Twin Falls City Council Minutes

Monday, April 15, 2019, 5:00 PM

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

AMENDED AGENDA

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Shawn Barigar, Vice Mayor Nikki Boyd, Council Members Suzanne Hawkins, Chris talkington, Greg Lanting & Christopher Reid

Absent: Ruth Pierce

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Brian Pike, City Attorney Shayne Nope, Parks & Rec Director Wendy Davis, Grant & Community Relations Manager Mandi Thompson, Water Superintendent Robert Bohling, City Planner Steve O'Connor, Help Desk Technician Kim Hager, City Planner Lisa Strickland.

Mayor Barigar called the meeting to order at 05:01 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:

a) Telecommunicators Week - Request made by Tami Lauda, Communications Manager

Mayor Barigar *read into the record the proclamation for Telecommunicators Week.*

Dispatch Comm Center Manager Tami Lauda *accepts the proclamation and thanked the Council for the recognition.*

4) GENERAL PUBLIC INPUT: None

5) CONSENT CALENDAR

Council Member Hawkins requested corrections to Consent Calendar ITEM F 6-0-1 should have been 5-1-1. She also asked that the commonwealth students be listed.

MOTION: Council Member Hawkins moved to approve the Consent Calendar as amended. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

a) **ACTION ITEM:** Request to approve the Accounts Payable for April 4 thru April 10, 2019.

b) **ACTION ITEM:** Request to approve the April 8, 2019, City Council Minutes.

c) **ACTION ITEM:** Request to hold the Dusk to Dawn Trail Runs at Dierkes Lake Park.

d) **ACTION ITEM:** Request to hold the Easter Church Gathering in the City Park.

e) **ACTION ITEM:** Request to hold the annual Canyon Rim Classic Soccer Tournament on May 4 and 5, 2019.

f) **ACTION ITEM**: Request to hold the Lights and Lasers at Shoshone Falls Event on May 15 to 18, 2019.

g) **ACTION ITEM:** Request to approve the Findings of Fact and Conclusions of Law for David Kemp, c/o EHM Engineers (PZ19-0001).

6) ITEMS OF CONSIDERATION

a) **PRESENTATION:** Plaque Presentation and Recognition of Service to Cindy Collins, Parks and Recreation Commission.

Parks & Recreation Director Davis *presented a plaque to Cindy Collins for her services on the Parks & Recreation Commission.*

Ms. Collins thanked the Council and stated that she is going to miss serving on the commission.

b) **INFORMATIONAL:** Update on the Blue Cross of Idaho Foundation Community Transformation grant application

Grant & Community Relations Manager Thompson *explained that the City applied last year for the Blue Cross of Idaho Foundation Community Transformation grant. The process included a grant application, hosting the executive team from Blue Cross and gave a tour of the Twin Falls area.*

Discussion ensued on the following:

Mayor Barigar: Stated that they also participated in walking tours and they have worked with parks and the school district. The City of Twin Falls has been announced as a 3 year grant recipient in the amount of $250,000.00.

Council Member Talkington: Stated the school district needs to be included in this process, one of the pieces of wellness that is missing around the community is providing food an important component for health.

Vice Mayor Boyd: Thanked staff and the team for making the effort to get this grant. The first year will involve planning and the remaining two years will be implementation.

Council Member Hawkins: Asked if there have been any partnerships with the U of I Extension Office.

Mrs. Thompson: Explained the focus from the beginning will be, who needs to be involved in the grant program and who wants to participate as a partner.

Mayor Barigar: Explained this will be a community project and is very exciting.

Mrs. Thompson: explained that St. Luke's will be a participant and they have just finished an assessment of the Twin Falls area that helped to identify areas of need within the community.

c) **INFORMATIONAL:** Twin Falls Source Water Protection Plan Update

Water Department Director Bohling *explained that this will be an amendment to the original plan, and the mission is to help identify contamination hazards, wellheads, and provides a document to help with development and reduce the chance of water contamination.*

Discussion ensued on the following:

Mayor Barigar: Asked about a timeline.

Mr. Bohling: Explained it shouldn't take long, and there will be plans to review the documents bi-annually.

Council Member Talkington: Expressed his interest in being involved in the discussion for this update. Asked if they are ready to punch the south well #5?

Council Member Hawkins: Offered the services of the Environmental Committee for the Association of Idaho Cities.

Council Member Landing: Time for a new committee as 6 of the 12 have passed away.

Mayor Barigar: Will rely on Mr. Bohling s expertise in getting the committee together. Will the committee need to be approved by the Council?

City Manager Rothweiler: Explained this could cause changes to Title 10, which would require public notification and hearings for the process.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

Citizen Tammy Dronan stated she would like to talk to the Council about Harrison Park. She stated that she has spoken to the Parks & Recreation Department about the quality of the park. Harrison Park is older in a nice neighborhood, and there use to be a recreational building on site that would allow people to check out items to play games with. The playground equipment is breaking, the plaque that identified who donated the equipment and when is missing. The portable-potty is no long available at the park and there is not a sign at the park that identifies that it is Harrison Park. She is wondering if the timeline can be moved up.

Council Member Hawkins explained to her that she can also use the See Click Fix app to help identify the issues throughout the city.
City Manager Rothweiler explained that the parks are available to the public 7 days a week and the hours are typically from dawn to dusk.

Council Member Hawkins reminded everyone that Saturday, May 18, 2019 there is going to be a rally for suicide prevention. The five steps to suicide prevention will be identified during the event, you can register for the event at the Parks & Recreation site.
Council Member Talkington: Explained the Airport is looking to get another route from Twin Falls to Denver, CO., it may be seasonal but could be possible. There is also a concern about drone usage around the airport, and they are working on coordinating another Air Show. There is also going to be a pre-check for frequent fliers.

Mayor Barigar recessed the meeting at 5:45 pm for the public hearings that are to begin no earlier than 6:00 pm.

8) PUBLIC HEARINGS

Mayor Barigar called the meeting back to order at 6:00 pm. He explained that he is going to amend the order of the public hearing items. Item 8) b will be heard first.

b) ACTION ITEM: Request to vacate platted easements within Canyon Park Subdivision located at the 2000 block of Nielsen Point Place on behalf of Geronimo, LLC c/o EHM Engineers, Inc. (PZ19-0012)

Staff Presentation:
Planner O'Connor stated that this is a request to vacate a platted easements within Canyon Park Subdivision located at the 2000 block of Nielsen Point Place. The subject easement is part of lot 6 in the Canyon Park Subdivision Plat, recorded in December 2013. This is a request to vacate a public utility easement to reroute existing utilities outside of the proposed building pad. The developer would like this vacated to prepare for future development. The city does not have a building plan submitted as to what that development will be. As this easement is shown on a plat it must go through the public process to vacate it.

The applicant has provided all the required letters of approval from the various utility owners, and all have agreed to the vacation. However, if a utility company has existing utilities they have indicated a new one shall be provided as a condition of their approval.

Below is a list of existing utilities:
Cable One
Century Link
Idaho Power
Intermountain Gas PMT

On March 12, 2019 the Planning & Zoning Commission recommended approval of the vacation by a vote of 4-0-1 to the City Council as presented.
The commission is tasked with recommending approval, approval with conditions, denial or you may table for more information. Should the Commission recommend approval, Staff recommends the

following conditions.

i. Subject to the recordation of a new utility easement/s for all existing utilities, prior to official vacation of the platted easement.

Applicant Presentation:
Dave Thibault, EHM Engineers, Inc., representing the applicant, explained the existing utility easements are in conflict with the footprint for the proposed development. A new easement and installation of the utilities is understood and the applicants is in agreement with the conditions. The alignments for the new easement are proprietary and will be provided by the utility companies.

Council Questions & Comments: None

Public Input: Opened & Closed Without Comment
Public Hearing: Closed

Discussions Followed: None

Motion:
Council Member Lanting made a motion to approve the request, as presented, with staff recommendations. **Council Member Reid** seconded the motion. All members present voted in favor of the motion. Approved 6-0

a) **ACTION ITEM:** Request for a Special Use Permit to operate a Home Occupation at property located at 1333 Bitterroot Drive on behalf on Carleen M. Duncan. (PZ19-0007)

Staff Presentation:
Planner O'Connor stated this is a request for a Special Use Permit to operate a Home Occupation at property located at 1333 Bitterroot Drive. On March 12, 2019, the Planning & Zoning Commission heard this request and it was denied by a 2-4-1 vote. Therefore the applicant is requesting to appeal the Planning & Zoning Commission decision.

The property was platted in 1998 and development occurred shortly thereafter. The property is zoned R-2 PUD and per the R-2 zone and PUD #205 a home occupation requires a Special Use Permit.

The home is accessed via a shared driveway from Bitterroot Dr. that is shared with three (3) other residences. The applicant stated she only sees 4 to 5 clients in any day and there is a thirty plus (30+) minute break in between to accommodate customer parking. The drive way is rather large and is able to handle an extra vehicle to prevent any conflicts with the neighbors.

The applicant and staff do not anticipate any significant increase of detrimental impacts from this request on the surrounding properties. However, parking at times may pose a problem.

If the Council approves this request as presented, then staff recommends the following conditions.

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to customers parking on lot 20 only, and no parking on lot 19 of the Grove Estates Subdivision.

Applicant Presentation:
Carleen M. Duncan, the applicant, stated she has had a solo therapeutic business for 15 years. She has had various locations for her office, she would like to relocate the business to her home to reduce overhead costs. Due to life changes of the past few months which has impacted her financially. She explained there will not be any external signage advertising the business and she does not advertise for clients. She has agreed that she would be willing to take on some additional cost of the fogging of

the driveway when it is necessary. The business would not increase traffic any more than what is currently occurring due to having to stop by her home to let her pets out. She has approached this request as a professional and forthcoming on what she is trying to do.

Discussion ensued on the following:
Council Member Talking: Asked about hours of operation. Would there be any external equipment associated with this business?
M**s. Duncan:** Start around 10 am to 6 pm.
Council Member Lanting: How many cars are typically parked in the driveway during the day.
Ms. Duncan explained none, she parks in the garage.

Public Hearing: Opened
Jan Hall, 596 Buckingham Dr.: Spoke in support of this request.
Sherry Jeff, 299 Pheasant Rd: Spoke in support of the request.
Linda Roundtree, 864 Rose Street North: Spoke in support of the request.
Susan Harris, 2024 Mt View Circle: Spoke in support of the request.
Allyssa Fields, 1172 Limbrook Rd: Spoke in support of the request.
Donna Newberry, 1311 Bitteroot Dr: Spoke against this request.
Pat Herman, 1305 Bitteroot Dr: Spoke against this request.
Dave Newberry, 1311 Bitteroot Dr: Spoke against this request.
Juan Ramirez, 1325 Bitteroot Dr: Spoke against this request.
Scott Klites, 1472 Bitterroot Dr: Spoke against this request.

Public Hearing: Closed

Applicant Closing Statements:
She explained it is a little hard not to take this personally. She wants the neighbors to understand, she is not trying to change the zoning on the property to allow for commercial, this is just a special use permit. It will not impact property values, she would be concerned if it was going to impact the values. She understands the neighbors' concerns, the business does not have any exterior noise, lighting or smells that would impact the neighborhood.

Discussion ensued on the following:
Mayor Barigar: Asked for clarification of the request.
P**lanner O'Connor**: Explained that any providentially zoned property is allowed through the special use permit process where this is allowed. If there are CCR that prevent this type of request that is a civil issue. The base zone for this neighborhood allows for the uses with a Special Use Permit approved. Even if there were CCR the neighbors would have to follow up with a civil action.
Council Member Talkington: Asked if there are any prohibitions that deal with cul-de-sac.
Planner O'Connor: Explained that he is not aware of any and the request that has been denied.
Vice Mayor Boyd: Asked why the protrusion was in the location along the driveway.
Council Member Reid: Asked what the process is to remove a Special Use Permit.
Planner O'Connor Explained if the applicant is found to be in violation of the conditions, the neighbors can petition for revocation of the Special Use Permit.
Council Member Talkington: Explained that over the years he has reviewed lots of these types of requests and the applicants have been very aware of the neighbors' concerns and have been responsible. This gives people the opportunity to work out of the home and the request is compatible for the City Twin Falls. He would be willing to make a motion to approve with hours of operation of 10:00 am to 5:00 pm.

MOTION: Council Member Talkington moved to approve the request for a Special Use Permit to operate a Home Occupation at property located at 1333 Bitterroot Drive on behalf on Carleen M. Duncan. (PZ19-0007), subject to the hours of 10:00 am to 5 pm, Monday thru Friday, along with the staff's recommendations. **Council Member Lanting** seconded the motion. Roll call vote showed all members present voted. Approved 4 to 2.

Discussion on the motion:
Council Member Hawkins: Explained this request is very difficult, she understands the business is not

noisy, but the car doors opening and closing can be noisy. She does have a home occupation in her neighborhood and she is impacted by individuals blocking the driveway, but they have worked with the neighbor to resolve some of the issues.
Council Member Lanting: Explained that this is difficult because of the driveway, and if this was a childcare type business his answer would be an automatic no. He does agree with the limitation of hours.
Vice Mayor Boyd: Stated that 5:00 pm is too early because the clients may work until 5:00 pm. She thinks 6:00 pm would be reasonable for an appointment after 5:00 pm. She is struggling with the kids stopping to park and let the dogs out vs someone parking to get a message. Both City Code and the PUD allows for home occupations with an approved Special Use Permit.
Mayor Barigar: Explained the difference between 3-4 in and out stops, to let the dogs out, to him the same number of trips. There are possibly 15 trips back and forth to his home because of him, his wife and teenagers. He does not see this being a traffic issue. The applicant is willing to pay more towards the maintenance of the driveway. This is a business operating at a home, it is not commercial zoning, and he does not think allowing this types of use will impact property values. He is supportive of the request and change causes fear of the unknown and worry. He has confidence in the neighbors being able to work the small issues out.
Council Member Reid: Explained this is difficult, he doesn't think this is going to affect the neighbors, and those that spoke in favor are clients. The neighborhood is surrounded by commercial so he understands the concern of the commercial encroaching the neighborhood.
Mayor Barigar: Explained this is not a rezoning request for the property, this is a home occupation.
Council Member Hawkins: Explained this street and neighborhood is to close together, it is going to make for an unhappy neighborhood if it is approved.
Council Member Talkington: Explained the applicant has gone through the process in the open and has been very forthcoming by asking for this Special Use Permit.
Council Member Reid: Asked about the width of the driveway. Neighbors that are there now know the situation, whereas new people are not aware.
Vice Mayor Boyd: Stated that they are following the rules to make the decision, the applicant is following the rules, and that the clients will be told exactly how they are supposed to park and what time they are to be there.

Vote On Motion:
Roll call vote showed all members present voted. Mayor Barigar, Vice Mayor Boyd & Council Members Lanting & Talkington voted in favor of the motion. Council Members Hawkins & Reid voted against the motion. Passed 4 to 2.

9) ADJOURNMENT

The meeting adjourned at 07:15 PM

Amy Luna

Amy Luna, Administrative Assistant Finance