

COUNCIL MEMBERS:

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



Minutes

Meeting of the Twin Falls City Council
 April 25, 2011
 City Council Chambers
 305 3rd 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: Arbor Day Proclamation – Dennis Bowyer, Parks & Recreation Director

AGENDA ITEMS	Purpose	By:
<p>CONSENT CALENDAR:</p> <ol style="list-style-type: none"> 1. Consideration of accounts payable for April 19-25, 2011. 2. Consideration of the April 18, City Council Minutes. 3. Consideration of a request to waive the green fees for the 4th annual "Twin Falls Golf Club Fundraiser" for special projects on Saturday July 30th, 2011. 4. Consideration of a request to pay fees in lieu of park land dedication for the Zearth Subdivision First Amended. 	Action	<p>Staff Report Sharon Bryan Leila Sanchez Dennis Bowyer</p> <p>Dennis Bowyer</p>
<p>II. ITEMS FOR CONSIDERATION:</p> <ol style="list-style-type: none"> 1. Presentation from Local Legislative Delegation on the 2011 Idaho Session. 2. Presentation of the Annual Jim A. Mildon Traffic Safety Award. Staff Sergeant Dennis Pullin will be making the presentation to this year's recipient, the Twin Falls Bicycle Safety Committee. The active members of the committee are Brent Jussel, Kevin Dane, Tennille Adams, RoLynee Hendricks and Kirk Brower. 3. Consideration of a request for Staff Sergeant Dennis Pullin and Twin Falls City Councilman Greg Lanting to present plaques of appreciation to Dave Snelson, Robert Storm and Page Geske for their service on the Twin Falls Traffic Safety Commission. 4. Consideration of the Special Events Application submitted by Mark Rivers regarding the Friday Night Market proposed to commence on Friday, May 6, 2011, and continue every Friday evening thereafter through October 28, 2011. Each Market will open at 4:00 p.m. and close at 8:00 p.m. 5. Consideration of the Special Events Application submitted by Tara Rueda regarding a Celebration of Art Festival proposed to begin on Thursday, May 5, 2011, and continue through Saturday, May 7, 2011. The event will be held on the empty lot next to Sidewinders at 233 5th Avenue South. The festival will commence at 6:00 p.m. and conclude at 9:00 P.M. on Thursday and Friday evenings and will run from 12:00 p.m. to 9:00 p.m. on Saturday. 6. Public input and/or items from the City Manager and City Council. 	Presentation Presentation Presentation Action Dan McAtee	<p>LLD Dennis Pullin</p> <p>Dennis Pullin</p> <p>Dan McAtee</p> <p>Dan McAtee</p>
<p>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</p>		
<p>IV. PUBLIC HEARINGS: 6:00 P.M.</p> <ol style="list-style-type: none"> 1. Request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO on property located at 120 10th Avenue East, <u>c/o Roger L. Blades dba Jewel's Home Care Service.</u> (app.2435) 2. Request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 to CSI PUD for 365.89 (+/-) acres to allow for college related uses and future expansions on property located east of the 900 to 1500 blocks of Washington Street North, south of the 100 thru 600 blocks of Cheney Drive West extended, west of the 1100 thru 1200 blocks of Lincoln Street and north of the 100 thru 600 blocks of Falls Avenue. <u>c/o College of Southern Idaho represented by Mike Mason.</u> (app.2433) 	Action Action	<p>Mitch Humble</p> <p>Mitch Humble</p>
<p>V. ADJOURNMENT: To Executive Session 67-2345 (1)(a) to consider hiring a public officer,</p>		

employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office.		
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PRESENT: Mayor Don Hall, Vice Mayor Greg Lanting, Councilpersons Trip Craig, Lance Clow, Rebecca Mills Sojka, David E. Johnson

ABSENT: William Kezele

STAFF: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Parks & Recreation Director Dennis Bowyer, Staff Sergeant Dennis Pullin, Staff Sergeant Dan McAtee, and Deputy City Clerk Sharon Bryan

Mayor Hall called the meeting to order at 5:00 PM: He then invited all present who wish, to recite the Pledge of Allegiance to the Flag.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATION: Arbor Day Proclamation

Mayor Hall read the Arbor Day Proclamation

Parks & Recreation Director Bowyer reviewed the Arbor Day Events. At 4:00 P.M. at South Estates Park four trees will be planted. Cactus Petes donated trees and will help plant along with the Boys & Girls Club children.

I. CONSENT CALENDAR:

1. Consideration of accounts payable for April 19 - 25, 2011, total: \$913,041.87
2. Consideration of the April 18, 2011, Council Minutes.
3. Consideration of a request to waive the green fees for the 4th annual "Twin Falls Golf Club Fundraiser" for special projects on Saturday July 30, 2011.
4. Consideration of a request to pay fees in lieu of park land dedication for the Zearth Subdivision First Amended.

MOTION:

Councilperson Clow made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 – 0.

II. ITEMS FOR CONSIDERATION:

1. Presentation from Local Legislative Delegation on the 2011 Idaho Session.

Senator Lee Heider, Representative Sharon Block and Representative Steve Hartgen reviewed the Legislative 2011 Idaho Session.

The following was discussed:

- Budget restraints
- Did not raise taxes
- Education reform
- Health & Welfare
- Balanced budget
- Bond rating for Idaho raising.

- URA bills. HB 95 amended
- Worker's Compensation reduction. 8/10th of a point
- Reapportionment of districts

Councilperson Johnson thanked the Legislators for coming to speak to the City Council.

Councilperson Clow three legged stool. Property taxes most difficult. Sales tax, income tax flow of money they can identify. City is conservative of not taxing to the max. We generate a tremendous amount of sales tax. Overrides increasing property tax. Whole purpose of 1% is to decrease property tax. Local Option sales tax is important. Give tools back to Cities.

Councilperson Craig concerned over sections of the URA bills, new ag status, and timber status. Concerned about revenue sharing and sales tax generated.

Mayor Hall thanked the legislators for coming.

2. Presentation of the Annual Jim A. Mildon Traffic Safety Award. Staff Sergeant Dennis Pullin will be making the presentation to this year's recipient, the Twin Falls Bicycle Safety Committee. The active members of the committee are Brent Jussel, Kevin Dane, Tennille Adams, RoLynee Hendricks and Kirk Brower.

Staff Sergeant Pullin reviewed the request.

Dave Snelson, former Chairperson of the Traffic Safety Commission, Mayor Hall and Vice Mayor Lanting presented the award to Kevin Dane, Tennille Adams, RoLynee Hendricks and Kirk Brower.

Kevin Dane thanked the Mildon Family and City Council.

3. Consideration of a request for Staff sergeant Dennis Pullin and Twin Falls City Councilman Greg Lanting to present plaques of appreciation to Dave Snelson, Robert Storm and Page Geske for their service on the Twin Falls Traffic Safety Commission..

Staff Sergeant Pullin reviewed Dave Snelson, Robert Storm and Page Geske's accomplishments during their term of office.

Staff Sergeant Pullin, Mayor Hall and Vice Mayor Lanting presented plaques of appreciation to Dave Snelson, Robert Storm and Page Geske for their service on the Twin Falls Traffic Safety Commission.

4. Consideration of the Special Events Application submitted by Mark Rivers regarding the Friday Night Market proposed to commence on Friday, May 6, 2011, and continue every Friday evening thereafter through October 28, 2011. Each Market will open at 4:00 p.m. and close at 8:00 p.m.

Staff Sergeant McAtee reviewed the Friday Night Market. He explained that there is no alcohol to be served, however, if the applicants request to have alcohol sales then the applicant will need to come back to the City for review.

Sara Taylor reviewed that they currently have 11 food vendors. The event will be held on Main Street, between Shoshone Street and Gooding Street.

MOTION:

Councilman Craig made the motion to approve the Special Events Application regarding the Friday Night Market proposed to commence on Friday, May 6, 2011, and continue every Friday evening thereafter through October 28, 2011. Each Market will open at 4:00 p.m. and close at 8:00 p.m. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 6 - 0

5. Consideration of the Special Events application submitted by Tara Rueda regarding a Celebration of Art Festival proposed to begin on Thursday, May 5, 2011, and continue through Saturday, May 7, 2011. The event will be held on the empty lot next to Sidewinders at 233 5th Avenue South. The festival will commence at 6:00 pm and conclude at 9:00 p.m. on Thursday and Friday evenings and will run from 12:00 p.m. to 9:00 p.m. on Saturday.

Staff Sergeant McAtee reviewed the application regarding a Celebration of Art Festival at 233 5th Avenue South on May 5 thru May 7, 2011. It will be an alcohol free event.

Tara Rueda explained that she is planning to start a go green campaign. This Art Festival needs to use recycle items for a mosaic design. It will have a children's area where they will do craft projects using recycled materials. There will be high school bands playing, a bon fire and a market.

MOTION:

Councilperson Mills Sojka moved approval of the Special Events application regarding a Celebration of Art Festival proposed to begin on Thursday, May 5, 2011, and continue through Saturday, May 7, 2011. The event will be held on the empty lot next to Sidewinders at 233 5th Avenue South. The festival will commence at 6:00 pm and conclude at 9:00 p.m. on Thursday and Friday evenings and will run from 12:00 p.m. to 9:00 p.m. on Saturday. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 - 0

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

City Manager Rothweiler reminded the Council that the May 2, 2011, meeting will be on the five year planning document and budget planning.

ADVISORY BOARD REPORTS/ANNOUNCEMENTS - NONE

Recess: 6:15 p.m.

Reconvened: 6:25

PUBLIC HEARINGS: 6:00 P.M.

1. Request for a Zoning District Change and zoning Map Amendment for R-4 to R-4 PRO on property located at 120 10th Avenue East, c/o Roger L Blades dba Jewel's Home Care Service. (app. 2435)
Roger L. Blades, 2770 Cochise Circle, stated that he is requesting a zoning change for 120 10th Avenue East from R-4 to R-4PRO.

Community Development Humble reviewed the zoning change. The zoning change would allow for the property owner to come back for a special use permit for a business office. The Comp Plan is not a conflict.

On March 22, 2011, the Commission unanimously recommended denial of the request subject to the following concerns: The Commission determined that the extent and nature of changing the zoning of this property from R-4 to R-4 PRO was not in conformance with the purpose of the professional office overlay in that it would not be harmonious with the surrounding residential neighborhood and would detract from the surrounding residential areas.

Discussion followed:

- Clarification of zoning boundaries.
- Parking
- Employee traffic.
- Previous location.
- When did you relocate?

The public hearing comment portion of the hearing was opened at 6:45 P.M.

Dixie M. Garrett, 127 10th Avenue East, spoke against zoning change. Concerned about traffic, encroachment of the residential area, concerned with parking in front of her home.

Mark Bulcher, 2381 Bowlin Lane, spoke in favor of the zoning change.

Roger L. Blades, 2770 Cochise Circle made comment on the parking.

Council concerns:

Clarification that the request is for a rezone.

The applicant owns the property.

The public hearing input portion of the hearing was closed at 6:58 P.M.

Discussion followed:

Councilperson Mills Sojka stated her concern of residential homes in the area.

Councilperson Clow stated that he is disturbed that the applicant does not have the proper permits up front.

MOTION:

Vice Mayor Lanting made a motion to approve the request for a Zoning District Change and zoning Map Amendment for R-4 to R-4 PRO on property located at 120 10th Avenue East, c/o Roger L Blades dba Jewel's Home Care Service. (app. 2435) The motion was seconded by Councilperson Mills Sojka and roll call vote showed Councilperson Craig and Lanting voted in favor of the motion. Councilpersons Clow, Hall, Johnson, and Mills Sojka voted against the motion. Failed 4 - 2

2. Request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 to CSI PUD for 365.89 (+/-) acres to allow college related uses and future expansions on property located east of the 900 to 1500 blocks of Washington Street North, south of the 100 thru 600 blocks of Cheney Drive West extended, west of the 100 thru 1200 blocks of Lincoln Street and north of the 100 thru 600 blocks of Falls Avenue c/o College of Southern Idaho represented by Mike Mason. (app. 2433)

Due to the fact that Mayor Hall is an employee of CSI he stepped down and turned the meeting over to Vice Mayor Greg Lanting.

Councilperson Mills Sojka explained that she is not an employee or student of CSI.

Mike Mason, spoke in behalf of the College of Southern Idaho, reviewed zoning district change and zoning map amendment from R-2 to R-4 to CSI PUD for 365.89 (+/-) acres to allow college related uses and future expansions on property located east of the 900 to 1500 blocks of Washington Street North, south of the 100 thru 600 blocks of Cheney Drive West extended, west of the 100 thru 1200 blocks of Lincoln Street and north of the 100 thru 600 blocks of Falls Avenue with the use of visuals.

Councilperson Johnson curious about master build out plans. Why this particular area? Mike Mason explained the agreement with the City regarding the north end of campus road completion.

Councilperson Mills Sojka asked if there are plans to continue building to Falls. Mike Mason stated not at this time.

Community Development Director Humble explained the request of the rezone of 365.89 (+/-) acres. He said this is really a big step for the College and the City. Building Permits are from the State not the City. The height restriction, setbacks, and energy system can be approved with conditions.

Councilperson Johnson had a question on the building permit

Councilperson Mills Sojka asked how the request for a rezone helps.

Councilperson Clow asked that with an R-4 zone how many apartments can be built without a zoning change. Community Development Director Humble stated that a developer can place a 4 plex development or 4 4-plex units per acre.

The public hearing input portion of the hearing was opened at 7:40 P.M.

Those speaking against the request had the following concerns, particularly as they relate to the 6 acres shown as a future apartment development: Lot has been rezoned once, privacy infringement, light pollution, traffic concerns, foot traffic, Lincoln Street traffic concerns, Fillmore intersection safety concerns, noise pollution, rights are being violated, speeding on Lincoln Street, vandalism, suggestion of other areas they can build.

Those speaking for had the following concerns: Students being stereotyped, students do walk to classes because they do not have vehicles and parking on campus is a problem, they do not party, students do not vandalize, student's car pool and students need affordable housing.

Linda Fleming, 1098 Pinewood Circle, spoke against the request.

Helen Doherty, 1091 Lincoln Street North, spoke against the request.

Betty Fenton 1059 Pinewood Circle spoke against the request.

Laralyn Huber 1099 Redwood Circle, spoke against the request.

Rod Huber 1099 Redwood Circle, spoke against the request.

Frank Zambic 839 Green Acres Drive, spoke against the request.

Joe Russell, 3411 Canyon Cove Drive, Kimberly, Idaho, spoke against the request.

Dr. Rod Kack 3835 N 3300 E, Kimberly, Idaho, spoke against the request.

Mary Ann Weisen, 1099 Cedarwood Circle, spoke against the request.

Marilyn Rigetti 3835 N 3300 E, Kimberly, Idaho, spoke against the request.

Recess: 8:10

Reconvened: 8:17 p.m.

A. Amen Cernick, spoke against the request.

Sheree Haggan 1322 Washington Street North, CSI student, spoke in favor of the request.

Garrett Bolyard, 706 Green Acres Drive, spoke against the request.

Jim Schouten, 229 Tyler Street, explained the Planning and Zoning decision.

Katie Breckenridge, Peekaboo, Idaho, stated that when you give land you lose the rights to use.

Israel Hernandez, 1012 Falls Avenue, CSI student, spoke in favor of the request.

Cristy Williams, 1198 Mountain View Drive, spoke against the request.

Mike Mason explained that North College Drive is already a PUD. The CSI is asking to extend the PUD. He explained that a State building is inspected by the State as well as the local inspectors. He explained that the students do not want to live on campus. They want to be close but away from the main campus. Rules and regulations will be enforced and there will be supervision at the apartments.

Councilperson Clow asked if CSI is out of compliance. Community Development Director Humble explained that building and uses are not in compliance with our zoning ordinance. Building heights, setbacks, and uses will be allowed if this is approved.

Councilperson Mills Sojka asked for clarifications on how much influence would the City have on building height. Community Development Director Humble stated that building height is a zoning restriction and not a building code.

Councilperson Lanting asked if alcohol use is allowed in the apartments. Mike Mason stated yes for those over 21.

Councilperson Lanting asked what type of fencing would be placed. Mike Mason stated vinyl fencing.

Councilperson Clow asked are staff recommendations for this PUD. Community Development Director Humble explained proposed uses of area A 1 through A 4 property.

Councilperson Clow asked about windmills in the master plan. Mike Mason stated there is no intention to put anymore windmills on campus.

Councilperson Mills Sojka stated that concerning traffic concerns and planning for future, what are recommendations for Fillmore and North College and Lincoln Street. Community Development Director Humble stated that streets are made for increase amount of traffic. The intersection of North College & Fillmore doesn't warrant a signal but may need a 4 way stop.

Community Development Director Humble explained the approval process.

Vice Mayor Lanting asked for clarification on if they could exclude the 6 acres. Community Development Director Humble stated that the Council can strike the 6 acres. He also stated that the Council can put conditions on it.

Councilperson Clow explained traffic flow.

Councilperson Johnson asked for the PUD requirements.

The public hearing was closed at 9:06 P.M.

Councilperson Johnson made a motion to approve the Zoning District Change and Zoning Map Amendment from R-2 and R-4 to CSI PUD for 365.89 (+/-) acres to allow college related uses and future expansions on property located east of the 900 to 1500 blocks of Washington Street North, south of the 100 thru 600 blocks of Cheney Drive West extended, west of the 100 thru 1200 blocks of Lincoln Street and north of the 100 thru 600 blocks of Falls Avenue c/o College of Southern Idaho represented by Mike Mason. (app. 2433) with staff conditions as amended. The motion was seconded by Councilperson Mills Sojka.

Councilperson Clow moved to amend the motion to change the setback to be 3 to 1 on windmills by special use permit. The motion was seconded by Councilperson Mills Sojka and roll call vote showed Councilpersons Clow, Johnson, Lanting and Sojka voted in favor of the motion. Councilperson Craig voted against the motion. Motion passed 4-1.

Councilperson Clow moved to amend the motion to exclude the 6.4 acres showing the future apartment development from the rezone. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all present in favor. Motion passed 5-0

Councilperson Johnson moved to amend the motion for building height language in the PUD to mirror commercial building height regulations. The motion was seconded by Councilperson Clow and roll call vote showed all present in favor. Motion passed 5-0

Roll call vote on the main motion, as amended, showed all present in favor passed 5-0

ADJOURNMENT:

1. To Executive session 67-2345(1)(a) to consider hiring a public officer employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office.

Mayor Hall made a motion to adjourn to Executive session 67-2345(1)(a) to consider hiring a public officer employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office. . The motion was seconded by Councilperson Johnson and roll call vote showed all present in favor. Motion passed 6-0

There being no further business the meeting was adjourned at 9:35 PM

Sharon Bryan, Deputy City Clerk