivity.

Gerald Martens, applicant, stated that he would post a bond or financial guarantee.

**MOTION:**

Councilperson Johnson made the motion to approve the final plat for the Treasure Meadows Subdivision, being 39 lots on 9.9± acres located at the northwest corner of Hankins Road and Elizabeth Boulevard East, c/o EHM Engineering & Gerald Martens, as presented, and subject to the following conditions:

1. Final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.
3. The applicant and the City Engineer working out the final design of the required 1,000-foot pressurized irrigation service line extension.

Councilperson Craig seconded the motion.

**MOTION:**

Councilperson Barigar made an amendment to the main motion to add "or applicant provide a financial guarantee" to condition 3. The motion was seconded by Councilperson Hall.

Roll call vote on the amendment showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

Roll call vote on the amended main motion showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

6. Public input and/or items from the City Manager and City Council. None.

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

Mayor Clow stated that National Weatherization Day is October 30, 2007.

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

1. Request for annexation of 117.4± acres located south of the intersection of Harrison Street South and 3600 North Road and North of the Low Line Canal, with a zoning designation of R-4, currently zoned R-1 VAR, c/o Gary Wolverton. (app. 2044)

Gary Slette, representing the applicant, explained the request. He stated that the request is for a zoning designation of R-2.

Gary Wolverton met with the neighbors on August 15 stating his request. He asked that the following conditions be placed as part of the zoning designation of R-2:

1. The PUD substantially as presented to the Council, with the same lot layout, types of homes, location of the Church, open space, and landscaping on 3600 North.
2. The lot density will be less than 4 lots per acre.
3. There will not be any duplexes allowed on the project.

He discussed the following:

-Jack Bauer's Perrine Pointe request for annexation located west of Grandview and north of Falls Avenue.

Gary Wolverton, applicant, showed a PowerPoint presentation made to the neighbors on August 15, 2007.

Discussion followed:

-Plans of a neighborhood park.

Community Development Director Humble reviewed the request.

On September 12, 2006, the Planning and Zoning Commission recommended, by a vote of 6-3, that the property remain zoned R-1 VAR upon annexation, and subject to the following condition:

1. Adjacent arterials and collector streets being rebuilt to current City standards upon development of the property.

Should the Council approve the zoning designation of R-2 as presented by Mr. Slette, it may consider placing the following three deed restrictions:

1. The PUD substantially as presented to the Council, with the same lot layout, types of homes, location of the Church, open space, and landscaping on 3600 North.
2. The lot density will be less than 4 lots per acre.
3. There will not be any duplexes allowed on the project.

Should the Council approve the annexation of the property, staff recommends that the zoning designation remain R-1 VAR and that the Council direct the applicant to submit a separate rezoning request for the proposed R-2 PUD, and subject to the following condition:

1. Arterials and collector streets within or adjacent to the property being built/rebuilt to current City standards upon development of the property.

Discussion followed:

-Deed restrictions.

-PUD process.

City Attorney Wonderlich explained the PUD process requirements.

-Enforcement of deed restrictions.

City Attorney Wonderlich stated that at the Rock Creek Estates the deed restriction was written in favor of the City of Twin Falls, so the City could enforce the deed restrictions.

-Requirements of the annexation, zoning, and the PUD process.

The public comment portion of the hearing was opened:

Max Leavitt, 1590 Briarwood Lane, spoke in favor of the request. He stated that if the PUD is adopted that it should not be changed by the City Council.

Elaine Leavitt, 1590 Briarwood Lane, spoke in favor of the request. She asked how much property is designated for roads and parks if Mr. Wolverton is stating that there will be four houses per acre.

Larry Amen, 2990 Anderson Lane, spoke in favor of the request. His stated the following concerns: Oregon Trail School, water, and areas presently annexed R-4 are not being developed.

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Tom Berg, 2983 Anderson Lane, spoke against the request. He stated that if the request is approved that a buffer zone on Anderson Lane to be 1,000 feet, single level homes, optional basements review protection,  $\frac{3}{4}$  minimum per lot, a minimum of 2,500 square feet per home, defer the PUD, cap of not more than 300 homes.

The public comment portion of the hearing was closed.

Gary Slette stated the applicant intends to return to the Planning and Zoning Commission with a PUD submission due to the compliance of the ordinance requirements and progress that has been made with the neighbors.

Gerald Martens stated that this development, along with several developments, are working together to develop a cooperative agreement among the parties to finance and construct improvements on 3600, specifically a large water main to improve water services. Also, work is being done to develop a sewer collection system, funded by several developers in the area. Also, a draft PUD agreement has been submitted.

Discussion followed:

- Annexation of adjacent properties.
- Subdivision process.
- 30% rule.

Community Development Director Humble explained the 30% rule.

Gerald Martens stated that yield is based upon gross acreage.

- Buffer zone on the south side.
- Location of the homes located on Anderson Lane and the Low Line Canal.
- Park dedication requirements.

The public hearing was closed.

**MOTION:**

Councilperson Lanting made the motion to approve the annexation of 117.4± acres located south of the intersection of Harrison Street South and 3600 North Road and North of the Low Line Canal, with a zoning designation of R-2, currently zoned R-1 VAR, c/o Gary Wolverton. (app. 2044), as presented, and subject to the following **deed restrictions**:

1. The PUD substantially as presented to the Council, with the same lot layout, types of homes, location of the Church, open space, and landscaping on 3600 North.
2. The lot density will be less than 4 lots per acre.
3. There will not be any duplexes allowed on the project.
4. The property cannot be developed until a PUD Agreement has been approved through the normal process.
5. Subject to arterials and collector streets within or adjacent to the property being built/rebuilt to current City Standards upon development of the property.

Councilperson Hall seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion passed. Vote: 7 to 0.

V. **ADJOURNMENT:** The meeting adjourned at 7:27 P.M.

Leila A. Sanchez  
Deputy City Clerk



**CANCELLATION**

**NOTICE**

**THE MEETING OF THE  
TWIN FALLS CITY COUNCIL SCHEDULED FOR  
NOVEMBER 5, 2007  
HAS BEEN CANCELLED.**

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
**TUESDAY, November 13, 2007**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**CALL MEETING TO ORDER:** 5:00 P.M.

**PROCLAMATION:** Freedom's Ring for Christmas - James Tidmarsh  
Youth Appreciation Week 2007 – Dennis Bowyer and Barry Knoblich

**AGENDA ITEMS**

	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of accounts payable: October 29 – November 5, 2007. 2. Consideration of the October 29, 2007, Minutes. Consideration of approval of the following Improvement Agreement For Developments: a. Hilton Subdivision, B & A Development LLC b. Eldridge Commercial Subdivision, Edmunds Group, LLC. c. Treasure Meadows Subdivision, Tiger Hills Partners, LLP. 4. Curb-Gutter and Sidewalk Improvement Deferral: a. Brewster Arturo Salinas, 565 Gardner b. Snake River Federal Credit Union, 2361 Orchard Drive East c. Mollie M. Petersen, 535 4 <sup>th</sup> Avenue East. d. Cindy Middleton, 2444 Dorm Drive. 5. Driveway Improvement Deferral Agreement: a. Mollie Petersen, 535 4 <sup>th</sup> Avenue East. 6. Consideration to accept easements for utilities associated with the construction of North Haven Subdivision Phase 1. 7. Alcohol License Applications: a. The Smoke – N – Head Inc., located at 347 Washington Street North. b. The Big Bang, located at 677 C Filer Avenue.	Action	Staff Report
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration by Kimberly Nurseries to approve their 17th Annual Christmas in the Nighttime Sky Festivities to be held at Kimberly Nurseries, located at 2862 Addison Avenue East. 2. Consideration of the adoption of proposed Resolution 1792, <i>Canvassing Votes – Determining Results of the Election</i> . 3. Consideration to accept dedication of Tract A Northern Passage Phase 1. 4. Consideration to accept dedication of Lots E, F, G, H, and I of Fairway Estates Phase 2. 5. Consideration of approval of the final plat for Canyon Trail Subdivision #10, approximately 9.50 (+/-) acres consisting of 9 commercial lots at the northwest corner of Blake Street North and Pole Line Road, c/o EHM Engineering & Canyon Properties. 6. Update on the Auger Falls Heritage Project by Ivan McCracken, JUB Engineers. 7. Public input and/or items from the City Manager and City Council.	Action Action Action Action Action	Lou Coronado Sharon Bryan Jackie Fields Jackie Fields Mitch Humble Lee Glaesemann
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. NONE</b>		
<b>V. <u>ADJOURNMENT:</u></b>		

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**ATTENDANCE**

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<u>Present</u> Vice Mayor Glenda Dwight Shawn Barigar Trip Craig Don Hall Dave Johnson	<u>Absent</u> Mayor Lance Clow Greg Lanting
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CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Officer Lou Coronado, Deputy City Clerk Sharon Bryan, Project Coordinator Lee Glaesemann, Deputy City Clerk Leila Sanchez

Vice Mayor Dwight called the meeting to order at 5 p.m. She invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with her.

She stated that the following item was removed from the Consent Calendar:

- 7. Alcohol License Applications:
  - a. The Smoke – N – Head Inc., located at 347 Washington Street North.

She read Freedom's Ring for Christmas and Youth Appreciation Week 2007, proclamations.

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**AGENDA ITEMS**

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**I. CONSENT CALENDAR:**

- 1. Consideration of accounts payable:
  - Prepay total: \$2,083.49
  - October 30 – November 12, 2007, total: \$923,021.51.
- 2. Consideration of the October 29, 2007, Minutes.
- 3. Consideration of approval of the following Improvement Agreement For Developments:
  - a. Hilton Subdivision, B & A Development LLC
  - b. Eldridge Commercial Subdivision, Edmunds Group, LLC.
  - c. Treasure Meadows Subdivision, Tiger Hills Partners, LLP.
- 4. Curb-Gutter and Sidewalk Improvement Deferral:
  - a. Brewster Arturo Salinas, 565 Gardner
  - b. Snake River Federal Credit Union, 2361 Orchard Drive East
  - c. Mollie M. Petersen, 535 4<sup>th</sup> Avenue East.
  - d. Cindy Middleton, 2444 Dorm Drive.
- 5. Driveway Improvement Deferral Agreement:
  - a. Mollie Petersen, 535 4<sup>th</sup> Avenue East.
- 6. Consideration to accept easements for utilities associated with the construction of North Haven Subdivision Phase 1.
- 7. Alcohol License Applications:
  - a. The Smoke – N – Head Inc., located at 347 Washington Street North.
  - b. The Big Bang, located at 677 C Filer Avenue.

**MOTION:**

Councilperson Barigar made the motion to approve the Consent Calendar, as presented, with the exception of 7.a. Alcohol License Application - The Smoke-N-Head, Inc, located at 347 Washington Street North. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

- 1. Consideration by Kimberly Nurseries to approve their 17th Annual Christmas in the Nighttime Sky Festivities to be held at Kimberly Nurseries, located at 2862 Addison Avenue East.

Sherry Wright, 2862 Addison Avenue East, explained the request. She asked that the fee of approximately \$1,320 be waived.

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Officer Lou Coronado, Twin Falls Police Department Traffic Division, reviewed the request. He stated that the costs associated with the special event were included in the Police Department's overtime budget, and the Police Department had already waived the \$1,320.

**MOTION:**

Councilperson Barigar made the motion to approve the Special Events Application for the 17<sup>th</sup> Annual Christmas in the Nighttime Sky festivities to be held at Kimberly Nurseries, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. Consideration of the adoption of proposed Resolution 1792, *Canvassing Votes – Determining Results of the Election*.

Deputy City Clerk Sharon Bryan reviewed the request.

**MOTION:**

Councilperson Hall made the motion to adopt Resolution 1792, as presented. The motion was seconded by Councilperson Barigar and roll vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration to accept dedication of Tract A Northern Passage Phase 1.

City Engineer Fields explained the request.

**MOTION:**

Councilperson Johnson made the motion to accept the quitclaim deed for Tract A, Northern Passage No. 1, as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration to accept dedication of Lots E, F, G, H, and I of Fairway Estates Phase 2.

City Engineer Fields reviewed the request.

**MOTION:**

Councilperson Johnson made the motion to accept the corrected quitclaim deed for Lots E, F, G, H, and I of Fairway Estates Phase 2, as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of approval of the final plat for Canyon Trail Subdivision #10, approximately 9.50 (+/-) acres consisting of 9 commercial lots at the northwest corner of Blake Street North and Pole Line Road, c/o EHM Engineering & Canyon Properties.

Community Development Director Humble reviewed the request.

Discussion followed:

-Time line of the completion of Parkview Drive.

Tim Vawser, EHM Engineers, Inc., representing the applicant, stated that the work is currently in process.

-Traffic signal.

**MOTION:**

Councilperson Barigar made the motion to approve the final plat for Canyon Trail Subdivision #10, as presented, and subject to the following conditions:

1. Final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Both access drives across Canyon Trails Subdivision #5 to Park View Drive being completed before a Certificate of Occupancy is issued for Canyon Trails Subdivision #10.
3. Arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.

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4. Full compliance with the Canyon Properties PUD Agreement.

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

6. Update on the Auger Falls Heritage Project by Ivan McCracken, JUB Engineers.

Ivan McCracken, JUB Engineers, gave a PowerPoint presentation on the Auger Falls Heritage Project.

7. Public input and/or items from the City Manager and City Council. **NONE**

III. **ADVISORY BOARD REPORTS/ANNOUNCEMENTS: NONE**

IV. **PUBLIC HEARINGS: 6:00 P.M. NONE**

V. **ADJOURNMENT: The meeting adjourned at 5:47 P.M.**

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, November 19, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG

CALL MEETING TO ORDER: 5:00 P.M.

Proclamation: Home Health and Hospice Month  
Angeli Di Lucca, Community Resource Coordinator

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: November 13 – 19, 2007, total: \$431,337.45.
2. November 13, 2007, MINUTES
3. Alcohol License Applications:
  - a. The Smoke – N – Head Inc., located at 347 Washington Street North.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Gary Stone to present conceptual sketches of the upcoming Magic Valley Mural expansion at the Airport.
2. Consideration to accept a land donation from Williamson Brothers, LLP.
3. Consideration to adopt proposed Ordinance #2924, regulating private security companies and private security officers which operate in Twin Falls.
4. Consideration of approval of the final plat of the Desert Falls Subdivision, 58.36 (+/-) acres with 46 lots located at the south east corner of 3300 East Road and Falls Avenue East, c/o FRS, LLC.
5. Consideration to approve a contract with JUB Engineers to develop a master plan for the development of pressurized irrigation facilities.
6. Public input and/or items from the City Manager and City Council.

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

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

1. Request for a Zoning Title Amendment to amend Twin Falls City Code 10-12-4.2(P) by requiring construction of Pressure Irrigation Systems for new developments, c/o City of Twin Falls. (app. 2150)
2. To set new Corporate Membership rates for the Municipal Golf Course and to adopt proposed Resolution #1793.

**V. ADJOURNMENT:**

Leila Sanchez  
Deputy City Clerk

**Attendance**

**Present:**

Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Shawn Barigar  
Trip Craig  
Don Hall  
David Johnson  
Greg Lanting

**Absent: None**

CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, City Engineer Jackie Fields, Parks and Recreation Director Dennis Bowyer, Airport Manager Bill Carberry, Community Development Director Mitch Humble, Staff Sergeant Dan Lewin, Fire Chief Ron Clark, Deputy City Clerk Leila Sanchez.

Mayor Clow 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. He also stated that a quorum was present.

**Proclamation: Home Health and Hospice Month**

Mayor Clow read the Proclamation and presented it to Angeli Di Lucca, Community Resource Coordinator.

Mayor Clow added Item II.6. to the Items for Consideration: Review of the City Council Schedule of Regular Meetings and Public Hearings for 2008.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: November 13 – 19, 2007, total: \$431,337.45.
2. November 13, 2007, MINUTES

**MOTION:**

Councilperson Johnson made the motion to approve the Consent Calendar with the removal of Item II.3. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Alcohol License Applications:
  - a. The Smoke – N – Head Inc., located at 347 Washington Street North.

Discussion followed:

-The application was denied by the County.

Alan Nagel, 1011 Filer Avenue West, explained the request. He stated that the business is 100% legal. He stated that he received approval from the State but the application was denied by the County. He had not received the reason for the County's denial of the application.

Discussion followed:

-Tabling the application until receipt of additional information on the denial by the County.

**MOTION:**

Vice Mayor Dwight made the motion to table the Alcohol License Application for The Smoke-N-Head, Inc., located at 347 Washington Street North. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion was tabled.

Council directed staff to contact Twin Falls County for additional information in regards to their denial of the application.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Gary Stone to present conceptual sketches of the upcoming Magic Valley Mural expansion at the Airport.

Airport Manager Carberry stated that the Council granted Mr. Stone \$5,000 toward the development. Mr. Stone has formally donated the mural to the City for future preservation.

Gary Stone gave a presentation of the plans for the mural.

2. Consideration to accept a land donation from Williamson Brothers, LLP.

City Engineer Fields reviewed the request. Williamson Brothers LLP owns a parcel of land on Washington Street North that will eventually be located at the northeast corner of Cheney Drive West and Washington Street North. Williamson Brothers, LLP is donating a portion of the property along Washington Street North and Cheney Drive West for public right-of-way. With this dedication of land, the intersection can be constructed as part of the North Haven Subdivision Phase 1.

The Council's approval of this request will facilitate the platting of the North Haven Subdivision and the fulfillment of the conditions placed upon the project during the planning stage.

Councilperson Johnson made the motion to accept the land donation and dedication of property along Washington Street North and Cheney Drive West for public right-of-way, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration to adopt proposed Ordinance #2924, regulating private security companies and private security officers which operate in Twin Falls.

Staff Sergeant Lewin reviewed the request. The Police Department is concerned that people in the community, homeowners, and business owners in Twin Falls may be victimized by fraudulent entities representing themselves as security professionals and are equally concerned that legitimate security professionals could suffer losses in business or reputation when this occurs.

Discussion followed:

- Off duty police officers and the Sheriff's office would not be required to be licensed.
- Proposed licensing procedure.
- Application Fee: \$25 and Annual License Fee: \$50.

Larry Robertson spoke in favor of the request.

City Attorney Wonderlich stated that the licensing would not approve but identify a security company.

Councilperson Johnson made the motion to suspend the rules and place Ordinance #2924, on third and final reading by title only. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read the title to Ordinance #2924 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ENACTING A NEW CHAPTER 15, TITLE 3, OF THE TWIN FALLS CITY CODE, PROVIDING FOR THE LICENSING OF PRIVATE SECURITY SERVICES; AND PROVIDING FOR PUBLICATION BY SUMMARY.

Councilperson Hall made the motion to adopt Ordinance #2924, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

A public hearing will be held on December 17, 2007, for the adoption of the associated fees.

4. Consideration of approval of the final plat of the Desert Falls Subdivision, 58.36 (+/-) acres with 46 lots located at the south east corner of 3300 East Road and Falls Avenue East, c/o FRS, LLC.

Community Development Director Humble reviewed the request. A parks in-lieu request was approved by the City Council on June 19, 2006. The subdivision was originally submitted as the Sunrise Ridge Subdivision in July of 2006. On December 1, 2006, a new preliminary plat was submitted, superceding the previous development.

Approval of the request will allow the applicant to proceed to develop a Final Plat in conformance with the approved preliminary plat and any conditions placed on the approval.

City water and sewer services are not available in this area. An area must also be located within the City of Twin Falls to access those services. This area is not eligible to be annexed as it is not contiguous to City boundaries. The development shall require a personal well and septic system for each home.

All applications for final plats of subdivisions for vacations and for the rezoning of property within the area of City impact shall be submitted to the City Council for their recommendation, prior to submission to the Board of County Commissioners.

On June 26, 2007, The Commission unanimously approved the preliminary plat, as presented, subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.
3. No lots in the subdivision shall be permitted to have access onto Falls Avenue East, 3300 East Road or Stadium Boulevard.

Rod Mathis, Riedesel Engineering Inc., representing the applicant explained the request.

Vice Mayor Dwight made the motion to recommend for approval to the Board of County Commissions the final plat of the Desert Falls Subdivision, 58.36 (+/-) acres with 46 lots located at the southeast corner of 3300 East Road and Falls Avenue East, c/o FRS, LLC. as presented, with the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.
3. No lots in the subdivision shall be permitted to have access onto Falls Avenue East, 3300 East Road or Stadium Boulevard.

The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration to approve a contract with JUB Engineers to develop a master plan for the development of pressurized irrigation facilities.

City Engineer Fields reviewed the request. The estimated cost of the work is \$60,000.

Discussion followed:

- City Attorney Wonderlich has reviewed the contract.
- Retrofitting is included in the contract.

Councilperson Johnson made the motion to approve the agreement for professional services to JUB Engineers to develop a master plan for the development of pressurized irrigation facilities, as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Review of the City Council Schedule of Regular Meetings and Public Hearings for 2008.

Discussion followed:

- Columbus Day would not be recognized as a holiday.
  - Veterans Day and the day after Thanksgiving would be recognized as holidays.
  - The 2008 Calendar would be posted on the City website and sent out to the media.
- The Council approved the 2008 meeting schedule as presented.

7. Public input and/or items from the City Manager and City Council. None.

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

Councilperson Lanting gave an update on the Animal Shelter Board. He also thanked Ernie Wills for his service and monetary contributions.

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

1. Request for a Zoning Title Amendment to amend Twin Falls City Code 10-12-4.2(P) by requiring construction of Pressure Irrigation Systems for new developments, c/o City of Twin Falls. (app. 2150)

Community Development Director Humble reviewed the request.

Discussion followed:

- At what point is the development exempt from the proposed code.
- Preliminary plat, final plat, and construction plan process.
- Infill projects.
- Xeriscape landscaping.
- Arterial and collector street cut off was at the time in response to the first submittal of the construction plans.

The public comment portion of the hearing was opened:

Brad Wills spoke in favor of the request.

The public comment portion of the hearing was closed.

Discussion followed:

- First submittal of construction plans locks in the requirements.

Councilperson Johnson made the motion to suspend the rules and place Ordinance #2925, on third and final reading by title only. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read the title to Ordinance #2925 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE 10-12-4.2(p) BY REQUIRING CONSTRUCTION OF PRESSURE IRRIGATION SYSTEMS FOR NEW DEVELOPMENTS.

Councilperson Craig made the motion to adopt Ordinance #2925, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

2. To set new Corporate Membership rates for the Municipal Golf Course and to adopt proposed Resolution #1793.

Parks and Recreation Director Bowyer reviewed the request.

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

Mike Hamblin discussed the sale of the memberships to a select group of individuals in a company.

Discussion followed:

- Council asked staff for additional information on the proposed Resolution #1793.

Councilperson Hall made the motion to table the request. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

V. **ADJOURNMENT:** 6:46 P.M.

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING

*Mayor* *Vice Mayor*



**MINUTES**  
Meeting of the Twin Falls City Council  
MONDAY, November 26, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG

CALL MEETING TO ORDER:

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: November 20 – 26, 2007.
2. Consideration of the November 19, 2007, Minutes.
3. Consideration to approve the Improvement Agreement for Developments for Canyon Trails Subdivision No. 10.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Ken Edmunds, Developers/Engineers Council, regarding impact fees.
2. Consideration of a request to partner with the Urban Renewal Agency in respect to three downtown development agreements from Leland Consulting Group.
3. Consideration to approve the annual Festival of Lights Parade Special Events Application.
4. Request of Vicki Adams on behalf of Jubilee House Board for the refund and waiver of building fees associated with the placement and remodeling of a residence for a women's shelter on property located at 315 Grandview Drive.
5. Consideration of a lease agreement with Alltel Communications, Inc. to install a wireless communication antenna on a baseball field light pole at Harmon Park.
6. Consideration of disposition of 1976 American LaFrance fire truck.
7. Request for a Zoning District Change and a Zoning Map Amendment from R1-VAR to SUI for approximately 4.79 (+/-) acres located at 3953 North 3300 East, c/o Tim ZeBarth. (app. 2163) Proposed Ordinance #2926.
8. To set new Corporate Membership rates for the Municipal Golf Course.
9. Consideration of a request to reconsider the City Council's denial of a preliminary plat for the Timberlake Village Subdivision.
10. Public input and/or items from the City Manager and City Council.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None**

**IV. PUBLIC HEARINGS: 6:00 P.M. - None**

**V. ADJOURNMENT to Executive Session: To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. 67-2345 (c)**

Attendance

Present:

Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Shawn Barigar  
Trip Craig  
Don Hall  
David Johnson  
Greg Lanting

Absent: None

CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, City Engineer Jackie Fields, Parks and Recreation Director Dennis Bowyer, Economic Development Director Melinda Anderson, Community Development Director Mitch Humble, Patrol Officer J. P. O'Donnell, Fire Chief Ron Clark, Deputy City Clerk Leila Sanchez.

Mayor Clow 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. He also stated that a quorum was present. Councilperson Johnson was not present at this time.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: November 20 – 26, 2007, total: \$642,334.09.
2. Consideration of the November 19, 2007, Minutes.
3. Consideration to approve the Improvement Agreement for Developments for Canyon Trails Subdivision No. 10.

**MOTION:**

Councilperson Hall made the motion to approve the Consent Calendar excluding the approval of the November 19, 2007, Minutes. The motion was seconded by Vice Mayor Dwight. Roll call vote showed all members present voted in favor of the motion. The motion passed.

Councilperson Johnson arrived at 5:07 p.m.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Ken Edmunds, Developers/Engineers Council, regarding impact fees.

Ken Edmunds, representing the Developer/Engineers Council stated their support of the proposal of impact fees. The Developer/Engineers Council would like to meet with BBC Research & Consulting and asked to be involved in the establishment of the formation of the Impact Fee Committee.

Mayor Clow stated that Council gave staff direction to gather a list a names for Council review to form an Impact Fee Advisory Committee to consist of 7 members: a minimum of three members from the building community and a minimum of four members to be City residents.

Councilperson Johnson stated that he would like to sit on the Committee.

2. Consideration of a request to partner with the Urban Renewal Agency in respect to three downtown development agreements from Leland Consulting Group.

Dexter Ball explained the following proposals:

1. 4-Block Mixed-Use and Employment Center.
2. Main Avenue Demonstration Project.
3. Proposal for Retainer Services.

Discussion followed:  
-Funding sources.

**MOTION:**

Vice Mayor Dwight made the motion to approve to split the cost 50/50, in respect to three downtown development agreements from Leland Consulting Group, with the Urban Renewal Agency, not to exceed \$109,175, as presented. The motion was

seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration to approve the annual Festival of Lights Parade Special Events Application.

Patrol Officer J.P. O'Donnell reviewed the request.

**MOTION:**

Councilperson Hall made the motion to approve the annual Festival of Lights Parade Special Events Application, as presented. The motion was seconded by Vice Mayor Dwight. Roll call vote showed all members present voted in favor of the motion. Councilperson Barigar abstained from voting. The motion passed.

4. Request of Vickie Adams on behalf of Jubilee House Board for the refund and waiver of building fees associated with the placement and remodeling of a residence for a women's shelter on property located at 315 Grandview Drive.

Vickie Adams explained the request.

Community Development Director Humble reviewed the request.

**MOTION:**

Councilperson Johnson made the motion to approve the waiver of \$414 and refund of \$441 in building permit fees, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of a lease agreement with Alltel Communications, Inc. to install a wireless communication antenna on a baseball field light pole at Harmon Park.

Community Development Director Humble reviewed the request. He stated that the Parks & Recreation Commission reviewed the request and recommended approval of the agreement on the proposed light pole. The Commission also recommended that the \$18,000 be used to install landscaping improvements around this field.

Discussion followed:

- Property liability.
- Co-location.

David Marvin, representing Alltel Communications, explained the request.

Discussion followed:

- Special Use Permit
- Information Services completed work.
- Funds received from the lease.

**MOTION:**

Councilperson Barigar made the motion to approve the lease agreement with Alltel Communications, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Consideration of disposition of 1976 American LaFrance fire truck.

Fire Chief Clark reviewed the request. He received letters of interest from the following:

1. Ridge Runner Fire Department
2. Grangemont Fire District Fire Chief.
3. Dennis and Maxine Kulhanek.
4. Gary Slette.
5. Oasis Volunteer Fire Department.

Discussion followed:

-Fire truck is stripped of apparatus.

**MOTION:**

Councilperson Johnson made the motion to approve the sale of the 1976 LaFrance Fire Truck to Dennis and Maxine Kulhanek for the bid amount of \$999.00, as presented. The motion was seconded Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

7. Request for a Zoning District Change and a Zoning Map Amendment from R1-VAR to SUI for approximately 4.79 (+/-) acres located at 3953 North 3300 East, c/o Tim ZeBarth. (app. 2163) Proposed Ordinance #2926.

Community Development Director Humble reviewed the request.

Councilperson Johnson made the motion to place suspend the rules and place Ordinance #2926, on third and final reading by title only. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read the title to Ordinance #2926, entitled:

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

Councilperson Craig made the motion to adopt Ordinance #2926, as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

8. To set new Corporate Membership rates for the Municipal Golf Course.

Parks and Recreation Director Bowyer reviewed the request.

Discussion followed:  
-Individual season passes.

**MOTION:**

Councilperson Johnson made the motion to adopt Resolution 1793, as presented, and with the following change incorporated to the resolution:

Corporate (applies to total Twin Falls & Jerome County employees)	
Up to 50 employees (+ \$100 for each additional employee)	5,000.00
Up to 50 employees, including their spouses (+ \$150 for each additional employee)	7,500.00

Councilperson Lanting seconded the motion and roll call vote showed Vice Mayor Dwight, Councilpersons Barigar, Craig, Hall, Johnson, and Lanting voted in favor of the motion. Mayor Clow voted against the motion. The motion passed.

9. Consideration of a request to reconsider the City Council's denial of a preliminary plat for the Timberlake Village Subdivision.

Mayor Clow stated that the applicant, as a courtesy, notified all the neighbors of the meeting. Public comments will be accepted.

Community Development Director reviewed the request. On October 1, 2007, the City Council heard an appeal of the Planning and Zoning Commission's denial of the preliminary plat. On October 1, 2007, the City Council upheld the denial by a vote of 3 to 3. On October 15, 2007, by a vote of 4 for and 3 against, voted to reconsider the Council's denial of the subdivision. The request before the Council is the reconsideration of the Council's denial.

Tom Williams, TRW Architecture Chtd, explained the request. He stated the following changes were made to the preliminary plat:

-On the west side of the development, the City requires a minimum of 36 parking spots; the plan is to increase the parking spots to 44. Also, the City requires a minimum of 96 parking spots for the 48 units; the plan now shows 122 parking spots.

Fred Kornworth, DCI Engineers, explained the request. He stated the following changes were made to the preliminary plat:

-Proposing to do the development on each side of the road and have each side function independently from each other. Amenities would be duplicated on both sides of the road.

-Adding 34 parking spots.

-Managers, community room exercise equipment, computer room will be placed, playground and basketball will be on both sides of the road.

-Locate two bedroom units will be placed on the west side of the road to minimize the amount of children in that location.

-Provide a crosswalk, as a traffic calming measure.

Community Development Director Humble explained the request is for a subdivision of property. At the September 11, 2007, meeting, the developer discussed Meadowview Lane down to Kimberly Road and the desire to landscape and maintain the easement that would be the extension of Marie Street, that is immediately north of their property.

Staff recommends approval of the preliminary plat for Timberlake Village Subdivision, as presented, and with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Full development of Meadowview Lane to Kimberly Road
4. The easement, known as Marie Street, to the north of the property shall be landscaped and maintained to meet minimum landscaping standards by the owner/developer as part of this project.
5. Subject to site plan amendments described as presented with the exception of the crosswalk.

Discussion followed:

-Permitted uses in a C-1 Zone.

-Vacating of right of way.

City Engineer Fields stated that vacating the right of way presents difficulties. A water line is located on the north side of the property and the property came from the development to the north. If the property was vacated, it would be vacated to the property owners to the north. A water line easement is located on the far north edge of the property.

Discussion followed:

-The 64' strip would be landscaped on both sides.

-In lieu request was approved by the Council based on the number of units.

Fred Kornworth stated that he did not have specifics on the 64' strip landscaped area, but would work with staff.

Community Development Director Humble suggested xeriscape landscaping.

Charles Kramer, 391 Meadowlark Way, spoke against the request. His concerns include: No pressure irrigation water in the area and safety of school children.

Alex Tubbs, 276 Jo Ellen, spoke against the request. He asked why the request is being heard again by the City Council after the Council voted to deny the request. His concerns include a high density area, lack of water, safety of school children, and overcrowding of Bickel School.

Dave Sprong, 144 8<sup>th</sup> Avenue North, spoke against the request.

Curtis Jacobson, 390 Meadowlark Way, spoke against the request. His concerns include: Overcrowding of Bickel School and speed limit of 60 mph.

Lynnette Tubbs, 276 Jo Ellen Drive, spoke against the request.

Elaine Cramer, 391 Meadowlark Way, spoke against the request.

The public portion of the hearing was closed.

Fred Kornworth stated the following:

- Would work with the school district for the location of the bus stop.
- Pickup area for the handicapped would not be placed on a busy street.
- \$100 per square foot is planned to be spent on the property.
- The development will serve working families in 50% to 60% of the medium income band.
- A fence and the 64' landscape area will create a buffer zone.

Tom Williams stated that Meadowview Lane is 64' and the Meadowview Lane that passes through the project is 72'.

Mayor Clow stated for clarification that the street widths are the same; the main differences are the requirement for detached sidewalk.

Discussion followed:

- 4 of the 67 units would be considered low income.
- Building is regulated through the site plan review building process.
- The property has been in the City limits over a year and a zoning designation was affirmed C-1.
- Staff will not recommend vacating the Marie Street right of way.
- The details of sizing the pipes and sewer lines would be covered in the construction plan review.
- Parkland in the area.
- Extension of Meadowview to Kimberly Road.
- Speed limit to be changed to 45 mph on Kimberly Road when the signal project is complete.

Mayor Clow stated for the record that a comment was made about school districts and schools being crowded. The School District recognizes this and for that reason a new high school will be built and students will be transferred to a middle school. K through 6 grades will now be K through 5 which will open up a great deal of capacity in the schools.

-Legal challenge of the reconsideration of the request.

City Attorney Wonderlich stated that the Council considered whether to reconsider the request, and it was decided that the Council would like to hear additional information regarding the matter and voted to do that. The fact the Council has made a decision does not mean the Council cannot change their decision. The only other recourse for the applicant other than reconsideration by the City Council is making an appeal to District Court. Other factors included the applicant losing the request with a 3 to 3 tie, and the City Engineer was not present to answer questions on the development of Meadowview Lane. Another option for the applicant would be to go through the Preliminary Plat process. The request before the Council is a land division decision.

**MOTION:**

Councilperson Barigar made the motion to approve the preliminary plat of Timberlake Subdivision, as presented, with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Full development of Meadowview Lane to Kimberly Road
4. The easement, known as Marie Street, to the north of the property shall be landscaped and maintained to meet minimum landscaping standards by the owner/developer as part of this project.
5. Subject to site plan amendments described as presented with the exception of the crosswalk.

Discussion followed:

-Legality of conditions.

The motion was seconded by Vice Mayor Dwight. Mayor Clow, Vice Mayor Dwight, Councilpersons Barigar, Hall and Johnson voted in favor of the motion. Councilpersons Craig and Lanting voted against the motion. The motion passed.

10. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None

IV. PUBLIC HEARINGS: 6:00 P.M. - None

V. ADJOURNMENT to Executive Session: To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. 67-2345 (c)

**MOTION:**

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

The meeting adjourned at 7:30 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, December 3, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: November 27 – December 3, 2007, total: \$238,272.80.
2. Consideration of the November 19 and 26, 2007, Council Minutes.
3. Consideration of approval of Curb-Gutter and Sidewalk Improvement Deferral Agreement:
  - a. Todd Ostrom, 565 Washington Street North.
  - b. Jesus Lopez, 260 Highland.
  - c. Mike Kerley, 421 Locust Street South.
4. Sidewalk Improvement Deferral Agreement for Kristeen Butcher, 740 Sunrise Blvd. N.
5. Findings of Fact, Conclusions of Law and Decision:
  - a. Canyon Trails #10 Subdivision c/o EHM Engineering.
  - b. Treasure Meadows Subdivision, c/o EHM Engineering.
  - c. Hilton Subdivision, c/o EHM Engineering.
  - d. Interstate Amusement Subdivision, c/o Riedesel Engineering.
6. Consideration of approval of the Planned Unit Development Agreement for St. Luke's Hospital.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration to approve Susan Kelley-Harbke, 1662 Brookfield, to serve as a Library Trustee.
2. Consideration of bids for the 2007 Benno Point Pressurized Irrigation Pump Station Site Work Project.
3. Consideration of bids for the 2007 Benno Point Pressurized Irrigation Pump Station Pump Skid.
4. Consideration implementing the recommendations of the Municipal Powers Outsource Grants committee.
5. Consideration of the conveyance plat of Southern Comfort Subdivision consisting of 2 lots on 3 (+/-) acres for property located at the southeast corner of Harrison Street North and Orchard Drive aka 3700 North Road.
6. Public input and/or items from the City Manager and City Council. None

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

**IV. PUBLIC HEARINGS: 6:00 P.M. - NONE**

**V. ADJOURNMENT: To Executive Session to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. 67-2345 (c)**

**Attendance**

**Present:**

Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Shawn Barigar  
Trip Craig  
Don Hall  
David Johnson  
Greg Lanting

**Absent: None**

CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, City Engineer Jackie Fields, Community Development Director Mitch Humble, Finance Director Assistant Lorie Race, Library Director Susan Ash, Project Coordinator Lee Glaesemann, Leila Sanchez.

Mayor Clow 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. He also stated that a quorum was present.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: November 27 – December 3, 2007, \$238,272.80.
2. Consideration of the November 19 and 26, 2007 Council Minutes.
3. Consideration of approval of Curb-Gutter and Sidewalk Improvement Deferral Agreement:
  - a. Todd Ostrom, 565 Washington Street North.
  - b. Jesus Lopez, 260 Highland.
  - c. Mike Kerley, 421 Locust Street South.
4. Sidewalk Improvement Deferral Agreement for Kristeen Butcher, 740 Sunrise Blvd. N.
5. Findings of Fact, Conclusions of Law and Decision:
  - a. Canyon Trails #10 Subdivision c/o EHM Engineering.
  - b. Treasure Meadows Subdivision, c/o EHM Engineering.
  - c. Hilton Subdivision, c/o EHM Engineering.
  - d. Interstate Amusement Subdivision, c/o Riedesel Engineering.

**MOTION:**

Councilperson Johnson made the motion to approve Consent Calendar Items 1. – 5., as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Consideration of approval of the Planned Unit Development Agreement for St. Luke's Hospital.

Community Development Director Humble reviewed the revised planned unit development agreement for St. Luke's Hospital.

Discussion followed:

- PI station and water shares.
- Laundry services.
- Setback.

Community Development Director Humble stated that St. Luke's Hospital would have their own PI station and water shares. Laundry services could be outright permitted if the Council so desired. The building setback is approximately 110 feet.

Discussion followed:

- The City will provide potable water for the School District and St. Luke's Hospital.
- The high school will be sharing the pressure irrigation system with the City.

Kent Loosli, St. Luke's Hospital representative, stated that he agreed with the revised PUD, as presented by Mitch Humble.

**MOTION:**

Vice Mayor Dwight made the motion to approve the revised PUD agreement for St. Luke's Hospital, as presented, and with the addition of the following changes recommended by the City Council:

1. Page 5 of 21: "The Developer will maintain all landscaping and common parking areas (if any) in a uniform manner. The Property landscaping ~~may~~ **will** utilize an independent pressure irrigation system constructed, operated, and maintained by the Developer in compliance with applicable standards. "
2. (B) Special Uses: 1. Services a. Laundry facilities shall be moved to A) Permitted Uses: 7. Services f. Laundry facilities, subject to approval from the City following confirmation of appropriate sewer capacity.

The motion was seconded by Councilperson Johnson and roll call vote showed Mayor Clow, Vice Mayor Dwight, Councilperson Craig, Hall, Johnson, and Lanting voted in favor of the motion. Councilperson Bariagar abstained from voting. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration to approve Susan Kelley-Harbbe, 1662 Brookfield, to serve as a Library Trustee.

Library Director Ash gave an update on the following library capital projects: Seal coating of parking lot, wireless, Commons Room.

She also requested approval of the appointment of Susan Kelley-Harbbe to serve as a Library Trustee from January 1, 2008, through December 31, 2012.

**MOTION:**

Councilperson Johnson made the motion to approve the appointment of Susan Kelley-Harbbe to serve as a Library Trustee from January 1, 2008, through December 31, 2012. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

Susan Kelley-Harbbe was present at the meeting.

2. Consideration of bids for the 2007 Benno Point Pressurized Irrigation.

Project Coordinator Glaesemann reviewed the request. On November 20, 2007, bids were opened for the project. The low bidder was S. Erwin Excavation, in the amount of \$46,169.

The work includes a wet-well structure with slab for a pre-fab pump skid, inlet pipe from an existing pond, installation of pump skid (procured through a separate contract), and connection to the Benno Point Subdivision pressurized irrigation piping system. When completed, the project will have the capacity to serve approximately 61 acres of residential property.

Discussion followed:

- Engineer Estimate was not done on the project.

Alan Hansten, P.E., Riedesel Engineering, stated that the bid seemed to be in line for the project.

**MOTION:**

Councilperson Johnson made the motion to approve the Benno Point Pressurized Irrigation Site Work Project to S. Erwin Excavation, Inc., in the amount of \$46,169, as presented. The motion was seconded by Councilperson Bariagar and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of bids for the 2007 Benno Point Pressurized Irrigation Pump Station Pump Skid.

Project Coordinator Glaesemann reviewed the request.

On November 20, 2007, bids were opened for the 2007 Benno Point Pressurized Irrigation Pump Station Pump Skid Procurement. The low bidder was Purdy Enterprises, Inc., Precision Pump Systems of Boise, Idaho, in the amount of \$51,885.00.

Discussion followed:  
-Request for bids was advertised.

**MOTION:**

Councilperson Hall made the motion to approve the Benno Point Pressurized Irrigation Pump Skid Procurement Contract to Purdy Enterprises, Inc., Precision Pump Systems in the amount of \$51,885.00, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration for implementing the recommendations of the Municipal Powers Outsource Grants \Committee.

Finance Director Assistant Race reviewed the request.

Discussion followed:  
-Trans IV Buses funding.  
-Pre-determined criteria.  
-Email received from Debbie Dane requesting grant money for the SCIRTA of \$5,000.

Debbie Dane explained the request.

**MOTION:**

Councilperson Johnson made the motion to increase the funding proposed for the Crisis Center of Magic Valley by \$1,000, and to include SCIRDA as a recipient of \$5,000, increasing the total funding to \$106,161, showing the grant distribution as follows:

Boys and Girls Club \$25,000.00  
Twin Falls Municipal Band \$21,161.00  
Trans IV Buses \$30,000.00  
Crisis Center of Magic Valley \$14,000.00  
Magic Valley Arts Council \$10,000.00  
SCIRTA \$ 5,000.00

The motion was seconded by Councilperson Lanting.

**MOTION:**

Vice Mayor Dwight made an amendment to the main motion to omit increasing the funding for the Crisis Center of \$1,000, increasing the funding to \$105,161,

Councilperson Lanting seconded the motion. Mayor Clow, Vice Mayor Dwight, Councilpersons Barigar, Craig, Johnson, and Lanting voted in favor of the motion. Councilperson Hall abstained from voting. The motion passed.

Roll call vote on the main motion as amended showed Mayor Clow, Vice Mayor Dwight, Councilpersons Barigar, Johnson, and Lanting voted in favor of the motion. Councilperson Craig voted against the motion. Councilperson Hall abstained from voting. The motion passed.

5. Consideration of the conveyance plat of Southern Comfort Subdivision consisting of 2 lots on 3 (+/-) acres for property located at the southeast corner of Harrison Street North and Orchard Drive aka 3700 North Road.

Community Development Director Humble reviewed the request.

Staff recommends approval of the conveyance plat with the following conditions:

1. Subject to final technical review by the City Engineering Department and zoning officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Subject to right of way for the perimeter streets as shown on the plat being dedicated to the City of Twin Falls.
3. Subject to required street and public utility improvements for both lots being constructed to City Standards upon development of either lot.

Councilperson Johnson made the motion to approve the conveyance plat of Southern Comfort Subdivision consisting of 2 lots on 3 (+/-) acres for property located at the southeast corner of Harrison Street North and Orchard Drive aka 3700 North Road, as presented, and with the following conditions:

1. Subject to final technical review by the City Engineering Department and zoning officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Subject to right of way for the perimeter streets as shown on the plat being dedicated to the City of Twin Falls.
3. Subject to required street and public utility improvements for both lots being constructed to City Standards upon development of either lot.

The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

6. Public input and/or items from the City Manager and City Council. None

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

Councilperson Lanting gave an update on the sale of Golf Punch Cards. Sales will continue until December 31, 2007.

Mayor Clow reported on the Airport General Aviation Tenant/User Holiday Meeting on December 7, 2007 at 6:00 P.M.

IV. **PUBLIC HEARINGS:** 6:00 P.M. - NONE

VI. **ADJOURNMENT:** To Executive Session to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. 67-2345 (c)

Councilperson Lanting made the motion to approve to adjourn to Executive Session, as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

The meeting adjourned at 6:05 P.M.

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING

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*Mayor* *Vice Mayor*



**MINUTES**

Meeting of the Twin Falls City Council  
MONDAY, December 10, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

4:00 P.M.

Presentation by Civil Science and discussion on the Transportation Master Plan.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable: December 4 – 10, 2007.
2. Consideration of the December 3, 2007, Minutes.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration by the Twin Falls Board of Commissioners to waive building permit fees for the construction of Safe House #2 located at 183 Rose Street.
2. Consideration to approve the off-duty use of Twin Falls Police Department equipment during the 2<sup>nd</sup> Annual "Shop with a Cop" event to be held on December 15, 2007, by Officer Ken Wiesmore, President of the Twin Falls Police Fraternal Order of Police Lodge 22.
3. Consideration of an appeal by Terry Behrens, 1493 Washington Street South, on the denial for an animal permit.
4. Information presentation by Larry Mabbutt, Bureau of Land Management Aviation Manager, reviewing the past season's aviation fire activity at Joslin Field.
5. Report on a pending meeting with the FAA in January regarding considerations of a regional airport.
6. Presentation and review of the airport's future 5 year FAA Capital Improvement Plan.
7. Consideration to approve the bid for the model AZ500 Asphalt Zipper to Asphalt Zipper, Inc.
8. Consideration of a contract with the YMCA of Twin Falls to manage and operate the Municipal Swimming Pool and City Aquatics Programs.
9. Public input and/or items from the City Manager and City Council.

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

**IV. PUBLIC HEARINGS:** 6:00 P.M. None

**V. ADJOURNMENT:**

MINUTES

December 10, 2007

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**COUNCILPERSONS**

**PRESENT:**

Mayor Lance Clow  
Shawn Barigar  
Trip Craig  
Don Hall  
David E. Johnson

**ABSENT:**

Vice Mayor Glenda Dwight  
Greg Lanting

CITY STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, City Engineer Jackie Fields, Community Development Director Mitch Humble, Sanitation Inspector Sherry Jeff, Code Enforcement Officer Sean Standley, Parks and Recreation Director Dennis Bowyer, Officer Ken Wiesmore, Street Superintendent Bruce Stephens, Airport Manager Bill Carberry, Deputy City Clerk Leila Sanchez.

Mayor Clow called the meeting to order at 4:00 P.M.

Presentation by Civil Science and discussion on the Transportation Master Plan.

Mike Pepper, KMP Planning, reviewed the following:

- Welcome and Introductions
- Purpose of the Meeting

Rob Ramsey, Civil Science reviewed the following:

- Plan Schedule and Status
- System Goals
- Existing Land Use (from current Comp Plan)
- Proposed Future Land Use (from new Comp Plan)
- Existing System Data Collection – Roadway Features
- Existing System Data Collection – Pavement Inventories

Kyle Komer, Civil Science, reviewed the following:

- Key Issues Highlights
- Safety
- Congestion
- Bike/Pedestrian
- Trucking
- Regional Access
- Planning Coordination
- Design
- Transit

- Functionality and Level of Service Standards
- Roadway Classifications and Cross Sections
- Other Standards such as utility accommodation, lighting, etc.
- Existing City Roadway Sections – Local Roads
- Existing City Roadway Sections – Collector and Arterial
- Alternate Roadway Sections – Collector and Arterial
- Alternate Roadway Sections – Intersection Upgrades

Matt Riffkin, InterPlan Co., reviewed the following:

- Travel Model Development – Existing and 2030 Demographics
- Travel Model Development – TAZs
- Future Employment Growth – 2006 and 2030
- Travel Model Development – Road Network
- Travel Model Development – Traffic Count Locations
- Travel Model Development – Trip Length Frequency
- Travel Model Development – Root Mean Square
- Travel Model Development – Primary Volumes
- Model Next Steps
- Preliminary Findings-Accident Data
- Preliminary Findings-Intersection Accident Data
- Preliminary Findings-Mode of Travel

Mike Pepper reviewed the "Next Steps" of the Transportation Plan.

The next City Council Workshop #3 will take place on April 14, 2007.

Mayor Clow invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. He also stated that a quorum was present.

## AGENDA ITEMS

### I. CONSENT CALENDAR:

1. Consideration of accounts payable: December 4 – 10, 2007, total: \$992,745.55.
2. Consideration of the December 3, 2007, Minutes.

#### **MOTION:**

Councilperson Johnson made the motion to approve the Consent Calendar, as presented, with the exception of

1. Consideration of Accounts Payable: December 4-10, 2007. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

Mayor Clow added the following to the I. Items for Consideration: 3. Presentation by Jake Pierce, Twin Falls Youth Council.

### II. ITEMS FOR CONSIDERATION:

1. Consideration by the Twin Falls Board of Commissioners to waive building permit fees for the construction of Safe House #2 located at 183 Rose Street.

County Commissioner Tom Mikesell explained the request. The Safe House falls under the County umbrella for the purpose of building, office space, liability insurance, and employee benefits. The program is operated solely on grants and donations from the community. At this time, they receive no tax dollars for operation expenses and are totally self sufficient.

#### **MOTION:**

Councilperson Hall made the motion to approve the waiving of the building permit fees for the construction of Safe House #2, located at 183 Rose Street, for approximately \$1,195, as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

Council directed to establish a policy of waiving fees.

2. Consideration to approve the off-duty use of Twin Falls Police Department equipment during the 2<sup>nd</sup> Annual "Shop with a Cop" event to be held on December 15, 2007, by Officer Ken Wiesmore, President of the Twin Falls Police Fraternal Order of Police Lodge 22.

Officer Ken Wiesmore explained the request.

#### **MOTION:**

Councilperson Hall made the motion to approve the off-duty use of Twin Falls Police Department equipment during the 2<sup>nd</sup> Annual "Shop with a Cop" event to be held on December 15, 2007, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Presentation by Jake Pierce, Twin Falls Youth Council.

Jake Pierce requested community involvement ideas from the City Council. He also stated that the Youth Council will be holding a fundraiser on December 19, at 6:00 p.m., at the Bowladrome.

The Council will contact the Parks and Recreation Commission for ideas on a project.

4. Consideration of an appeal by Terry Behrens, 1493 Washington Street South, on the denial for an animal permit.

Sanitation Inspector Jeff reviewed the appeal.

Terry Behrens, applicant, explained the appeal. He stated he misunderstood the signature requirements needed on the application. He stated that the property is .986 of an acre and requests the approval for an animal permit.

Discussion followed:

- Acreage requirement.
- Nature of the complaint received.
- Lack of number of signatures on the application.

MINUTES

December 10, 2007

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**MOTION:**

Councilperson Johnson made the motion to uphold the denial for an animal permit for Terry Behrens and recommends that the applicant resubmit the petition to comply with Twin Falls City Code 6-3-8(b) "Before being issued a permit, the applicant shall circulate a petition among those households located within three hundred feet (300') of the applicant's property." The Council also approved the requirement of real property of .986 acres.

5. Information presentation by Larry Mabbutt, Bureau of Land Management Aviation Manager, reviewing the past season's aviation fire activity at Joslin Field.

Larry Mabbutt gave a PowerPoint presentation on the past season's aviation fire activity at Joslin Field. He also discussed the BLM's operational activity and discussed future facility improvements.

6. Report on a pending meeting with the FAA in January regarding considerations of a regional airport.

Airport Manager Carberry stated that as part of the Environmental Impact Statement process for the siting and construction of a replacement airport for the Friedman Memorial Airport (FMA) in Haley, ID, the FAA, FMA, and the consulting firm of Landrum and Brown held public scoping meetings on December 3 and 4. He was asked to inform City and County officials that they would be requesting a meeting in January to discuss the concept of a regional airport, gauge interest, and review consequences and considerations.

Staff will work with the FAA and officials of the City and the County to organize the meeting requested by FAA in January.

7. Presentation and review of the airport's future 5 year FAA Capital Improvement Plan.

Airport Manager Carberry gave a presentation on the Airport's future 5 year FAA Capital Improvement Plan. He outlined the projects, estimated costs, and funding needed for construction of a replacement crosswind runway as planned for in the FAA airport capital improvement program.

Discussion followed:

- Contribution to a regional airport as well as the City airport.
- FAA will be looking for consensus on a regional airport.
- Impacts of a regional airport.

8. Consideration to approve the bid for the model AZ500 Asphalt Zipper to Asphalt Zipper, Inc.

City Engineer Fields reviewed the request.

Street Superintendent Stephens described the Asphalt Zipper.

Discussion followed:

- The project was advertised in the newspaper.

**MOTION:**

Councilperson Johnson made the motion to approve the bid for the model AZ500 Asphalt Zipper to Asphalt Zipper, Inc., in the amount of \$96, 950, as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. The motion passed.

9. Consideration of a contract with the YMCA of Twin Falls to manage and operate the Municipal Swimming Pool and City Aquatics Programs.

City Manager Courtney reviewed the revisions made to the contract. The public hearing on the fees would take place in January.

Discussion followed:

- Section 6: OPERATION AND MAINTENANCE EXPENSES: "The YMCA shall be reimbursed for all out-of-pocket costs, excluding staff, in the annual installation and removal of the bubble."
- Section 1: Contract term.

-Section 17: DEFAULT:

City Attorney Wonderlich stated that the previous contracts did not contain a default provision, but a written notice. He suggested that the terminology be changed to TERMINATION PROVISION, instead of DEFAULT, if the Council so desired.

-Out of pocket expenses incurred by the City, excluding staff, in the annual installation and removal of the bubble.

Karen Sharpnack stated that she had a list of out of pocket expenses.

City Manager Courtney stated that the out of pocket expenses for the installation and removal of the bubble is approximately \$6,000 to \$7,000 per year.

**MOTION:**

Councilperson Barigar made the motion to approve the Swimming Pool Operations Agreement, as presented. The motion was seconded by Councilperson Craig.

**MOTION:**

Councilperson Johnson made an amendment to the main motion to modify Section 17: as follows: TERMINATION PROVISION: Termination within (30) days, without cause. The motion was seconded by Councilperson Hall. Roll call vote on the amended motion showed Mayor Clow and Councilpersons Barigar and Craig voted against the motion. Councilpersons Hall and Johnson voted for the motion. The motion failed.

**MOTION:**

Councilperson Johnson made an amendment to the main motion to reduce the term of the contract from four years to one year. There was no second. The motion failed.

Roll call vote on the main motion showed Mayor Clow, Councilpersons Barigar, Craig, and Hall voted for the motion. Councilperson Johnson voted against the motion. The motion passed.

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

Phil Hafer, Airport Advisory Board Member and Air Magic Valley, announced that the Blue Angels will be participating in the Airport's 2008 show season.

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

Councilperson Craig reported that the Pool Advisory Board will meet on Thursday, December 13, 2007, at 305 3rd Avenue East.

**IV. PUBLIC HEARINGS: 6:00 P.M. None**

**V. ADJOURNMENT: The meeting adjourned at 6:46 P.M.**

Leila Sanchez  
Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND A	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council  
MONDAY, December 17, 2007  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable:  
December 4 – 10, 2007, total: \$992,745.55.  
December 11 – 17. total: \$541,133.25.
2. Consideration of the December 10, 2007, Minutes.
3. Consideration of approval of the Improvement Agreement for Developments:
  - a. Twin Falls School District 411 – Riverhawk Subdivision.
  - b. St. Luke's Regional Medical Center, LTD – St. Luke's Subdivision.
4. Findings of Fact, Conclusions of Law, and Decision:
  - a. Rezone Application for Timothy ZeBarth
  - b. Final Plat Application for Anderson Meadows aka Anderson Subdivision  
c/o Clyde Anderson
  - c. Preliminary Plat Application for Timberlake Subdivision c/o Tom Williams
  - d. Conveyance Plat Application for Southern Comfort Subdivision c/o Tensco
5. Alcohol License Application, The Smoke-N-Head, Inc., 347 Washington Street North.

**II. ITEMS FOR CONSIDERATION:**

1. The Twin Falls Police Department requests the opportunity to present POST Certificates to the following Officers before the Twin Falls City Council: Officer Matt Triner, Detective Rick VanVooren, and Officer Brent Wright.
2. Request for approval of the final plat for Stone Ridge Estates Subdivision, 130.13 acres with 83 single family residential lots, located southeast of Rock Creek Canyon and Pole Line Road West c/o Mitch Bausman.
3. Update on the City's recycling program.
4. Presentation on the preliminary financial reports for the year ended September 30, 2007, and the two months ended November 30, 2007.
5. Public input and/or items from the City Manager and City Council.

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

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

1. Application and license fees associated with Ordinance 2924 regulating private security companies and private security officers operating in Twin Falls.

**V. ADJOURNMENT to Executive Session:**

- a. To consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office. 67-2345 (a)
- b. To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. 67-2345 (c)

**COUNCILPERSONS**

**PRESENT:**

Mayor Lance Clow  
Vice Mayor Glenda Dwight  
Trip Craig  
Don Hall  
David E. Johnson  
Greg Lanting

**ABSENT:**

Shawn Barigar

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Lee Heider  
Will Kezele

**CITY STAFF PRESENT:**

City Manager Tom Courtney, Community Development Director Mitch Humble, Finance Director Gary Evans, Sanitation Inspector Sherry Jeff, Code Enforcement Officer Sean Standley, City Engineer Jackie Fields, Police Chief Jim Munn, Captain Bryan Krear, Deputy City Clerk Leila Sanchez.

Mayor Clow 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.

City Manager Courtney stated that the following addition was made to the agenda:

Update by Will Hollier of Hollier & Associates on current projects.

City Manager Courtney stated that on the scheduled City Council meeting of December 31, 2007, no public hearings are scheduled.

Mayor Clow stated that the December 31, 2007, meeting would be canceled at this time.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable:  
December 4 – 10, 2007, total: \$992,745.55.  
December 11 – 17. total: \$541,133.25.
2. Consideration of the December 10, 2007, Minutes.
3. Consideration of approval of the Improvement Agreement for Developments:
  - a. Twin Falls School District 411 – Riverhawk Subdivision.
  - b. St. Luke's Regional Medical Center, LTD – St. Luke's Subdivision.
4. Findings of Fact, Conclusions of Law, and Decision:
  - a. Rezone Application for Timothy ZeBarth
  - b. Final Plat Application for Anderson Meadows aka Anderson Subdivision  
c/o Clyde Anderson
  - c. Preliminary Plat Application for Timberlake Subdivision c/o Tom Williams
  - d. Conveyance Plat Application for Southern Comfort Subdivision c/o Tensco
5. Alcohol License Application, The Smoke-N-Head, Inc., 347 Washington Street North.

**MOTION:**

Councilperson Johnson made the motion to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

**II. ITEMS FOR CONSIDERATION:**

1. The Twin Falls Police Department requests the opportunity to present POST Certificates to the following Officers before the Twin Falls City Council: Officer Matt Triner, Detective Rick VanVooren, and Officer Brent Wright.

MINUTES

December 17, 2007

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Captain Krear, Chief Munn, Mayor Clow, and Councilperson Hall presented Officer Matt Triner, Detective Rick VanVooren, and Officer Brent Wright POST Certificates.

2. Request for approval of the final plat for Stone Ridge Estates Subdivision, 130.13 acres with 83 single family residential lots, located southeast of Rock Creek Canyon and Pole Line Road West c/o Mitch Bausman.

Community Development Director Humble reviewed the request.

All applications for final plats of subdivisions, for vacations and for the rezoning of property within the area of city impact shall be submitted to the City Council for their recommendation, prior to submission to the Board of County Commissioners. The Board of County Commissioners may approve the application as recommended by the City Council, deny the application or remand the application to the City Planning and Zoning Commission for further proceedings. If the final plat is approved only then may the plat be recorded and lots sold for future development.

On June 26, 2007, the Commission voted to approve the preliminary plat, as presented, by a vote of 5 for and 2 against and with the following conditions:

1. Subject to a description of the buffer zone being defined and placed on the plat.
2. Subject to the buffer zone remaining undeveloped until such time the mink farm is no longer in operation.
3. Subject to a description of the tree buffer being defined and placed on the plat
4. Subject to the tree buffer being developed along the northern and eastern boundaries, as shown on the plat.
5. Subject to the public streets conforming to minimum standards.
6. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code Requirements and Standards.
7. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current city standards upon development of the property.
8. Subject to the addition of a nuisance waiver to each deed.

Discussion followed:

- Access points.
- Alignment of road.

Mitch Bausman, 3365 North 3000 East, explained the request.

Discussion followed:

- Mink farm.
- Green space and access.
- Development will not have curbs or sidewalks.
- Trail systems and parkland.
- Buffer zone between the development and mink farm.
- Septic system is not communal.

**MOTION:**

Councilperson Lanting made the motion to approve for recommendation to the Board of County Commissioners the final plat for Stone Ridge Estates Subdivision, 130.13 acres with 83 single family residential lots, located southeast of Rock Creek Canyon and Pole Line Road West c/o Mitch Bausman, as presented, with the following conditions made by the Planning and Zoning Commission:

1. Subject to a description of the buffer zone being defined and placed on the plat.
2. Subject to the buffer zone remaining undeveloped until such time the mink farm is no longer in operation.
3. Subject to a description of the tree buffer being defined and placed on the plat
4. Subject to the tree buffer being developed along the northern and eastern boundaries, as shown on the plat.
5. Subject to the public streets conforming to minimum standards.
6. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable city code requirements and standards.
7. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current city standards upon development of the property.
8. Subject to the addition of a nuisance waiver to each deed.

MINUTES

December 17, 2007

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The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Update on the City's recycling program.

Sanitation Inspector Jeff gave an update on the City's recycling program.

Discussion followed:

- Exploring a recycling program for apartment buildings.
- Wheeled recycling bins for the elderly.
- Currently the recycling program is on a volunteer basis.

Les Reitz, PSI, gave an overview of the recycling program.

Vice Mayor Dwight stated that she received the following complaints:

- Katina Limberakis, 2509 Ironwood Avenue, stated she contacted PSI requesting a recycling bin and a new trash container and had not received a response.
- Resident on the 800 block of Northview Drive stated that cardboard had not been picked up.
- Resident at 443 Ridgeway stated that the recycling bin had not been picked up on a weekly basis.

Les Reitz stated that he would address customer complaints. He also updated the City on PSI's job performance. He gave an overview of media announcements to encourage recycling.

Mayor Clow asked that Sanitation Inspector Jeff give quarterly updates on the recycling program.

Sanitation Inspector Jeff stated that the Christmas tree chipping drop-off site is located at 170 Maxwell Avenue and it will be open from December 20, 2007, to January 21, 2008.

Will Hollier, Hollier and Associates, gave an update on the federal lobbying service to help resolve regulatory issues and secure federal funding for the City of Twin Falls. He also reported on the Auger Falls funding received.

4. Presentation on the preliminary financial reports for the year ended September 30, 2007, and the two months ended November 30, 2007.

Finance Director Evans made a presentation on the City's fiscal year ended September 30 and the two months ended November 30.

On overhead projections he reviewed the following attachments:

1. Monthly Budget to Actual Summary with Comparison Prior Year for 12 months ended September 30, 2007
2. Monthly Budget to Actual Summary with Comparison Prior Year for 2 months ended November 30, 2007

Discussion followed:

- Memo of Understanding between the City of Twin Falls and the Southern Idaho Regional Communications Center (SIRCOMM)
- 911 revenue – land and cell phones.
- Qwest revenue paid through SIRCOMM to the City of Twin Falls.

Mayor Clow suspended the financial report at 6:44 P.M., until after the Public Hearing.

5. Public input and/or items from the City Manager and City Council. None.

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

Mayor Clow announced the following:

- The Youth Council will be holding a fundraiser on December 20, 2007, at the Bowladrome. The cost is \$10 per person.
- The annual City of Twin Falls employees' party will be held on December 19, 2007, at 12:00, at the Red Lion Canyon Springs Inn.
- The Magic Valley Leadership Program Government Day will be held on December 20, 2007.
- The December 31, 2007, regularly scheduled City Council meeting will be canceled.

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

1. Application and license fees associated with Ordinance 2924 regulating private security companies and private security officers operating in Twin Falls.

Staff Sergeant Lewin reviewed the request.

The public hearing was opened and closed with no input.

**MOTION:**

Councilperson Craig made the motion to suspend the rules and place Ordinance #2924, on third and final reading by title only. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read the title to Ordinance #2924 entitled:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ENACTING A NEW CHAPTER 15, TITLE 3, OF THE TWIN FALLS CITY CODE, PROVIDING FOR THE LICENSING OF PRIVATE SECURITY SERVICES; AND PROVIDING FOR PUBLICATION BY SUMMARY.

**MOTION:**

Vice Mayor Dwight made the motion to adopt Ordinance #2924, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

Reconvened discussion on the following Item for Consideration:

4. Presentation on the preliminary financial reports for the year ended September 30, 2007, and the two months ended November 30, 2007, reconvened.

Finance Director Evans continued with his presentation.

**V. ADJOURNMENT to Executive Session:**

- a. To consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office. 67-2345 (a)
- b. To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. 67-2345 (c)

Councilperson Craig made the motion to adjourn to Executive Session, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

Leila Sanchez  
Deputy City Clerk



**CITY OF TWIN FALLS, IDAHO**  
**NOTICE OF MEETING CANCELLATION**

\* \* \* \*

The December 31, 2007, City Council Meeting has been cancelled.

Leila Sanchez  
Deputy City Clerk