

COUNCIL MEMBERS:

SHAWN BARIGAR	DON HALL	SUZANNE HAWKINS	GREGORY LANTING	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
<i>Vice Mayor</i>			<i>Mayor</i>			



**REVISED
Minutes**

Meeting of the Twin Falls City Council
Monday, June 4, 2012
 City Council Chambers
 305 3rd Avenue East -Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: None

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of a request to approve the accounts payable for May 29 – June 4, 2012. 2. Consideration of a request to approve the May 14, 2012, City Council Minutes. 3. Consideration of a request to approve the Findings of Fact, Conclusions of Law and Decisions for a Zoning District Change & Zoning Map Amendment Denial, Maverik, Inc. 4. Consideration of the Final Plat of Eastland Heights Amended Subdivision, 1.34 (+/-) acres consisting of 2 lots on property located at 870 Eastland Drive.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Mitch Humble Mitch Humble
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to appoint Dave Benefiel to the Traffic Safety Commission for a three year term. 2. Consideration of a request to authorize city staff to move forward with re-financing two outstanding DEQ loans. 3. Consideration of a request to award the contract for the 2012 Eastland – Addison Intersection project to PMF Inc., of Twin Falls Idaho, in the amount of \$1,246,387.50. 4. Consideration of a request to allow greater than standard building height for a proposed new structural addition to be constructed at the Amalgamated Sugar plant and a request to waive the requirements to install a sprinkler system for this addition on property located at 2320 Orchard Drive in accordance with Twin Falls City Code 10-7-3. 5. Public input and/or items from the City Manager and City Council.	Action Action Action Action	Anthony Barnhart Lorie Race Troy Vitek Mitch Humble
6:00 P.M.		
6. Consideration of a request to adopt the Canyon Park West Amended C-1 CRO PUD Agreement between the City of Twin Falls and Canyon Park I, LLC and Canyon Park Development, LLC. 7. Consideration of adoption of an ordinance regarding a request for a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 +/- acres located west and north of the intersection of Blue Lakes Boulevard North and Fillmore Street. 8. Consideration of a request of the Final Plat of Canyon Park Amended Subdivision – A PUD, 25 (+/-) acres consisting of 12 commercial lots and on property located west and north of the intersection of Blue Lakes Boulevard North and Fillmore Street.	Action Action Action	Mitch Humble Mitch Humble Mitch Humble
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 1. Consideration of a request to increase swimming pool daily rates and swimming pool annual and monthly swim passes.	Public Hearing	Dennis Bowyer
V. <u>ADJOURNMENT:</u>		

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

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Chief Finance Officer Lorie Race, Community Development Director Mitch Humble, Parks & Recreation Director Dennis Bowyer, Captain Anthony Barnhart, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila A. Sanchez

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

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested Items for Consideration II.6. II.7. and II.8.would be discussed in the following order II.7, II.6, and II.8.

PROCLAMATIONS: None

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for ~~May 29~~ May 30– June 4, 2012, total: \$316,370.32. Fire Payroll, May 2012, total: \$48,495.82.
2. Consideration of a request to approve the May 14, 2012, City Council Minutes.
3. Consideration of a request to approve the Findings of Fact, Conclusions of Law and Decisions for a Zoning District Change & Zoning Map Amendment Denial, Maverik, Inc.
4. Consideration of the Final Plat of Eastland Heights Amended Subdivision, 1.34 (+/-) acres consisting of 2 lots on property located at 870 Eastland Drive.

Consent Items No. 3 and No. 4. to be heard separately.

MOTION:

Councilperson Talkington 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. Approved 7 to 0.

Consent Item No. 3:

3. Consideration of a request to approve the Findings of Fact, Conclusions of Law and Decisions for a Zoning District Change & Zoning Map Amendment Denial, Maverik, Inc.

Council discussion followed.

Community Development Director Humble explained the Findings of Fact, Conclusions of Law and Decisions.

MOTION:

Vice Mayor Hall made the motion to approve the Findings of Fact, Conclusions of Law and Decisions for a Zoning District Change & Zoning Map Amendment Denial, Maverik, Inc., as presented. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Consent Item No. 4.

4. Consideration of the Final Plat of Eastland Heights Amended Subdivision, 1.34 (+/-) acres consisting of 2 lots on property located at 870 Eastland Drive.

Council discussion followed.

- Requirement of one handicap parking space for the assisted living facility.
- Parking along 9th Avenue East.
- Code amendment requiring handicap parking spaces.

Assistant City Engineer Vitek stated that the code is based on use and parking requirements. There is limited parking along 9th Avenue East next to the Lighthouse Christian Church.

City Attorney Wonderlich stated that the applicant has complied with the platting requirements.

Community Development Director Humble stated that staff would investigate amending the City Code requiring handicap parking spaces.

MOTION:

Vice Mayor Hall made the motion to approve the Final Plat of Eastland Heights Amended Subdivision, 1.34 (+/-) acres consisting of 2 lots on property located at 870 Eastland Drive. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to appoint Dave Benefiel to the Traffic Safety Commission for a three year term.

Captain Barnhart explained the request.

The Traffic Safety Commission and the oral board request the appointment of Dave Benefiel to the Traffic Safety Commission.

MOTION:

Councilperson Munn made the motion to appoint Dave Benefiel to the Traffic Safety Commission for a three year term (June 2012 – June 2015) as presented. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request to authorize city staff to move forward with re-financing two outstanding DEQ loans.

Chief Finance Officer Race explained the request.

The request is to authorize the Finance Team to move forward to refinance the two DEQ loans.

Cameron Ariel explained the refinancing of the City's DEQ loans process.

Using overhead projection he showed:

- Interest Rate Trend 20 Year 20 Bond Buyer Index – Jan 1988 to May 2012
- MMD Interest Rates (1982 – Present)
- Idaho Bond Bank/DEQ Pooled Financing Participant List
- Other IBBA Participant List

Discussion followed:

- City's rating is a Category A
- Bond Bank would have a ten year call protection
- Terms of the loans are not increasing
- Refinancing would result of a savings of nearly \$1,000,000.

MOTION:

Vice Mayor Hall made the motion to authorize city staff to move forward with the refinancing of two outstanding DEQ loans working with the Idaho Bond Bank as well as Zion's Bank and to authorize the Mayor to sign any appropriate documents. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Consideration of a request to award the contract for the 2012 Eastland – Addison Intersection project to PMF, Inc., of Twin Falls Idaho, in the amount of \$1,246,387.50.

Assistant City Engineer Vitek explained the request.

On May 24, 2012, bids were opened for the 2012 Eastland – Addison Intersection project. Two bids were received with the lowest bid coming from PMF, Inc. in the amount of \$1,246,387.50. Staff recommends that City Council approve and award the contract to PMF Inc., in the amount of \$1,246,387.50.

Discussion followed:

-Warranty

Assistant City Engineer Vitek explained that on construction projects a one year warranty is required on all work.

MOTION:

Councilperson Mills Sojka made the motion to award the contract for the 2012 Eastland – Addison Intersection project to PMF Inc., in the amount of \$1,246,387.50. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a request to allow greater than standard building height for a proposed new structural addition to be constructed at the Amalgamated Sugar plant and a request to waive the requirements to install a sprinkler system for this addition on property located at 2320 Orchard Drive in accordance with Twin Falls City Code 10-7-3.

Community Development Director Humble explained the request.

Staff recommends that Council grant the request for additional building height and a waiver of the installation of a sprinkler system, as presented, subject to the following conditions:

1. Receipt of a waiver from the applicant releasing City of Twin Falls from all fire protection responsibility and liability from the approval of waiving the installation of a sprinkler system.
2. Subject to site plan amendments as required by Building, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Discussion followed.

-Fire protection

City Manager Rothweiler stated that the Twin Falls Fire Department will respond to any structure issue, but from a liability perspective, the Amalgamated Sugar plant cannot sue the City for approving their request.

MOTION:

Councilperson Talkington made the motion to grant the request for the exemption to allow non compliance or excessive standard building height and waive the request for the sprinkler system per City Code 10-7-3, and to approve staff recommendations, as presented:

1. Receipt of a waiver from the applicant releasing City of Twin Falls from all fire protection responsibility and liability from the approval of waiving the installation of a sprinkler system.
2. Subject to site plan amendments as required by Building, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

The motion was seconded by Councilperson Mills Sojka

City Attorney Wonderlich stated that the Council may choose not to grant the excessive height and the Company does not build the building. Fires can be fought up to 50'. He stated that in speaking with the applicant their concern is more with the accidental discharges of the water system than with fire.

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

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

Vice Mayor Hall reported on the Twin Falls Historic Preservation Walking Tour held on May 19, 2012.

Recess at 5:53 P.M.
Reconvened at 6:05 P.M.

6:00 P.M.

Gerald Martens, EHM Engineers, representing the applicant, explained Items for Consideration 6, 7, and 8.

He stated there was public concern that there may be wetlands on the property; therefore, the developer retained a wetland consultant and it was determined that it is non-jurisdictional. Mr. Martens stated that he will be meeting with the Corps of Engineers to look at the project and if it is found to be jurisdictional the project will comply with state, local, and federal regulations for mitigation of wetlands. It would be part of the overall design process which is the next phase after the completion of the platting process.

Ray Neilsen, 1200 Oak Alley, Edwards, Mississippi, gave his family history. He stated that he will build a quality project and asks Council to hold him to the highest standards. On overhead projection he showed and explained a rendering of the micro parks.

Ben Brown, 1317 Gilmore Drive, Salt Lake City, Utah, explained the request and the mediation efforts made with Terry Tracy.

-The community's access to the canyon's natural resources.

Trailhead Park will be placed.

-Retaining wall behind the project.

A split retaining wall with landscaping will be placed to break up what would be a traditional monotonous retaining wall.

-Visibility from the residents to enjoy the natural sunrise and warmth of the sunrise that hits their homes.

A pad has been relocated to the south to allow the natural view corridor that currently exists to be preserved.

-Screening from the residents and the public that would be on Canyon Springs Road and the Breckenridge community to the back of the buildings.

Add a second row of screening trees that would be on the opposite side of the trail. A landscape architect will be asked to look into sound dampening shrubbery.

-Trail access and the pedestrian friendly development.

A northwest trail access point has been added and a Canyon Springs trails connect access point.

-Show and incorporate a more pedestrian friendly development.

A mock design of improvements of a pedestrian friendly crosswalk and path that will circle the development along the relocated Fillmore Street and add a natural inner trail to the property and expanded walkway rendering shown on overhead projection.

-Increased open space.

Added two more micro parks, one with a northwest trail access and the other with the Canyon Springs connect point.

-No fast food.

No drive through restaurants will be on any canyon adjacent lot.

Mr. Brown requested from the City that the dip not be removed. The dip is a natural barrier for slowing down traffic. He fully supported a potential of a crosswalk as shown on overhead projection. Following the mediation process three more meetings were held. The owner has agreed to the following: Maintain the snow removal on the trail for their area, conduct two public forum presentations, and will continue to receive public feedback.

Community Development Director Humble explained the requests.

7. Consideration of adoption of an ordinance regarding a request for a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 +/- acres located west and north of the intersection of Blue Lakes Boulevard North and Fillmore Street.

Community Development Director Humble stated that on April 9, 2012, a public hearing was held in which the Master Development Plan was approved. The changes explained by Ben Brown were insignificant in terms in compliance with the plan that was approved, 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 dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to Fillmore Street (Public Right-of-way) being vacated and Fillmore Street (Private) is rededicated as a public utility/access/road easement and as approved by the City Council.
4. Subject to a recorded Maintenance and Unrestricted Access Easement Agreement along the proposed Fillmore Street (Private) prior to vacation of Fillmore Street (Public Right-of-way).
5. Subject to development meeting or exceeding CRO standards unless otherwise approved by City Council.
6. Subject to an approved and recorded PUD Agreement encompassing the entire project under one PUD Agreement.
7. Subject to replatting the property under one subdivision.
8. Prohibit any signage from being placed on the back of the buildings facing the canyon

The ordinance has been prepared as directed by the Council and is recommended for adoption as submitted.

6. Consideration of a request to adopt the Canyon Park West Amended C-1 CRO PUD Agreement between the City of Twin Falls and Canyon Park I, LLC and Canyon Park Development, LLC.

Community Development Director Humble explained the request.

On April 09, 2012 the City Council approved a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 +/- acres, 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 or change of use of the property.
3. Subject to Fillmore Street (Public Right-of-way) being vacated and Fillmore Street (Private) is rededicated as a public utility/access/road easement and as approved by the City Council.
4. Subject to a recorded Maintenance and Unrestricted Access Easement Agreement along the proposed Fillmore Street (Private) prior to vacation of Fillmore Street (Public Right-of-way).
5. Subject to development meeting or exceeding CRO standards unless otherwise approved by City Council.
6. Subject to an approved and recorded PUD Agreement encompassing the entire project under one PUD Agreement.
7. Subject to replatting the property under one subdivision.
8. Prohibit any signage from being placed on the back of the buildings facing the canyon.

The seven items that came as a result of mediation have been incorporated in the PUD agreement that is being presented.

He stated that the document entitled Canyon Park PUD CRO details the changes to the code that is being proposed in the attached PUD Agreement. The development will meet or exceed every code standard. The snow removal and public input meetings as presented by Ben Brown are in the PUD Agreement.

Council discussion followed:

Councilperson Barigar stated for clarification that the Visitor's Center is not part of the development.

8. Consideration of a request of the Final Plat of Canyon Park Amended Subdivision – A PUD, 25 (+/-) acres consisting of 12 commercial lots and on property located west and north of the intersection of Blue Lakes Boulevard North and Fillmore Street.

Community Development Director Humble explained the request.

Should the Council approve the final plat of the Canyon Park Amended Subdivision – a PUD, as presented, staff recommends approval be subject to the nine conditions placed upon the preliminary plat by the Commission and including:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

2. Subject to recorded Cross-Use/Access Agreements being provided prior to recordation of final plat.
3. Subject to compliance with a "recorded" PUD Agreement, concurrent with approval of the final plat or prior to recordation of the final plat.
4. Subject to a note on the final plat regarding ownership and maintenance agreement of Fillmore Street (Private).
5. Subject to a recorded Maintenance and Unrestricted Access Easement Agreement along the proposed Fillmore Street (Private).
6. Subject to dedication of road right-of-way along the east side of Canyon Springs Road.
7. Subject to the valley gutter being reconstructed at the west side of the intersection of Canyon Springs Road and Fillmore Street.
8. Subject to an agreement between the Twin Falls Canal Company and the developer regarding the relocation and piping of Lateral #39.
9. Subject to final approval by the City Engineer of the Construction Plans

The meeting was opened to the public.

Cheri Condi, 2135 Oakwood Court, who is a member of Concerned Citizens of the Canyon, spoke against the request. She stated that she and the Concerned Citizens of the Canyon would like to have the strip mall footprint reconfigured into a campus style format or to have it rotated around to the south of the property. It has been stated that Lot 8 would have access to the trail. Lot 8 is in the middle of the strip mall footprint but the Master Plan still shows the building footprint unchanged just like before. The project is too intrusive on the canyon side atmosphere and urged the denial of the applications.

Bob Sojka, 2056 Laurie Lane, spoke against the requests. He asked for an explanation as to the logic of somehow retail sales benefitting by cramming buildings up against the edge of a cliff.

Carolyn Baird, 14 Robbins, spoke against the requests. She stated that if parking is on the canyon side this would reduce noise for those on the path.

Barbara Beck spoke against the requests and read a letter stating her concerns. She stated that she has asked for renderings for the northwest corner of the mall area and has not seen any great renderings of the area.

Terry Tracy, 867 Canyon Park Avenue, stated she was part of the mediation. She stated that the mediation resulted in a full positive and productive discussion. Her concerns were addressed. She stated for the record that she was never opposed to the Canyon Rim Development. Her dream was for a park and open space, but that reality dictates otherwise. She requested that the dip not be removed from Fillmore Street.

For clarification Community Development Director Humble stated that the mediation report is not part of the Council meeting. City Manager Rothweiler stated for the record that staff has not received a report from Scott Bybee.

Jerry Beck stated that the Visitor's Center will be impacted by the trailhead park. An opening along the major building space to access the park was unable to be facilitated. He stated that according to code a building of a certain square footage would require sites to be reviewed. He asked if the review would be on individual buildings.

Cindy Collins spoke in support of the development and stated that this is good for the economy.

Fran Florence, 4129 Hidden Lakes Drive, Kimberly, spoke in favor of the requests. He stated that he was a Planning & Zoning Commission member when the CRO was written.

Laura Peterson, 794 Mountain View Drive, asked why the back of the building is facing the canyon.

Rosaline Dingwall, 3148 Highlawn Drive, stated that she did not understand why the buildings cannot be flipped around to improve the view coming into the community.

Chad Dodds, 1041 Laurelwood Court, stated that the development should be done accurately and fairly and be something of which a community could be proud.

Cindy Woods, 1287 Park Meadows Drive, commented that when visiting Elevation 486 she enjoys the canyon view. The public comment portion of the hearing was closed:

Rebuttal:

Ben Brown explained the buildings location, layout and benefits. He stated that he will continue to work with the community and take input.

Gerald Martens stated for the record that the conditions presented by staff are all acceptable.

Gary Slette stated that Councilperson Talkington asked staff if additional conditions could be placed on the requests. The 14 items presented by Gerald Martens are evidence of the things that have gone over and above and beyond.

Closed public discussion.

Item #7

Consideration of adoption of an ordinance regarding a request for a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 +/- acres located west and north of the intersection of Blue Lakes Boulevard North and Fillmore Street.

MOTION:

Vice Mayor Hall made a motion to suspend the rules and place Ordinance 3028, on third and final reading by title only, 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.

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

Deputy City Clerk Sanchez read the ordinance by title only.

MOTION:

Councilperson Talkington made the motion to approve Ordinance 3028, as presented. The motion was seconded by Vice Mayor Hall.

Discussion followed:

Councilperson Mills Sojka stated that she believes there is an issue with not only representing the people and the 300 or more citizens that signed the petition against the request, but as elected officials. In addition, from a community design standpoint, it does not make sense to add more traffic and more dense development at the edge of the canyon rim. The development does not comply with the CRO Code 10-4-19 (1) (b), to protect views and create a unique visual environment along the canyon rims as stated. In addition the design is by national marketers. The Land Use Planning Act 10-1-5 (J and K) are to encourage the wise use and management of natural resources and to preserve the natural beauty and topography of a municipality and to ensure appropriate development with the regard with natural features.

Councilperson Barigar stated that commercial development proposed on the canyon rim should have been expected. Over the course of many years there has been community input, sub-committees, council, staff, and private developers who have assessed things that are happening or could happen on the canyon rim. The community will has been translated into laws that have guided the development within the canyon rim area so that private property owners could develop their private property rights while at the same time maintaining public opportunities to enjoy developed property on the south side of the rim. The natural beauty of sagebrush, desert grass, rocks, no trails, and dust is available on the north side and having that at the gateway to the community is detrimental to visitors to our community. Opportunities need to be created for developed access from good community stewards.

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

Item #6

Consideration of a request to adopt the Canyon Park West Amended C-1 CRO PUD Agreement between the City of Twin Falls and Canyon Park I, LLC and Canyon Park Development, LLC.

MOTION:

Councilperson Barigar made a motion to adopt the Canyon Park West Amended C-1 CRO PUD Agreement between the City of Twin Falls and Canyon Park I, LLC and Canyon Park Development, LLC., with the following conditions placed by the City Council, and as presented:

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 or change of use of the property.
3. Subject to Fillmore Street (Public Right-of-way) being vacated and Fillmore Street (Private) is rededicated as a public utility/access/road easement and as approved by the City Council.
4. Subject to a recorded Maintenance and Unrestricted Access Easement Agreement along the proposed Fillmore Street (Private) prior to vacation of Fillmore Street (Public Right-of-way).
5. Subject to development meeting or exceeding CRO standards unless otherwise approved by City Council.
6. Subject to an approved and recorded PUD Agreement encompassing the entire project under one PUD Agreement.
7. Subject to replatting the property under one subdivision.
8. Prohibit any signage from being placed on the back of the buildings facing the canyon.

The motion was seconded by Councilperson Munn.

MOTION:

Councilperson Talkington made an amendment to the motion to change the following portion of the 5.D LANDSCAPING PLAN. "At least fifty percent (50%) of the shrubs and trees shall be evergreen." to change to "75% of non-deciduous plantings along the backside of the building facing the canyon rim on the proposed development."

The motion was seconded by Councilperson Mills Sojka.

Discussion followed:

Mr. Nielsen stated that the Council may want a different type or species of coniferous trees. The landscaping piece will be held to the highest standard and exceed it.

Roll call vote on the amendment to the motion showed all members present voted in favor of the motion.

Discussion followed on the main motion as amended.

-Mediation

Mayor Lanting stated his concern that parts of the development embraces the canyon but there are other places that do not. In addition, Chobani has created manufacturing jobs, raw materials are used, and the money goes back into the economy, and retail follows.

Roll call vote showed Councilperson Barigar, Hall, Hawkins, Munn and Talkington voted in favor of the motion. Councilpersons Lanting and Mills Sojka voted against the motion. Approved 5 to 2.

Item #8

Consideration of a request of the Final Plat of Canyon Park Amended Subdivision – A PUD, 25 (+/-) acres consisting of 12 commercial lots and on property located west and north of the intersection of Blue Lakes Boulevard North and Fillmore Street.

MOTION:

Councilperson Barigar made the motion to approve the Final Plat of Canyon Park Amended Subdivision – A PUD, 25 (+/-) acres consisting of 12 commercial lots and on property located west and north of the intersection of Blue Lakes Boulevard North and Fillmore Street with the following conditions and as presented:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to recorded Cross-Use/Access Agreements being provided prior to recordation of final plat.
3. Subject to compliance with a "recorded" PUD Agreement, concurrent with approval of the final plat or prior to recordation of the final plat.
4. Subject to a note on the final plat regarding ownership and maintenance agreement of Fillmore Street (Private).
5. Subject to a recorded Maintenance and Unrestricted Access Easement Agreement along the proposed Fillmore Street (Private).
6. Subject to dedication of road right-of-way along the east side of Canyon Springs Road.
7. Subject to the valley gutter being reconstructed at the west side of the intersection of Canyon Springs Road and Fillmore Street.
8. Subject to an agreement between the Twin Falls Canal Company and the developer regarding the relocation and piping of Lateral #39.

9. Subject to final approval by the City Engineer of the Construction Plans

The motion was seconded by Councilperson Talkington.

Discussion followed.
-Dip on Canyon Springs Road

Gerald Martens will work with city staff to discuss traffic calming devices.

Amendment to the motion:

Vice Mayor Hall made an amendment to the main motion to put under condition 7. Add traffic calming devices that will ease and maintain the flow of traffic. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed. Approved 7 to 0.

Roll call vote on the main motion as amended showed Councilpersons Barigar, Hall, Hawkins, Lanting, Munn, and Talkington voted in favor of the motion. Councilperson Mills Sojka voted against the motion. The motion passed. Approved 6 to 1.

Recess at 8:09 P.M.
Reconvened at 8:20 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None

IV. PUBLIC HEARINGS:

1. Consideration of a request to increase swimming pool daily rates and swimming pool annual and monthly swim passes.

Parks & Recreation Director Bowyer explained the request.

The Parks and Recreation Commission recommends to the City Council to approve the above proposed increases at the swimming pool.

The public hearing was opened and closed with no input.

MOTION:

Vice Mayor Hall made a motion to approve Resolution 1886, entitled: swimming pool daily rates and swimming pool annual and monthly swim. The motion was seconded by Councilperson Hawkins.

Discussion followed:
-Average of daily admissions to the door of pool non-members and YMCA members.
-Financial Assistance
-Demographics of those using the pool.

John Pauley stated he estimated 20,000 paying daily admissions to the pool and 40,000 YMCA and Pool Members. He also stated that the YMCA has a scholarship policy to provide financial assistance.

Vice Mayor Hall stated his concern of raising rates to the public.

MOTION:

Councilperson Talkington made the motion to increase the daily admission fee rate for adults only (\$4.00 to \$4.25), and to include the 3 and under category and ages 4 – 17. The motion was seconded by Councilperson Mills Sojka.

Discussion followed.
Councilperson Barigar stated that the increase only for adults and for children defeat the purpose of the increase.

John Pauley explained that the increased fees are to offset the increased cost the YMCA has in managing the swimming pool facility and programs. The difference would be paid by the YMCA if fees are not increased.

Roll call vote showed on the amendment showed Councilpersons Lanting, Mills Sojka, and Talkington voted in favor of the motion. Councilperson Barigar, Hall, Hawkins, Lanting and Munn voted against the motion. Failed 4 to 3.

Councilperson Munn asked for specifics from the YMCA if rates are not increased.

City Manager Rothweiler stated that a public hearing was conducted and the Council's obligation has been met. No action is required from the Council. Gary Ettenger will make a presentation to the City Council on June 18, 2012.

Council directed that John Pauley come back to the Council with information in regards to the impact of the proposed rate increases, the total pool ledger, and impact on rate increase on daily admissions.

Councilperson Hall made the motion to withdraw the main motion with approval of his second, Councilperson Hawkins agreed to withdraw.

V. ADJOURNMENT: The meeting adjourned at 8:51 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Clerk