



Twin Falls City Council Agenda

Monday, January 6, 2020, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

Members: Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Craig Hawkins, Gregory Lanting, Christopher Reid, Ruth Pierce, Chris Talkington

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS: None
- 4) GENERAL PUBLIC INPUT
- 5) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve the Accounts Payable for December 19, 2019 thru January 1, 2020
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the December 23, 2019, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve the Findings of Fact and Conclusions of Law: Bach Homes Zoning District Change & Zoning Map Amendment
By: Jonathan Spendlove, Planning & Zoning Director
- 6) ITEMS OF CONSIDERATION
 - a) **PRESENTATION:** Award a Certificate of Appreciation to Chris Talkington in recognition of his years of service to the City of Twin Falls.
By: Shawn Barigar, Mayor
 - b) **ACTION ITEM:** Oath of Office for newly elected City Councilmembers.
By: Lorie Race, Chief Financial Officer
 - c) **ACTION ITEM:** Selection of Mayor by City Council.
By: City Council
 - d) **ACTION ITEM:** Selection of Vice Mayor – nominated by Mayor, confirmed by the City Council.
By: Mayor
- 7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 8) PUBLIC HEARINGS: None

9) ADJOURNMENT

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

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
 - Wait to be recognized by the Mayor or Chairman
 - Approach the microphone/podium
 - State their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
3. A City Staff Report shall summarize the application and history of the request.
4. 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.
5. 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 or Chairman.
6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Individuals are not permitted to give their time to other speakers.
 - However, five (5) or more individuals that received written notice of the public hearing may appoint, 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 or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.
8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.
10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning Commission 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 or Chairman.



**Twin Falls City Council
Minutes**

Monday, December 23, 2019, 5:00

PM City Council Chambers
203 Main Avenue East- Twin Falls,
Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Shawn Barigar, Council Member Suzanne Hawkins, Greg Lanting, Chris Talkington, Christopher Reid & Ruth Pierce.

Absent: Vice Mayor Nikki Boyd

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Brian Pike, City Attorney Shayne Nope, Police Chief Craig Kingsbury, Fire Chief Les Kenworthy, Environmental Engineer Jason Brown, Grant & Community Relations Manager Mandi Thompson, Help Desk Technician Kim Hafer, Finance Administrative Assistant Amy Luna.

Mayor Barigar called the meeting to order at 5:00 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

Mayor Barigar invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) PROCLAMATIONS: None

4) GENERAL PUBLIC INPUT: None

5) CONSENT CALENDAR

MOTION: Council Member Reid moved to approve the Consent Calendar as presented.

Council Member Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0

- a) **ACTION ITEM:** Request to approve the December 16, 2019, City Council Minutes.
- b) **ACTION ITEM:** Request to approve the Accounts Payable for December 12-18, 2019.
- c) **ACTION ITEM:** Request to approve the Wells Fargo Credit Commercial Card for November 2019.
- d) **ACTION ITEM:** Request to approve new Alcohol Licenses for Oasis Stop 'N Go LLC #28 & O-Ki Teppanyaki & Sushi.
- e) **ACTION ITEM:** Request to accept the Improvement Agreement for the purpose of developing Sunterra Subdivision No. 4.
- f) **ACTION ITEM:** Request to approve a Trust Agreement for Morning Sun Subdivision No. 10, placing Tract A, Block 3; Lots 9-24, Block 3; Lots 2-27, Block 5; Lots 2-11, Block 6; Lots 1-14, Block 7; Lots 1-14, Block 8 in trust.

6) ITEMS OF CONSIDERATION

- a) **ACTION ITEM:** Request to approve the CH2M/Jacobs Yearly Contract Amendment.

Environmental Engineer Brown requested to approve the
CH2M/Jacobs Yearly Contract Amendment.

Discussion ensued on the following:

Council Member Talkington: Confirmed the annual contract amount.

Council Member Hawkins: If a portion is not use at the end of the year it will be refunded to the City.

MOTION: Council Member Talkington moved to approve the CH2M/Jacobs Yearly Contract Amendment as presented. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- b) **ACTION ITEM:** Request to approve the application for Project Safe Neighborhoods grant.
Grant & Community Relations Manager Thompson requested to approve the application for Project Safe Neighborhoods Grant.

Discussion ensued on the following:

Council Member Hawkins: What is the vision of this data base? What will it do that we are not already doing?

MOTION: Council Member Pierce moved to approve the application for Project Safe Neighborhoods Grant. **Council Member Lanting** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- c) **ACTION ITEM:** Authorizing Resolution for Department of Environmental Quality Drinking Water Planning Grant.
Grant & Community Relations Manager Thompson presented an Authorizing Resolution for Department of Environmental Quality Drinking Water Planning Grant.

Discussion ensued on the following: None

MOTION: Council Member Hawkins moved to approve *Resolution 2019-016* Authorizing Resolution for Department of Environmental Quality Drinking Water Planning Grant. **Council Member Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- d) **ACTION ITEM:** Authorization to sign and submit a letter supporting the continued operation of the refugee resettlement program operating in Twin Falls in accordance with President Donald J. Trump's Executive Order 13888.
City Manager Rothweiler requested Authorization to sign & submit a letter supporting the continued operation of the refugee resettlement program operating in Twin Falls in accordance with President Donald J. Trump's Executive Order 13888.

Discussion ensued on the following:

Council Member Talkington: Does this have any financial responsibility to the City?

Council Member Hawkins: Majority of the City citizens are in support of this and strengthens our relationship with CSI.

Mayor Barigar: Spoke in favor of this submission of letters.

Council Member Talkington: Spoke in favor of this support.

Council Member Lanting: Spoke in favor of this support.

MOTION: Council Member Talkington moved to approve authorization to sign & submit a letter supporting the continues operation of the refugee resettlement program operating in Twin Falls in accordance with President Donald J. Trump's Executive Order 13888. **Council Member Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- e) **ACTION ITEM:** Request to consider a resolution that outlines the process to elect a mayor and appoint a vice mayor.

City Attorney Nope requested to consider a resolution that outlines the process to elect a mayor and appoint a vice mayor.

Discussion ensued on the following:

Mayor Barigar: Made some clarifications.

Council Member Talkington: Asked about the wording of the vote for Mayor.

Mayor Barigar: Made further clarifications.

MOTION: Council Member Hawkins moved to approve the **Resolution 2019-017** that outlines the process to elect a mayor and appoint a vice mayor. **Council Member Lanting** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

7) GENERAL INPUT/ADVISORY BOARDREPORT/ANNOUNCEMENTS

Santa Clause spoke about the Refugee Resettlement Program.

City Manager Rothweiler:

Offices closed December 24 & 25th, we will re-open on the 26th. Will also be closed on January 1, 2020. Next council meeting will be held at its regular time on January 6, 2020.

8) PUBLIC HEARINGS: None

9) ADJOURNMENT

a) REQUEST TO ADJOURN TO EXECUTIVE SESSION:

§ 74-206(1) (c) To acquire an interest in real property not owned by a public agency; and,
§ 74-206(1) (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

MOTION: Council Member Lanting moved to Adjourn to Executive Session 74206(1)(c) To acquire an interest in real property not owned by a public agency. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

The meeting adjourned at 05:31 PM



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:

Zoning District Change & Zoning Map Amendment,
Application,

Bach Homes
c/o EHM Engineers, Inc.

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FINDINGS OF FACT,

CONCLUSIONS OF LAW,

AND DECISION

Applicant(s)

This matter having come before the City Council of the City of Twin Falls, Idaho on **Monday, December 16, 2019** for public hearing pursuant to public notice as required by law for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive and the City Council having heard testimony from interested parties, and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: **October 31, 2019 & November 28, 2019.**
3. The property in question is zoned **C-1 PUD** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Mixed Use** in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, **Canyon Crest Dr./Commercial & Residential**; to the south, **Commercial**; to the east, **Canyon Crest Dr./Commercial & Vacant**; to the west, **Residential**.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive is consistent with the purpose of the **C-1 ZDA** Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, **10-4-8, 10-6, 10-7, 10-10, 10-11-1 thru 8, 10-13** of the Twin Falls City Code.

3. The proposed use is proper use in the **C-1 ZDA** Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity. A rezone 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.

5. The application for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive is hereby granted.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to the recordation of Westpark No. 11 Final Plat.
3. Subject to building heights as presented on the applicant supplied site plan and elevations.

APPLICATION #: **PZ19-0120**