COUNCIL MEMBERS:

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

MINUTES

Meeting of the Twin Falls City Council
Monday, April 27, 2015
City Council Chambers - 305 3rd Avenue East -Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG **CONFIRMATION OF QUORUM** **CONSIDERATION OF THE AMENDMENTS TO THE AGENDA** **PROCLAMATIONS**: **Better Hearing and Speech Month** Spencer Wm. Stirland, AuD., Hearing Aid Counselors & Audiologists, Inc. **National Music Week** Bonnie Lamborne, Twin Falls Music Club President		
GENERAL PUBLIC INPUT		
AGENDA ITEMS		
I. CONSENT CALENDAR:	**Purpose:**	**By:**
1. Consideration of a request to approve the Accounts Payable for April 20 – 27, 2015, total: $328,331.20 and Payroll, April 24, 2015, total: $127,686.33.	Action	Sharon Bryan
2. Consideration of a request to approve the March 30, 2015, and April 6, 2015, City Council Minutes.	Action	Leila A. Sanchez
II. ITEMS FOR CONSIDERATION:	**Purpose:**	**By:**
1. Presentation of Peace Officer Standards and Training Council Certificates to the following individuals before the Twin Falls City Council: Officer Tavita Messenger, Officer Tyler Campbell, Officer Morgan Waite, Sergeant David Frick and Sergeant Luke Allen	Action	Bryan Krear John K. Wilson
2. Consideration of a request to approve a Special Event Application for the Annual Cinco de Mayo event to be held at Garibaldi's Restaurant located at 645 Filer Avenue on May 5, 2015.	Action	Dennis Pullin
3. Consideration of a request to pay fees in lieu of park land dedication for the WS&V PUD and a 30% reduction in their in lieu of fees.	Action	Dennis J. Bowyer Kathryn Almberg, The Housing Company
4. Consideration of a request to adopt an Ordinance for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for 7.5 (+/-) acres of undeveloped property located on the north side of the 2400 block of Addison Avenue East.	Action	Rene'e V. Carraway-Johnson
5. Consideration of a request to waive the bonding requirement related to Golden Eagle Subdivision Number 5, Northern Passage Subdivision Number 5, and Sacket Farm Subdivision Number 2.	Action	Troy Vitek Brad Wills
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. Consideration of a request to vacate a portion of a platted utility, vehicle access and drainage easement on property located at 1777 and 1821 Canyon Crest Drive for Westpark Partners.	PH/Action	Gerald Martens/ EHM Engineers
V. ADJOURNMENT:		

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

Present: Suzanne Hawkins, Jim Munn, Shawn Barigar, Gregory Lanting, Rebecca Mills Sojka

Absent: Don Hall, Chris Talkington

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitchel Humble, Deputy City Manager Brian Pike, Parks & Recreation Director Dennis Bowyer, Assistant City Engineer Troy Vitek, Zoning & Development Manager Rene'e V. Carraway-Johnson, Chief Bryan Krear, Lieutenant John K. Wilson, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Vice Mayor Hawkins called the meeting to order at 5:00 P.M. She then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with her. A quorum is present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATIONS:

Better Hearing and Speech Month Spencer Wm. Stirland, AuD., Hearing Aid Counselors & Audiologists, Inc.

Vice Mayor Hawkins presented the proclamation to Spencer Stirland.

National Music Week Bonnie Lamborne, Twin Falls Music Club President

Vice Mayor Hawkins presented the proclamation.

GENERAL PUBLIC INPUT: None

AGENDA ITEMS

I. <u>CONSENT CALENDAR:</u>

1. Consideration of a request to approve the Accounts Payable for April 20 – 27, 2015, total: $328,331.20 and Payroll, April 24, 2015, total: $127,686.33.
2. Consideration of a request to approve the March 30, 2015, and April 6, 2015, City Council Minutes.

   MOTION:
   Councilmember Lanting made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilmember Mills Sojka. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.moved.

II. <u>ITEMS FOR CONSIDERATION:</u>

1. Presentation of Peace Officer Standards and Training Council Certificates to the following individuals before the Twin Falls City Council: Officer Tavita Messenger, Officer Tyler Campbell, Officer Morgan Waite, Sergeant David Frick and Sergeant Luke Allen.

   Lieutenant John K. Wilson gave the presentation.

   Chief Bryan Krear, Vice Mayor Hawkins, Deputy City Manager Brian Pike presented the following:
   Post Basic Certification to Officers' Tavita Messenger and Officer Tyler Campbell
   Post Intermediate Certification to Officer Morgan Waite
   Post Supervisory Certifications' to Sergeant David Frick and Sergeant Luke AllenTavita.

2. Consideration of a request to approve a Special Event Application for the Annual Cinco de Mayo event to be held at Garibaldi's Restaurant located at 645 Filer Avenue on May 5, 2015.
   Staff Sergeant Pullin explained the request.

   The Special Event Application has been submitted by Ramon Cardoza on behalf of Garibaldi's. A live band will be providing entertainment. The band will be set up on the south side of Garibaldi's Restaurant, located in the parking lot, next to their building near Filer Avenue. There will be alcohol served in the same area as the live music. A catering permit has been purchased to allow the sale of alcohol.

The Police Department did receive one noise complaint from the 2014 Cinco de May event, which required police response. This matter was resolved with no further incidents. Mr. Cardoza has been advised that continued complaints may affect future events; therefore, it is imperative that the noise levels from the band be monitored closely. If the Police Department receives noise complaints for the event and is found to be in non-compliance, the on-duty Patrol Supervisor shall terminate the event.

Staff recommends approval of the request.

Discussion followed:
Councilmember Lanting stated last year was the first year they held it on the south side of the building rather than in the parking lot perhaps causing the noise disturbance. Staff Sergeant Pullin stated he could not confirm if this was the case.

Councilmember Munn stated his concern that the event will be held on a weekday and in close proximity of a residential area. To minimize any distributions to the neighborhood he suggested stopping the music at 9:30 p.m. and end the event at 10:00 p.m.

MOTION:
Councilmember Munn made a motion to approve the Special Event Application for the Annual Cinco de Mayo event to be held at Garibaldi's Restaurant located at 645 Filer Avenue on May 5, 2015, subject to the following condition: 1. Music end at 9:30 p.m. and event end at 10:00 p.m. The motion was seconded by Councilmember Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

2. Consideration of a request to pay fees in lieu of park land dedication for the WS&V PUD and a 30% reduction in their in lieu of fees.

   Parks & Recreation Director Bowyer reviewed the request.

   The WS&V PUD is a proposed 60 multi-family unit apartment complex (Field Stream Apartments) on five acres. The subdivision is located on the west side of Field Stream Way, north of North College Road and sits northeast of the Xavier Charter School.

   City Code Section 10-12-3-11 requires a dedication of one acre of land per 100 units developed within a subdivision for the development of a neighborhood park. This subdivision will require a dedication of 0.6 acres of park land. City Code Section 10-12-3-11(F) states, "The City Council may, at their discretion, approve and accept cash contributions in lieu of park land with improvements, which contributions shall be used for park land acquisition and/or park improvements within the boundaries of the arterial streets in which the development is located."

   Ordinance #3034 allows developments meeting all five criteria to qualify for a 50% reduction on their cash contribution in lieu of dedication of park land. The WS&V PUD Subdivision does not qualify for the in-fill reduction.

   The in lieu of payment is calculated at $71,220.

   The Parks & Recreation Commission recommended accepting the developer's request for a Parks in Lieu of contribution and for a 30% reduction in their fees because the developer is a non-profit organization. The vote was a 5-1 vote.

Of the 41 Parks in Lieu applications that have been approved by the City Council, only one had received a reduction or waiver of their parks in lieu of fees because they are a non-profit developer. That fee of $2,609.73 was waived by the City Council on September 26, 2011 for Habitat for Humanity on the Platinum Trio Subdivision.

The Parks & Recreation Commission is seeking direction from the Council when approached by a non-profit developer requesting a reduction in their Parks in Lieu contribution.

Discussion followed:

Councilmember Lanting asked how the in-lieu fund would be used for at the Sunway Soccer Complex. Parks & Recreation Director Bowyer stated the money could be spent on shelters, benches, and other amenities.

Kathyrn Almberg explained the request. The Housing Company is a non-profit developer and an affiliate corporation with Idaho Housing and Finance. Their mission is to provide affordable housing for people in Idaho. At the five acre location the plan is to build 60 affordable units capped at 60% of median income.

On overhead projection she showed a playground at a 36 unit development in McCall Idaho. She expects the Fieldstream Apartments to have a larger playground area with a picnic and bar-b-que area, covered area, restrooms, drinking fountains, etc. The clubhouse will be built with restrooms and community room.

The request to the Parks & Recreation Commission was made because a precedent was set for a 50% reduction in the parks in lieu fee based on criteria of five per the ordinance. The Housing Company meet the following criteria: 1. Development shall be located within city limits. 2. Development shall not border an arterial street. 3. Development shall not border the city limits. They did not meet the following criteria: 1. The number of household units must be 8 or less per acre, as identified on the preliminary plat. 2. Development must not have been converted from agricultural land.

Discussion followed:
Councilmember Mills Sojka stated the following concerns: Recommendation from the Parks & Recreation Commission of a 30% reduction; City Code Section 10-12-3-11(F) is designated for the developer; the developer is for profit; and $21,366 in lieu fee reduction is significant.

Councilmember Lanting stated that non-profits include credit unions, hospitals, etc. but they are a for profit organization. He asked Ms. Almberg her arrangement with the developer of the property.

Kathyrn Almberg stated that the property was purchased from the developer and The Housing Company is developing the property. They are a 5013 C Corporation and an affiliate Corporation to Idaho Housing and Finance which administers all of the programs for state housing. The Housing Company signed a limited use agreement making the property deed restricted for 40 years. During this time the property will be for nonprofit affordable housing. The Housing Company has been in business since 1990 and until this date has never sold a property. Any “profits” coming from projects go back into the project.

Councilmember Barigar explained that Habitat for Humanity was not a traditional development because the property was a residential lot. On small acres of property and for a nonprofit organization he can appreciate the need to consider a reduction for a nonprofit developer. He assumes the Parks & Recreation Commission settled for the 30% because the applicant met three of the five criteria requirements.

Councilmember Barigar recommended that requests for a reduction in lieu fees for non-profits be presented to the Council.

MOTION:
Councilmember Barigar made a motion to accept to pay fees in lieu of park land dedication for the WS&V PUD and a 30% reduction to their in lieu fees. The motion was seconded by Councilmember Munn.

Councilmember Mills Sojka stated that she does not believe that private contributions for parks and recreation are the same as for public contributions. She does appreciate there will be recreational opportunities on the development but is concerned that the contributions will not be going towards the city's parks and recreation system.

AMENDMENT TO THE MOTION:
Councilmember Mills Sojka motioned the applicant pay fees in lieu of park land dedication for the WS&V PUD at 100%. The motion failed due to a lack of a second.

Roll call vote showed Councilmembers Barigar, Munn, Lanting voted in favor of the motion. Councilmembers Hawkins and Mills Sojka voted against the motion. Approved 3 to 2.

3. Consideration of a request to adopt an Ordinance for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for 7.5 (+/-) acres of undeveloped property located on the north side of the 2400 block of Addison Avenue East.

Planner I Spendlove reviewed the request.

On February 24, 2015, the Planning & Zoning Commission held a public hearing and was asked to make a recommendation to the City Council on a request for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for this site. There was no public comment and upon conclusion of deliberations the Commission determined: 1. The request is in conformance with the Comprehensive Plan designation of Commercial/Retail for this site; and 2. The extent and nature of changing the zoning of this property to C-1 would be compatible with and not detract from the surrounding area.

On March 30, 2015, the City Council held a public hearing on this request. There was no public comment and upon conclusion of the public hearing. The Council approved the request as presented.

Councilmember Barigar made a motion to suspend the rules and place Ordinance 3095 on third and final reading by title only. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Deputy City Clerk Sanchez read the ordinance by title only: 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:
Councilmember Munn made a motion to adopt Ordinance 3095. The motion was seconded by Councilmember Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

4. Consideration of a request to waive the bonding requirement related to Golden Eagle Subdivision Number 5, Northern Passage Subdivision Number 5, and Sacket Farm Subdivision Number 2.

Assistant City Engineer Vitek reviewed the request.

Three schools are going forward with development which requires platting of the lots. According to City Code 10-12-4-3: Guarantee of Completion of Improvements, to record a final plat the developer is permitted to execute a trust and escrow agreement or provide a financial guarantee prior to recordation. The building of the schools is to coincide with construction of the improvements and will be completed by the school prior to the issuance of a certificate of occupancy. A Trust Agreement will not work for the schools since a building permit cannot be issued on a lot in trust. The school is requesting the waiver of the bond and to have the guarantee of improvements to their lot tied to the Certificate of Occupancy.

Brad Wills, 222 Shoshone Street West, explained the approval of the request will not be a financial burden on the City of Twin Falls.

Councilmember Barigar asked how this was handled with the construction of Canyon Ridge High School. Brad Wills stated that the issue did not come up. During the development of the Riverhawk Subdivision, the school did surrounding improvements.

Assistant City Engineer Vitek stated that the school would be issued a temporary certificate of occupancy and would require the School District to bond for construction improvements. If the School District fails to comply, the City would use the bond for the improvements.

Councilmember Mills Sojka asked for the guarantee that improvements are done at the time of the issuance of occupancy. Assistant City Engineer Vitek stated the City would require a bond. If work is not completed by the School District the City would then hire the work to be done, which would be paid by the money received from the bond.

MOTION:
Councilmember Lanting made a motion to approve waiving the bonding requirement related to Golden Eagle Subdivision Number 5, Northern Passage Subdivision Number 5, and Sacket Farm Subdivision Number 2, as presented, and subject to the following condition: 1. The School District post a financial guarantee for uncompleted construction improvements prior to the City of Twin Falls issuing a certificate of occupancy, The motion was seconded by Councilmember Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Brad Wills stated that the Rock Creek Elementary School groundbreaking is scheduled for May 28, 2015, at 1:00 p.m.

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

City Manager Rothweiler reported on the following upcoming agenda items:
May 4, 2015, Discussion on the Municipal Powers Outsource Grant.(MPOG) Process.
May 4, 2015, Presentation by the Long Term Planning Group
May 11, 2015, Presentation on the MPOG updates.
May 11, 2015, Budget discussions and input from community members and partners.
May 26, 2015, Budget: Input from community members and partners.
July 6, 2015, Budget will be delivered to the Council on July 6, 2015.
August 10, 2015, Public hearing for rates.
August 24, 2015, Formal adoption of the budget.

Councilmember Mills Sojka asked how long the MPOG presentations are expected to last.

City Manager Rothweiler stated that the May 11, 2015, City Council meeting will begin at 4:00 p.m. The presenters will be given 5 minutes to present their report and there will be a 5 minutes for Q/A. The next piece on the agenda will be a conversation on the budget.

Councilmember Mills Sojka suggested rescheduling the MPOG presentations.

Councilmember Lanting commended Parks & Recreation Director Bowyer for his efforts on Arbor Day.

Vice Mayor Hawkins gave an update on the Twin Falls Youth Council Kite Day that was held on April 25 and 26, 2015. She thanked Toy Town and Dutch Brothers for their participation.

Manager Humble gave an update on the Rock Creek Manhole Project that was completed April 20, 2015.

Recess: 5:55 p.m.

Reconvened: 6:05 p.m.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. Consideration of a request to vacate a portion of a platted utility, vehicle access and drainage easement on property located at 1777 and 1821 Canyon Crest Drive for Westpark Partners.

   Gerald Martens explained the request. The easement was provided at the time of platting as a standard City of Twin Falls requirement. The development of the subdivision is nearing completion and plans for Lot 2 and a portion of Lot 3 are being developed and it has been determined the easement is not needed for utilities, drainage or access to other lots.

   Approval of the request will allow the construction of a loading ramp and loading dock on the back of the building.

   All the applicable utility companies have submitted approval of the vacation of the easement with the exception of Idaho Power. Idaho Power is requesting a portion of the property remain as an easement to facilitate a new building construction site.

   Planner I Spendlove explained the request.

   On March 31, 2015, the Planning & Zoning Commission held a public hearing. No public comment was received. The Planning & Zoning Commission recommend to the City Council approval of the request subject to the following conditions: 1. Subject to all applicable utility letters being submitted to the City prior to publication of the vacation ordinance. 2. Subject to all conditions of approval by the applicable utility companies being met prior to publication of the vacation ordinance.

   Staff concurs with the Commission’s recommendation.

   Vice Mayor Hawkins opened and closed the public input portion of the hearing. No public input was received.

   MOTION:
   Councilmember Munn made a motion to vacate a portion of a platted utility, vehicle access and drainage easement on property located at 1777 and 1821 Canyon Crest Drive for Westpark Partners. The motion was seconded by Councilmember Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

V. ADJOURNMENT: The meeting adjourned at 6:10 p.m.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary