

COUNCIL MEMBERS:

LANCE	TRIP	DON	DAVID E.	WILLIAM A.	GREG	REBECCA
CLOW	CRAIG	HALL	JOHNSON	KEZELE	LANTING	MILLS SOJKA
<i>Mayor</i>					<i>Vice Mayor</i>	



MINUTES

Meeting of the Twin Falls City Council  
February 7, 2011  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

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

PLEDGE OF ALLEGIANCE TO THE FLAG

CONFIRMATION OF QUORUM

INTRODUCTION OF STAFF

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

PROCLAMATIONS: Congenital Heart Defect Awareness Week. Karri Ernest will be in attendance.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for January 25 to February 7, 2011.
2. Consideration of the January 24, 2011, City Council Meeting Minutes.
3. Consideration of Findings of Fact, Conclusions of Law, and Decision:
  - a. Zoning District Change & Zoning Map Amendment, Application for 200 South Developers c/o Francis Florence.
  - b. Zoning District Change & Zoning Map Amendment, Application for W S & V, LLC c/o Doug Vollmer.
4. Consideration of a request to accept a deferral agreement for sidewalk improvements on property located at 810 Mae Drive c/o William and Holly Stevens.
5. Consideration of a request to adopt *Resolution 1864* to destroy semi-permanent and temporary records.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Linda Culver, Congressman Simpson's Office, A. J. Church, Senator Crapo's Office, Mike Mathews, Senator Risch's Office to introduce themselves to the City Council.
2. Consideration of a request to adopt *Resolution 1865* declaring public support for the Crisis Center of Magic Valley, Inc. by Deborah Gabardi.
3. L. Scott Andrus will present information and request action relevant to Idaho State Liquor Division retail sales within its municipal jurisdiction. No accompanying staff report. Request is being made by citizen.
4. Consideration of a 3-year Contract Extension from CH2M Hill (OMI) for the operation and maintenance of the Waste Water Treatment Plant, industrial pre-treatment program and associate sewer lift stations.
5. Consideration of a request for approval of the final plat for Pinnacle West Condominiums, nineteen (19) condominium units on 1.65 acres on property legally described as Lot 3A, Block 1, River Vista PUD Subdivision aka 177 River Vista Place c/o The Land Group, Inc. Scott Allen.
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 District Change and Zoning Map Amendment from R-4 to C-1 Business Park PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering Inc., on behalf of BCM&W, KLS&M, and Canyon Vista Family Limited Partnership, Lazy J Ranch – Linda Wills. (app.2389)
2. Request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for property located at 131 Caswell Avenue West c/o Todd Ostrom on behalf of H30, LLC (app.2409)
3. Request for a Comprehensive Plan Amendment that would amend Chapter 11, Development Impact Fee and Capital Improvement Plans by adding two street projects to the Street Impact Fee Capital Improvement Plan c/o City of Twin Falls. (app. 2413)
4. Public Hearing to accept testimony regarding a resolution authorizing the filing of a petition for judicial confirmation to enter into a loan agreement to fund improvements to the wastewater system.

**V. ADJOURNMENT:**

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COUNCIL MEMBERS PRESENT: Lance W. Clow, Trip Craig, Don Hall, David Johnson, Will Kezele, Gregory Lanting, Rebecca Mills Sojka

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Public Works Director Jon Caton, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Hall 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. Mayor Hall introduced staff.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:** None.

**PROCLAMATIONS:** Congenital Heart Defect Awareness Week. Karri Ernest will be in attendance.

Mayor Hall read the proclamation and presented it to Karri Ernest.

### AGENDA ITEMS

#### I. CONSENT CALENDAR:

1. Consideration of accounts payable for January 25 to February 7, 2011.
2. Consideration of the January 24, 2011, City Council Meeting Minutes.
3. Consideration of Findings of Fact, Conclusions of Law, and Decision:
  - a. Zoning District Change & Zoning Map Amendment, Application for 200 South Developers c/o Francis Florence.
  - b. Zoning District Change & Zoning Map Amendment, Application for W S & V, LLC c/o Doug Vollmer.
4. Consideration of a request to accept a deferral agreement for sidewalk improvements on property located at 810 Mae Drive c/o William and Holly Stevens.
5. Consideration of a request to adopt *Resolution 1864* to destroy semi-permanent and temporary records.

#### **MOTION:**

Councilperson Lanting made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Discussion followed:

Councilperson Clow asked staff if the deferral agreements were being tracked.

City Manager Courtney stated that deferral agreements have been entered into the GIS System.

Council instructed staff to provide additional information on the status of deferral agreements in the area when the agenda item is presented to Council.

#### II. ITEMS FOR CONSIDERATION:

1. Presentation by Linda Culver, Congressman Simpson's Office, AJ Church, Senator Crapo's Office, Mike Mathews, Senator Risch's Office to introduce themselves to the City Council.

Presentation made by A. J. Church. He introduced Linda Culver and Mike Mathews.

Following is contact information:

A. J. Church, Regional Director  
U.S. Senator Mike Crapo  
202 Falls Avenue, Suite 2  
Twin Falls, ID 83301  
(208) 734-2515  
(208) 733-0414 Fax

Linda Culver, Area Director  
Congressman Mike Simpson  
U.S. House of Representatives  
Second District, Idaho  
1341 Fillmore #202  
Twin Falls, ID 83301

Mike Mathews, Regional Director  
Senator James E. Risch  
United States Senator  
Idaho  
1411 Falls Avenue East, Suite 201  
Twin Falls, ID 83301

[andrew\\_church@crapo.senate.gov](mailto:andrew_church@crapo.senate.gov)  
<http://crapo.senate.gov>

(208) 734-7219  
(208) 734-7244 Fax  
[linda.culver@mail.house.gov](mailto:linda.culver@mail.house.gov)

(208) 734-6780  
(208) 734-3905 Fax  
[Mike\\_Mathews@risch.senate.gov](mailto:Mike_Mathews@risch.senate.gov)

Presentation only, no action by the Council

2. Consideration of a request to adopt *Resolution 1865* declaring public support for the Crisis Center of Magic Valley, Inc. by Deborah Gabardi.

Deborah Gabardi explained the services provided by the Crisis Center.

Discussion followed.

**MOTION:**

Councilperson Johnson made the motion to adopt Resolution 1865, entitled: A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE CRISIS CENTER OF MAGIC VALLEY, INC. AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY THE CRISIS CENTER OF MAGIC VALLEY, INC. TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF TWIN FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF THE CITY OF TWIN FALLS AND ITS OFFICERS. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. L. Scott Andrus will present information and request action relevant to Idaho State Liquor Division retail sales within its municipal jurisdiction. No accompanying staff report. Request is being made by citizen.

L. Scott Andrus explained the request using overhead projections. The action requested by the applicant is for a formal, certified letter directing the Idaho State Liquor Division to remove liquor displays visible to the general public, and all other window advertising of distilled spirits, at state-owned retail stores within the City of Twin Falls or, request the Director of the Idaho State Liquor Division personally appear before the body assembled to explain how such beverage alcohol promotional policies better the general health and welfare of the Twin Falls community.

Discussion followed:

Councilperson Mills Sojka referred to Title 23 ALCOHOLIC BEVERAGES CHAPTER 2 STATE LIQUOR DIVISION. The interpretation of the law is to be decided by judges and lawyers. The City has to support state law.

L. Scott Andrus stated that he initially spoke with Captain Brian Pike with his complaint and was referred to City Attorney Wonderlich, who stated that the complaint is a State matter and not a City matter. Advertising in window displays and paraphernalia serve to "stimulate" consumption.

Jack Comore, The Walker Center, 762 Falls Avenue, explained the outside triggers stimulated by advertising.

Vice Mayor Lanting discussed sending a letter to the Attorney General's office for a decision on the applicant's request.

City Attorney Wonderlich stated that the Attorney General's office would respond to the request. He suggested that the letter be broad enough to cover the statute and the constitution.

**MOTION:**

Vice Mayor Lanting made the motion to send a letter to *Lawrence G. Wasden*, Attorney General, and State of Idaho, requesting that the Idaho Attorney General's office determine whether alcoholic beverage signs in the windows and visible for the street of State owned and operated liquor stores is in violation of the Idaho State Constitution and/or Idaho Statutes. The motion was seconded by Councilperson Kezele.

Discussion followed:

Councilperson Craig asked if the applicant contacted the State legislators regarding his complaint. L. Scott Andrus answered in the affirmative.

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

4. Consideration of a 3-year Contract Extension from CH2M Hill (OMI) for the operation and maintenance of the Waste Water Treatment Plant, industrial pre-treatment program and associate sewer lift stations.

Public Works Director Caton reviewed the request. In October 2010, CH2M Hill presented Amendment No. 9, their last amendment in their 10 year contract to City Council. During the meeting Council requested City staff and Shawn Moffitt to develop and present to Council a 3-year contract extension.

Staff and CH2M Hill propose to leave the 2001 contract intact with the exception of a single change to Article 7.1 which extends the term of the agreement by 3-years.

Discussion followed.

**MOTION:**

Councilperson Johnson made the motion to approve a 3-year Contract Extension from CH2M Hill (OMI) for the operation and maintenance of the Waste Water Treatment Plant, industrial pre-treatment program and associate sewer lift stations as presented. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Consideration of a request for approval of the final plat for Pinnacle West Condominiums, nineteen (19) condominium units on 1.65 acres on property legally described as Lot 3A, Block 1, River Vista PUD Subdivision aka 177 River Vista Place c/o The Land Group, Inc. Scott Allen.

Fran Florence explained the request. Modification was made to the final plat changing the original 19 condominium units to 32 as discussed with staff. The following conditions have been satisfied: (1.) Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements, and, (2.) Subject to compliance with the building code for condominiums prior to recordation of the plat.

Community Development Director Humble explained the request. Condition (1.) has been satisfied by the developer and Humble sees no problem striking the condition. As for Condition (2.), he suggested striking the last phrase "prior to recordation of the plat".

Discussion followed:

Councilperson Kezele stated that with the modification of 19 units to 32 units parking could become an issue.

Community Development Director Humble stated that parking is based on the uses that go into the building and are based on the square footage of the building. The applicant is aware of how many spaces are required.

**MOTION:**

Councilperson Johnson made the motion to approve the final plat for Pinnacle West Condominiums, *thirty two (32)* condominium units on 1.65 acres on property legally described as Lot 3A, Block 1, River Vista PUD Subdivision aka 177 River Vista Place c/o The Land Group, Inc. Scott Allen 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 compliance with the building code for condominiums. ~~prior to recordation of the plat.~~

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

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.**

1. Request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 Business Park PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering Inc., on behalf of BCM&W, KLS&M, and Canyon Vista Family Limited Partnership, Lazy J Ranch – Linda Wills. (app.2389)

Gerald Martens, EHM Engineers, Inc., representing the applicant, explained the request. The outstanding issue of the request is the impact on the Lazy J Mobile Home Park. Discussions were held with several mobile home park tenants regarding their concerns. Property owners have agreed to place the following language in the PUD Agreement:

No development of the area designated on the Master Development Plan as Lazy J Mobile Home Park shall be developed for a period of 5 years following the date of rezoning to C-1, annexation and PUD approval with the following specific exceptions:

1. The mobile home located at Space #141, adjacent to the Williams Road entrance from Pole Line Road, may be relocated within the Lazy J Mobile Home Park at Lazy J Mobile Home Park expense.
2. The Lazy J Mobile Home Park spaces adjacent to Cheney Drive, as generally depicted on the Master Plan, may be minimally impacted by grading for Cheney Drive on adjacent land owned by College of Southern Idaho. No relocation or removal of mobile homes on said spaces will occur without approval of the owner of the mobile home.
3. The vacancy rate of the Lazy J Mobile Home Park exceeds 28 percent at which time the owner reserves the right to close all or portions of the mobile home park.  
Following five years after the date of rezoning to C-1, annexation, and PUD approval there shall be no development restrictions and Lazy J may develop any or all acres the Lazy J Mobile Home Park with no relocation or consolidation obligations provided said development is in conformance with the approved zoning, the revised Master Plan, and the applicable PUD Agreement.
4. Construction of Williams Street will include a 6-foot high screening fence on the east side of the roadway to buffer the Lazy J residents from commercial activities that may occur to the west. Specifications for construction of Williams Street will also include requirements for construction, dust control, and restriction to preclude construction activity between 8:00 p.m. and 8:00 a.m. daily.
5. Lazy J management will provide all residents with a periodic updated report on developments that may impact the resident including scheduled roadway construction, building schedules when known, marketing updates, and anticipated impacts to the mobile home park. These written reports will be prepared on no less than an annual basis. The purpose of the report, in addition to informing the residents, is to minimize the impacts of unfounded rumors.

Linda Wills, 2011 Oakwood Drive, representing the ownership, manager, and stock holder of Lazy J explained the request. Mobile home parks have dwindled in the past ten years. No new parks have opened in Twin Falls since 1983. No new parks have been brought to the City Council except one. Most homes are pre-cut, built before 1976, and do not meet HUD requirements making it difficult for residents of the Lazy J Park to sell homes. Only two new homes have come into Lazy J the past eight years. Currently there are 32 vacant spaces and two abandoned homes which the owner maintains. Water, sewer, and garbage on vacant spaces are paid by the owner. Since October 2, 2010, residents have had their homes demolished. Twin Falls County has based taxes on the property as commercial property making it difficult for the business to make money.

Discussion followed:

Linda Wills stated that the lease agreements signed by the residents are on a month to month basis.

Councilperson Clow stated that with 32 vacancies and two abandoned units, the vacancy rate is at 21%.

Linda Wills stated that the 28% of the vacancy is a safety spot in order to stay in business.

Councilperson Clow stated that if 10 or 11 sites are abandoned or vacant it could trigger the 28% vacancy rate.

Christy Williams stated that when the State took property from the owners the State representative asked how many vacancies were at the park at the time and she reported that there were 8 vacancies.

Vice Mayor Lanting asked if the park is on city water, and sewer, and if a lot is vacant, does the City still charge for the services. Linda Wills answered in the affirmative.

Mayor Hall stated that he and Councilperson Sojka are employed by the College of Southern Idaho and asked City Attorney Wonderlich if there was a conflict of interest.

City Attorney Wonderlich stated no, for the reason that they are not employed by the College of Southern Idaho Foundation.

Community Development Director Humble reviewed the request. On October 25, 2010, a public hearing was held for annexation of the west one-half of the property. Approval was subject to this property being included in and approved as part of the Sun West C-1 Business Park PUD.

Discussion followed:

Vice Mayor Lanting asked if mobile homes could be moved within the mobile home park.

Linda Wills stated that over one-half of the mobile homes are pre 1976 and do not meet HUD requirements.

Councilperson Clow stated that in the past year, several zoning requests have been made on the south half of Pole Line Road and asked why C-1 zoning has been designated and why the applicant was seeking the C-1 zoning.

Community Development Director Humble stated that a business park is more flexible. A manufacturing designation is less of a concern for surrounding neighbors.

Gerald Martens stated the business park was to bring the commercial zone into what is happening in other areas in the country. Light manufacturing could be done inside a building. The designation would require the owner to do the following: Landscape interior streets, signage, and meet architectural criteria.

Community Development Director Humble stated that the City is chiefly concerned about Harrison Street and also that leaving it R-4 does not protect the residents. A mobile home park has no zoning protection.

The public input portion of the hearing was opened.

Rich Carpenter, 450 Pole Line Road #96, stated that he met with Gerald Martens on January 4, 2011. His main concern is no development for 5 years or the 28% vacancy rate at which time the owner reserves the right to close all or portions of the mobile home park. The financial bind is almost life threatening. Based on comments made by the Council, sooner or later Lazy J will be Zoned C-1. He recommended that the City Council approve the 35 acres, and in the meantime set up meetings with the residents and the owners to talk about issues that come up to get a view of the future of what is going to happen.

Robert Becker, 450 Pole Line Road, #33, spoke against the request. His concerns include the lack of compensation of any kind for loss of homes and relocation costs.

Margaret Cook, 450 Pole Line Road, #76, spoke against the request. Her concern is the 28% vacancy rate at which time the owner reserves the right to close all or portions of the mobile home park, and she is also concerned about the cost of moving on a fixed income. For a point of clarification she asked when Harrison Street would be going in.

Verna Jean Carrico, 450 Pole Line Road, #105, spoke against the request. She stated that she has invested her retirement, as others have, in her home. Her concern is that relocation costs will not be provided.

Mary Galindo, 450 Pole Line Road, #120, spoke against the request. Her main concern is the inability to afford moving her home. She asked that if homes are consolidated on the property who would pay for the move and if it would be possible to give the owners a break on water utilities.

Dave Funke, 450 Pole Line Road, #138, spoke against the request. He stated that the proposed road would be going right through his home. He asked if he would be compensated for his home.

Ono O'Brien stated the following: The federal government has put a big bind on the residents. He suggested grandfathering the Lazy J property as R-4, allow fifth wheels into the park to fill the vacancies, to only allow commercial in the west 38 acres, recompense the residents who are losing their homes, and remove the 28% vacancy rate at which time the owner reserves the right to close all or portions of the mobile home park.

Jerome Sauer, 450 Pole Line Road, #81, suggested that the City Council reduce the cost or eliminate the cost for all the sewer hookups not being used.

Katy Breckenridge, Picabo, Idaho, stated that there should be a way the City could help the Williams family with the taxes on the property, and with the water, sewer, and garbage utilities. She also discussed the connection of Harrison Street to the back of the Breckenridge Endowment Farm, which her family gifted to college.

Brad Wills, 222 Shoshone Street West, stated that he is the owner of 158 manufactured homes south of town that were built prior to 1978. He stated that he can relate to Linda Williams' plight.

Rebuttal:

Gerald Martens stated that effort had been made to meet with all residents at the Lazy J Mobile Home Park. Information has not been held back from the residents. He stated that Harrison Street will be built after the five years. The Williams family has owned the property for the past 50 years. Taxes have nothing to do with zoning. Any relief would help the viability of the mobile home park. The consolidation of trailers would be the owner's expense and after five years it would be at the resident's expense.

Discussion followed:

Councilperson Kezele asked if discussion has been made regarding the residents buying the property.

Rich Carpenter stated not to his knowledge.

Councilperson Mills Sojka asked if the owners are being charged for water that is not being used.

City Manager Courtney stated that one bill is sent for the entire park. Billings are based on consumption at the meter and fee per unit at the park.

Councilperson Hall asked if the \$11.15 arsenic compliance was charged for one unit.

Linda Wills stated that utilities are included in the rental cost. The \$11.15 was billed only once.

Councilperson Clow asked what State law says in regards to eviction notices.

City Attorney Wonderlich stated that Idaho Code requires a 180 day notice of cessation.

Councilperson Mills Sojka asked if the rental agreement addresses the possible rezoning of the property.

Linda Wills stated that the pre-rental agreement was revised in July of 2010, addressing zoning, utilities, no pets, and 55 and over senior community.

Councilperson Johnson asked what would happen if the Council does not grant the rezoning request.

Linda Wills stated that she would try to keep the mobile home park open as long as she could.

Mayor Hall asked if there was some flexibility in the 28% vacancy rate.

Linda Wills stated that she feels strongly about the 28% vacancy rate.

C.R. Crabtree, 450 Pole Line Road, #105, stated that since 2006 there have been two rent increases. No contact has been made by the developer.

Councilperson Craig asked staff if the City could assist in the cost of the sewer and water hookups and if the URA Agency could help out on this project.

Community Development Director Humble stated that the URA can't spend money out of the URA district.

Councilperson Johnson asked that if the request is approved what is the C-1 PUD process.

Community Development Director Humble stated that an ordinance would be prepared and would come back to the Council in a future meeting. The PUD agreement would need to come back to Council for approval. He also explained the C-1 process.

Joe Young, 1450 Pole Line Road, #88, stated that he is in a mobile home that will be impacted by the development of Cheney Drive.

Councilperson Clow asked for clarification of the four homes that will be impacted.

Gerald Martens stated that relocation fees would occur within five years or until the 28% vacancy rate is met.

Councilperson Mills Sojka asked the status of Harrison Street.

Community Development Director Humble stated the plan shows a rough alignment of the street. Harrison Street, for example, could shift 30' to the west or 30' to the east. Nothing finalizes that decision at all.

Councilperson Clow stated that his understanding is that streets can go through farms.

Community Development Director Humble stated that Harrison is cut off at a ½ mile collector. It is a development requirement.

The public hearing portion of the meeting was closed.

The public hearing was closed.

Deliberations.

**MOTION:**

Councilperson Johnson made the motion to approve a Zoning District Change and Zoning Map Amendment from R-4 to C-1 Business Park PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering Inc., on behalf of BCM&W, KLS&M, and Canyon Vista Family Limited Partnership, Lazy J Ranch – Linda Wills. (app.2389) as presented by the applicant and confirmed by City staff.

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirement 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.

Revisions to the PUD Agreement:

No development of the area designated on the Master Development Plan as Lazy J Mobile Home Park shall be developed for a period of 5 years following the date of rezoning to C-1, annexation and PUD approval with the following specific exceptions:

1. The mobile home located at Space #141, adjacent to the Williams Road entrance from Pole Line Road, may be relocated within the Lazy J Mobile Home Park at Lazy J Mobile Home Park expense.

2. The Lazy J Mobile Home Park spaces adjacent to Cheney Drive, as generally depicted on the Master Plan, may be minimally impacted by grading for Cheney Drive on adjacent land owned by College of Southern Idaho. No relocation or removal of mobile homes on said spaces will occur without approval of the owner of the mobile home.
3. The vacancy rate of the Lazy J Mobile Home Park exceeds 28 percent at which time the owner reserves the right to close all or portions of the mobile home park.  
Following five years after the date of rezoning to C-1, annexation, and PUD approval there shall be no development restrictions and Lazy J may develop any or all acres the Lazy J Mobile Home Park with no relocation or consolidation obligations provided said development is in conformance with the approved zoning, the revised Master Plan, and the applicable PUD Agreement.
4. Construction of Williams Street will include a 6-foot high screening fence on the east side of the roadway to buffer the Lazy J residents from commercial activities that may occur to the west. Specifications for construction of Williams Street will also include requirements for construction, dust control, and restriction to preclude construction activity between 8:00 p.m. and 8:00 a.m. daily.
5. Lazy J management will provide all residents with a periodic updated report on developments that may impact the resident including scheduled roadway construction, building schedules when known, marketing updates, and anticipated impacts to the mobile home park. These written reports will be prepared on no less than an annual basis. The purpose of the report, in addition to informing the residents, is to minimize the impacts of unfounded rumors.

The motion was seconded by Councilperson Clow.

Discussion followed.

**AMENDMENT TO THE MAIN MOTION:**

Councilperson Clow made an amendment to the main motion to strike the following condition on the main motion:

3. ~~The vacancy rate of the Lazy J Mobile Home Park exceeds 28 percent at which time the owner reserves the right to close all or portions of the mobile home park.~~  
Following five years after the date of rezoning to C-1, annexation, and PUD approval there shall be no development restrictions and Lazy J may develop any or all acres the Lazy J Mobile Home Park with no relocation or consolidation obligations provided said development is in conformance with the approved zoning, the revised Master Plan, and the applicable PUD Agreement.

The motion was seconded by Councilperson Johnson and roll call vote showed Councilpersons Clow, Hall, Johnson, Lanting and Mills Sojka voted in favor of the motion. Councilperson Craig and Kezele voted against the motion. Approved 5 to 2.

Discussion followed.

Councilperson Craig stated that if the Council does not support the request, it would be possible for the land to be sold to somebody else, thus allowing the new owner to do anything they want.

Roll call vote on the main motion showed Councilperson Clow, Craig, Hall, Johnson, and Kezele voted in favor of the motion. Councilpersons Lanting and Mills Sojka voted against the motion. Approved 5 to 2.

2. Request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for property located at 131 Caswell Avenue West c/o Todd Ostrom on behalf of H30, LLC (app.2409)

Todd Ostrom on behalf of H30, LLC, explained the request.

Community Development Director Humble reviewed the request. On January 11, 2011, the Planning & Zoning Commission unanimously recommended approval of the request as presented.

The public hearing portion of the meeting was opened and closed with no input.

The public hearing was closed.

Deliberations.

Councilperson Kezele made a motion to approve a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for property located at 131 Caswell Avenue West c/o Todd Ostrom on behalf of H30, LLC (app.2409) as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

3. Request for a Comprehensive Plan Amendment that would amend Chapter 11, Development Impact Fee and Capital Improvement Plans by adding two street projects to the Street Impact Fee Capital Improvement Plan c/o City of Twin Falls. (app. 2413)

Community Development Director Humble explained the request. The Development Impact Fee Advisory Committee and the Planning & Zoning Commission recommend approval of the request as submitted.

Discussion followed on Eastland.

The public portion of the hearing was opened:

Brad Wills, 222 Shoshone Street West, stated that his concern is the retail/commercial fees increasing during the current economic situation. The developers do not have the economic strength to absorb the costs. The request is not to waive the costs but to revisit the increase of fees in a year.

Gerald Martens stated that he does support impact fees but believes that it is a terrible time to increase fees. It is difficult to get a business into town with the increase of impact fees.

Gary Nelson, 445 Falling Leaf Lane, stated his concern of increasing retail fees.

Wayne Gunderson, 2164 Nisqually Street, stated his concern of increasing impact fees.

Todd Ostrom stated his concern of increasing retail impact fees.

James Wallis stated his concern of increasing retail impact fees.

The public portion of the hearing was closed.

The public hearing was closed.

Deliberations.

**MOTION:**

Councilperson Johnson made a motion to approve a Comprehensive Plan Amendment that would amend Chapter 11, Development Impact Fee and Capital Improvement Plans by adding two street projects to the Street Impact Fee Capital Improvement Plan c/o City of Twin Falls. (app. 2413), as presented with the following changes:

1. Amend wording of the automatic fee escalation clause so that the escalation applies to the project costs, rather than to the impact fee amount.
2. ~~Amend the Streets Capital Improvement Plan to include funding for portions of Falls Ave. East and Eastland Drive.~~

The motion was seconded by Councilperson Lanting.

Discussion followed:

Councilperson Kezele asked staff that if no fees are increased would that mean Eastland would not be fixed.

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Community Development Director Humble stated that the request is not about the surface of Eastland. Eastland will be an issue whether the request is approved or not. The request tonight was only about taking a section of Eastland and adding a couple more lanes. The surface of the two lanes on Eastland is still going to be a question that will have to be worked through.

Councilperson Craig stated that he understands the need to hold off a year and asked what happens if the City is in the same predicament the following years. Is it possible to phase in fees and is it possible to have some type of breaking mechanism that would basically say the developers would not be hit with the full 64% but will increase the rate until it is 64%. Perhaps do it at a ¼ a year and give the developers a heads-up that increases are coming. At some point in time the fees will have to be increased.

Community Development Director Humble explained different ways to accommodate a phased increase of fees.

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

4. Public Hearing to accept testimony regarding a resolution authorizing the filing of a petition for judicial confirmation to enter into a loan agreement to fund improvements to the wastewater system.

City Attorney Wonderlich explained the request.

The public input portion of the hearing was opened and closed with no input.

No action taken.

V. **ADJOURNMENT:** 10:39 P.M.

Leila A. Sanchez, Deputy City Clerk/Recording Secretary