

COUNCIL MEMBERS:

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

Meeting of the Twin Falls City Council  
 June 27, 2011  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 INTRODUCTION OF STAFF  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
 PROCLAMATIONS: None.

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of accounts payable for June 21 - 27, 2011. 2. Consideration of the June 20, 2011, Minutes. 3. Consideration of an Alcohol License for Java Jungle, Inc. at 565 Washington Street N - Beer & Wine on premises	Action	Staff Report Sharon Bryan L. Sanchez Sharon Bryan
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: Officers Ruben Murillo, Matt Gonzales, and Ken Wiesmore. 2. Consideration of a request to extend the contract with People for Pets, Magic Valley Humane Society for management and operation of the City of Twin Falls' Animal Shelter. 3. Public input and/or items from the City Manager and City Council.	Presentation  Action	Brian Pike Matt Hicks  Travis Rothweiler/ Debra Blackwood
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u> 6:00</b> 1. Request for an amendment to "Kelly & Cohen Appliances, Inc., and Willard D. Ihler and Dorothy M. Ihler PUD Development Agreement #212", to allow for a modification of the Master Development Plan to include redevelopment of the northeast portion of the existing PUD #212 to allow an 8000 sf multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North aka 1434 Pole Line Road East. c/o Rex Harding, JUB Engineers on behalf of Twin Falls Holding Corp. (app.2450)	Public Hearing	Mitch Humble
<b>V. <u>ADJOURNMENT:</u></b>		

*\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

#### Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
  2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
  3. 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.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.
  4. A City Staff Report shall summarize the application and history of the request.
    - The City Council may ask questions of staff or the applicant pertaining to the request.
  5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
    - Five or more individuals, having received personal public notice of the application under consideration, may select 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. The spokesperson shall be limited to 15 minutes.
    - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
    - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
  6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
  7. The Mayor shall close the Public Hearing. The City Council 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.

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  
 June 20, 2011  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 INTRODUCTION OF STAFF  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
 PROCLAMATIONS:       None.

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of accounts payable for June 14 - 20, 2011. 2. Consideration of the June 6, and June 13, 2011, Council Minutes. 3. Consideration of a request to pay fees in lieu of park land dedication for the K & L Subdivision. 4. Consideration of the request to waive the green fees for the annual Ladies Inter-City golf tournament at the Twin Falls Golf Club. 5. Consideration of a request from the "Magic Valley Citizens' 4 <sup>th</sup> of July" to approve the annual fireworks display held at the College of Southern Idaho on Monday, July 4, 2011.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Dennis Bowyer  Dennis Bowyer  Dennis Pullin
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a request for a letter of support to the Bureau of Land Management on the Draft Environmental Impact Statement of the China Mountain Wind Project. 2. Consideration of a request to award the contract for the 2011 Falls Avenue East Waterline Extension Project to Stutzman Inc. of Twin Falls, Idaho, in the amount of \$1,484,104.11. 3. Discussion regarding downtown parking management. 4. Public input and/or items from the City Manager and City Council.	Action  Action  Discussion	Laura Lickley  Lee Glaesemann  Melinda Anderson
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u>       6:00 – None.</b>		
<b>V. <u>ADJOURNMENT:</u></b>		

*\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

**Present:** Lance Clow, Trip Craig, Don Hall, David E. Johnson (5:15 P.M.), William Kezele, Gregory Lanting, Rebecca Mills Sojka

**Absent:** None

**Staff Present:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Staff Engineer Lee Glaesemann, Economic Development Director Melinda Anderson, Deputy City Clerk/Recording Secretary Leila 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 and Mayor Hall introduced staff.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

**Councilperson Lanting requested that Item #5 be removed from the Consent Calendar.**

**Item #5** Consideration of a request from the "Magic Valley Citizens' 4<sup>th</sup> of July" to approve the annual fireworks display held at the College of Southern Idaho on Monday, July 4, 2011.

**PROCLAMATIONS:** None.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for June 14 - 20, 2011, total: \$331,532.54  
June 20, 2011, total: \$11,972.88
2. Consideration of the June 6, and June 13, 2011, Council Minutes.
3. Consideration of a request to pay fees in lieu of park land dedication for the K & L Subdivision.
4. Consideration of the request to waive the green fees for the annual Ladies Inter-City golf tournament at the Twin Falls Golf Club.
5. Consideration of a request from the "Magic Valley Citizens' 4<sup>th</sup> of July" to approve the annual fireworks display held at the College of Southern Idaho on Monday, July 4, 2011.

**MOTION:**

Councilperson Clow made the motion to approve the Consent Calendar as presented with the exception of Consent Item #5. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Consideration of a request from the "Magic Valley Citizens' 4<sup>th</sup> of July" to approve the annual fireworks display held at the College of Southern Idaho on Monday, July 4, 2011.

Ruth Pierce gave a review of the events to be held at the College of Southern Idaho on Monday, July 4, 2011.

**MOTION:**

Vice Mayor Lanting made a motion to approve the "Magic Valley Citizens' 4<sup>th</sup> of July" annual fireworks display held at the College of Southern Idaho on Monday, July 4, 2011. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

**1. ITEMS FOR CONSIDERATION:**

Consideration of a request for a letter of support to the Bureau of Land Management on the Draft Environmental Impact Statement of the China Mountain Wind Project.

Laura Lickley, Community Relations Representative, gave a brief update on the China Mountain Wind Project and asked for a letter of support from the Mayor of Twin Falls addressed to the BLM on the Draft Environmental Impact Statement. She presented to the Council a Fact Sheet on the project.

Discussion followed:

- Area of impact analysis was completed on the project.
- Sage grouse habitat.

**MOTION:**

Councilperson Mills Sojka made a motion to approve the Mayor to send a letter of support of Alternative B1 (full build-out) in the BLM's Draft Environmental Impact Statement of the China Mountain Wind Project. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Consideration of a request to award the contract for the 2011 Falls Avenue East Waterline Extension Project to Stutzman Inc. of Twin Falls, Idaho, in the amount of \$1,484,104.11.

Staff Engineer Glaesemann gave the presentation.

The bid amount for this project is \$1,484,104.11. This is part of the series of Arsenic Compliance projects being funded through bonding. This will exhaust the remainder of the bonded funds. A 10% contingency of \$148,000 can be funded from arsenic cost savings and/or the capital main line upgrade fund.

Staff recommends that City Council approve and award the contract to Stutzman Inc, in the amount of \$1,484,104.11.

Discussion followed:

City Manager Rothweiler stated that when the City went forward and did the initial bond request the City asked for \$18,500,000. The total authorization was greater than was provided by the judge. The City asked for monies to be able to fund arsenic projects 1 – 5. Because of the savings on the arsenic projects 1 – 5, this project is able to fit in under the amount budgeted. Conversations have been made with Owyhee regarding phase 4, which may result in some savings in terms of the project where we may not have to use capital from existing budgets to cover any potential overruns associated with this project.

Councilperson Johnson took his seat at 5:15 P.M.

Extensive discussion followed on the traffic plan.

Staff Engineer Glaesemann stated that the Notice to Proceed will begin on July 5 with the project ending on October 4, 2011.

**MOTION:**

Vice Mayor Lanting made a motion to award the contract for the 2011 Falls Avenue East Waterline Extension Project to Stutzman Inc. of Twin Falls, Idaho, in the amount of \$1,484,104.11. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Discussion regarding downtown parking management.

Economic Development Director Anderson stated that two months ago the Council directed staff to move forward on the issue of the downtown parking management. The City held a public forum on May 26, 2011, and created an online opinion survey which was posted on the City's website for two weeks for anyone to complete.

Staff posted the survey on the City's website on May 23, 2011, and it closed at midnight on June 3, 2011. The survey was separated into two groups: 1) Downtown property owners, merchants, and employees; and 2) downtown customers. Each were asked questions specific to their group. The results are in the staff report.

Vice Mayor Lanting facilitated a town hall discussion on May 26 from 7 – 9 P.M. at the Historic Ballroom. Travis Rothweiler and Mitch Humble answered questions asked by the participants. Councilperson Mills Sojka and Economic Development Director Anderson took notes.

This item presented is a report on the outcome of the public meeting and the survey. No approval is requested. However, following this discussion, staff will use the direction from Council and prepare recommendations for changes, if any, for future consideration.

Council discussion followed.

Economic Development Director Anderson stated that currently there are 250 parking meters downtown and approximately 400 to 500 spaces that the City owns and manages. This would not include street spaces that are not metered. She also stated that Woody Cullen, Parking Coordinator, gives a warning once a month and leaves a brochure with the citation stating where free parking is located.

Councilperson Mills Sojka summarized information she received from the survey and the town hall discussion. In the survey it was stated that free parking is not well signed or organized. The merchants also recommended that the parking further from downtown would be lot lease only and the closer parking lot should be customer only.

Economic Development Director Anderson stated that the amount collected from certain meters cannot be determined. A majority of the money is generated from the two major blocks of Main Street. Approximately \$95 to \$105 is collected weekly from all meters.

Vice Mayor Lanting summarized the information received at the town hall meeting. Many opinions were voiced and are stated in the study.

Councilperson Johnson asked if the study represented the opinion of Twin Falls citizens.

City Manager Rothweiler stated that the survey was not done in a model or means to ensure that it was statistically accurate. To be statistically and scientifically accurate and to be a survey that you would apply a plus or minus to, the City would have had to go through a very different process. The purpose of the survey was to assist in the fact finding component.

Councilperson Johnson stated that from the survey responders an overwhelming percentage stated that parking meters deter business. He stated that he was hearing a need for a management and maintenance program, but he disagreed that the taxpayers need to pay the bill. He stated that the government needs to get out of the way and let the people running the businesses be part of the solution and to start their own solutions, whether it be the property owners who are renting out space or whether it is business owners who are engaged with their customers. He stated that it may be wise to put together some type of task force or committee on this subject.

Councilperson Mills Sojka stated if a task force was formed they would be the same people who filled out the survey and/or attended the town hall meeting. According to the survey most of the business owners and merchants found the meters to be a deterrent to business and definitely an overwhelming majority of the customers found it a deterrent. According to the survey it appears that there is a great dislike for the meters. One of the business owners stated that the BID didn't work because if you have a merchant created organization, if one person doesn't want to listen and respect the

rules agreed upon, there is no higher enforcement. The business owner stated that what is needed is the City with a perceived authority to come and say here are the parking regulations and the parking rules. Councilperson Mills Sojka stated that the City can assist downtown in setting up a clean, well-planned, well-organized parking system, but based on what has been heard by people, both merchants and customers alike, the meters probably need to go, whether it be for a trial period or suspended from now until we get something going downtown.

Councilperson Clow stated that in looking at all the comments and in trying to put them into perspective, he did not hear anything new, saying it is the same story over again. The people who say they want the City to enforce it don't want to pay for it. Another comment stated that the City should maintain its own property. For clarification, the reason the City owns the parking lots is for the accommodation of downtown merchants. The meters are an easy target when a business is not doing well. The businesses that do not well do not advertise. Every major business in town outside the downtown area must have so much land dedicated to parking, on which the City collects property taxes. Councilperson Clow stated that he does not believe in putting taxpayer money into the parking solution downtown. One of the comments made in the survey was to ask if we could do a better job in signage. Councilperson Clow stated that the City could advertise free parking with signage; meters would be considered premium parking, and signs or stickers could be placed on the meters advertising free parking behind the stores.

Councilperson Kezele stated that he is in support of infrastructure and infill and growth, but a majority of the people voted to disband the BID. The majority of the merchants have asked the government to get out of their pockets. He will not support the City bearing the responsibility of parking. He is asking the merchants of downtown to take accountability and responsibility for their community.

Councilperson Craig suggested forming an ad hoc committee consisting of downtown merchants, council members and staff. He suggested moving forward and sticking with the plan.

Mayor Hall stated that he could support putting together a task force. He stated that he would like to receive information or ideas from the consultants hired by URA.

Councilperson Mills Sojka stated that the information from the forum and survey would be the same information that would come out of the task force. She stated that she believes the Council has enough information to make a decision. She stated that better signs can be made for the City owned parking lots. The merchants stated that they would like to purchase monthly passes or daily passes when they need parking. The merchants would like the City's help in structuring or organizing. She stated that she did not think an enforcer for enforcement is needed if there are clear signs stating that violators will be towed. This would eliminate the City's cost of an employee or resources for management of the parking. It was very clear that metered parking is not needed. The City would continue to receive income from lease parking.

Council discussion followed.

Councilperson Johnson recommended forming a task force.

Councilperson Clow stated that signage is part of the problem and suggested placing up signage advertising free parking. He asked staff to find the cost of signage.

Councilperson Kezele stated that he trusts the merchants downtown can find a solution for their businesses and come back to the council with their solution.

**MOTION:**

Councilperson Mills Sojka made a motion that City staff take the recommendations that they gleaned from the survey responses in the forum and reorganizing, making the leased parking better and more pleasant for customers. The City could suspend meter enforcement for at least a period of one year to see how the organizational changes affect or not affect downtown and more importantly peoples' perceptions. The City could use the money from the lease spaces and if we have to we could make changes to our structure of fees.

Mayor Hall clarified the motion. "To make the lease parking more pleasant as per the recommendations, suspend meter enforcement for at least one year, and eliminate the need of a parking enforcement officer."

The motion was seconded by Councilperson Clow.

Councilperson Clow stated that if there is no enforcement for a year the City still has to have someone go around and empty the meters, which would cause some expense. The motion, for clarification, would also include signage as discussed.

Discussion followed.

Councilperson Mills Sojka stated that at the forum the idea is to bag the meters and say complimentary parking thanks to, for example, Rudy's. The merchants also offered to pay the metered spots in front of their stores.

Discussion followed.

Councilperson Craig stated that he cannot see making some lots leased. He stated that he foresees an enforcement issue when it comes to towing someone's vehicle. The Police Department, now overly burdened, will have to take care of this problem. The Parks & Recreation Department has been taking care of the landscaping downtown. The discussion is on parking and not making downtown more beautiful with sprinkler systems and other types of issues.

Vice Mayor Lanting asked for clarification if meters were being suspended, or if the meters are going away.

Councilperson Mills Sojka stated that the motion is to suspend meter enforcement.

Councilperson Clow stated that for clarification the meters are still operational and the thought is to bag the meters.

Councilperson Mills Sojka stated for clarification that the City not require coins to park in metered spaces.

Councilperson Clow stated that he agrees with no enforcement but to leave the meters in place, and collect the money that is offered. If the City is not enforcing meters there is basically no need for towing. For clarification the motion does not include bagging the meters.

Mayor Hall stated that if the motion is eliminating the meters and the enforcement of the leased parking the City will not have the revenue, which may require laying employees off.

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

**MOTION:**

Councilperson Clow made a motion that staff report back to the Council in two weeks with the estimated cost of putting up free parking signage (directional type signage) through the downtown corridor so it can be considered at a future meeting. Included would be the cost of a good weatherproof sticker that may go on a post or the meter directing to free parking opportunities. The motion was seconded by Vice Mayor Lanting.

Councilperson Clow stated for clarification that he estimated some 20 locations and somebody will have to walk around and identify the probable locations. The signs could say 3 hour parking and some signs will have turn arrows, so they will not all be identical signs. The basic sign will be the same with a spot for an arrow. Vice Mayor Lanting approved the clarification. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**MOTION:**

Councilperson Johnson made a motion that the Council directs the Mayor to assemble a downtown parking solution task force with a start date no later than July 15, 2011, and having the recommendations to Council no later than November 15, 2011. Vice Mayor Lanting seconded the motion.

Discussion followed.

Councilperson Kezele asked for clarification if the goal of the motion is to get a downtown task force or a City Council task force.

Mayor Hall stated that his idea of a task force would consist of the City Council, staff, and the majority of the task force should be BID members and community at large members.

**AMENDMENT TO THE MOTION:**

Councilperson Clow made an amendment to the main motion to state that one parameter on any of the recommendations of the task force is that the final solution is not to require additional taxpayer support for downtown. The motion was seconded by Councilperson Kezele.

Discussion followed.

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

**AMENDMENT TO THE MAIN MOTION:**

Councilperson Kezele made an amendment to the motion that this task force, once they come to solutions, take those solutions to each of the members of downtown, perhaps within the BID as a starting point, and receive by petition their opinion of the solutions they have come up with before presenting it to Council. The motion was seconded by Vice Mayor Lanting.

Discussion followed.

Roll call vote on the amendment showed Councilperson Kezele voted in favor of the motion. Councilpersons Clow, Craig, Hall, Johnson, Lanting, and Mills Sojka voted against the motion. Failed 6 to 1.

**AMENDMENT TO THE MAIN MOTION:**

Vice Mayor Lanting made an amendment to the main motion to state that when the recommendations of the task force come back to the City Council that recommendations are heard in a public hearing forum that is advertised. The motion was seconded by Councilperson Kezele. Vice Mayor Lanting redacted his motion with approval of his second.

Councilperson Johnson recommended using the term "stakeholders" in the motion.

Discussion followed.

Roll call vote on the main motion showed Councilpersons Clow, Craig, Hall, Johnson, Kezele and Lanting voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 6 to 1.

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

Sarah Taylor, 205 Shoshone Street, owner of The Ballroom, expressed that she liked the idea to solve the meter problem without burdening the taxpayers; the idea of self policing will be a challenge. She stated that a tourist from out of town who didn't speak English came into her business at 5:15 P.M. and had his vehicle towed because he did not understand the signage.

Mayor Hall appointed Sarah Taylor to the task force.

Vice Mayor Lanting gave an update on the celebration of the return of the 116th troops to be held on August 1, 2011, at the City Park.

The Youth Council Applebee's Fundraiser will be held from 7:00 A.M. to 9:30 A.M. on Saturday, June 25, 2011.

City Manager Rothweiler brought up the issue of the redistricting effort and believes that the City needs to be involved and asked the City Council to become politically active in that conversation and that dialog, to at least preserve the number of legislative seats.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

**IV. PUBLIC HEARINGS:** 6:00 – None.

**V. ADJOURNMENT:** The meeting adjourned at 7:07 P.M.

Leila A. Sanchez, Deputy City Clerk, Recording Secretary



COPY

### ALCOHOL LICENSE APPLICATION

BUSINESS NAME Java Jungle, Inc STATE LICENSE # 11607  
 DOING BUSINESS AS Twin Falls Java Jungle (Please attach a copy of your state license)  
 BUSINESS ADDRESS 515 Washington St N. Twin Falls, ID  
 LEGAL DESCRIPTION OF PLACE OF BUSINESS \_\_\_\_\_  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 MAILING ADDRESS 515 Washington St N. Twin Falls ID  
 CONTACT PERSON Kim Ostrom PHONE # 731-3186

			(Check)
<b>BEER:</b>	Bottled for consumption off the premises only	(\$ 50.00)	_____
	Bottled for consumption on premise	(\$ 150.00)	_____
	Bottled & Draught for consumption on premises	(\$200.00)	<u>X</u>
<b>WINE:</b>	Retail Sales for consumption off premises only	(\$200.00)	_____
	Wine by the Drink for consumption on premises only	(\$200.00)	<u>X</u>
<b>LIQUOR:</b>	Liquor license & fees cover wine license & fees	(\$562.50)	_____

As provided by the laws of the City of Twin Falls, Idaho for the term ending **June 30, 20 11** tendered herewith is the license fee of \$ \_\_\_\_\_ . (Ordinance #2708)

APPLICANT IS AN INDIVIDUAL ( ) PARTNERSHIP ( ) CORPORATION (X)

IF A PARTNERSHIP, NAME ALL PARTNERS: (PLEASE PRINT)

NAME: Kim Ostrom RESIDENCE: # 3413 Sage Springs Dr. Kimberly,  
 NAME: Todd Ostrom RESIDENCE: ID 83341  
 NAME: \_\_\_\_\_ RESIDENCE: \_\_\_\_\_

IF A CORPORATION OR ASSOCIATION, NAME ALL OFFICERS:

NAME: Kim Ostrom ADDRESS: 3413 Sage Springs Kimberly  
 TITLE: President  
 NAME: Todd Ostrom ADDRESS: 3413 Sage Springs Kimberly  
 TITLE: Secretary  
 NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

TITLE: \_\_\_\_\_

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE OF INCORPORATION OR ORGANIZATION Feb 2002

PLACE OF INCORPORATION OR ORGANIZATION ID

PRINCIPAL PLACE OF BUSINESS IN IDAHO \_\_\_\_\_

OWNER OF PREMISES (Please Print) Kim and Todd Ostrom

NAME OF PERSON WHO WILL MANAGE BUSINESS OF SELLING BEER AT RETAIL:  
(Please Print) Kim Ostrom

\*\*\*\*\*  
(IF A PARTNERSHIP, ALL PARTNERS NEED TO SIGN)

SIGNATURE OF APPLICANT [Signature]

NAME (Please Print) Kim Ostrom BIRTHDATE: 11-15-70

RESIDENCE OF APPLICANT 3413 Sage Spring Kimberly ID 83341

LENGTH OF RESIDENCE IN IDAHO 40 yrs

SIGNATURE OF APPLICANT \_\_\_\_\_

NAME (Please Print) \_\_\_\_\_ BIRTHDATE: \_\_\_\_\_

RESIDENCE OF APPLICANT \_\_\_\_\_

LENGTH OF RESIDENCE IN IDAHO \_\_\_\_\_

SIGNATURE OF APPLICANT \_\_\_\_\_

NAME (Please Print) \_\_\_\_\_ BIRTHDATE: \_\_\_\_\_

RESIDENCE OF APPLICANT \_\_\_\_\_

LENGTH OF RESIDENCE IN IDAHO \_\_\_\_\_

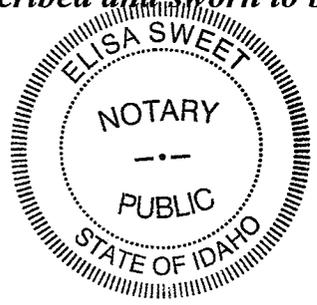
SIGNATURE OF APPLICANT \_\_\_\_\_

NAME (Please Print) \_\_\_\_\_ BIRTHDATE: \_\_\_\_\_

RESIDENCE OF APPLICANT \_\_\_\_\_

LENGTH OF RESIDENCE IN IDAHO \_\_\_\_\_

Subscribed and sworn to before me this 17<sup>th</sup> day of June, 20 11.



[Signature]  
Notary Public for Idaho  
Residing at: Harpen  
Notary Expiration Date: 7-31-15

# State of Idaho

## Idaho State Police

Cycle Tracking Number: 53810

Premise Number: 2T-11607

Retail Alcohol Beverage License

License Year: 2012

License Number: 11607

This is to certify, that Java Jungle Inc

doing business as: Java Jungle

is licensed to sell alcoholic beverages as stated below at:

565 Washington St. N., Twin Falls, Twin Falls County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.

Signature of Licensee, Corporate Officer, LLC Member or Partner

Liquor	No	
Beer	Yes	\$50.00
On-premise consumption	Yes	\$0.00
Kegs to go	No	
Restaurant	Yes	\$0.00
Wine by the bottle	Yes	\$100.00
Wine by the glass	Yes	\$100.00

TOTAL FEE: \$250.00

JAVA JUNGLE INC  
JAVA JUNGLE  
565 WASHINGTON ST. N.  
TWIN FALLS, ID 83301  
Mailing Address

License Valid: 07/01/2011 - 06/30/2012

Expires: 06/30/2012

Director of Idaho State Police

*Stephany Russell*



# TWIN FALLS POLICE DEPARTMENT

356 3RD AVENUE EAST  
P.O. BOX 3027  
TWIN FALLS, ID 83303-3027

TELEPHONE: (208) 735-4357  
FAX: (208) 733-0876  
www.tfid.org

**Date:** Monday, June 27, 2011  
**To:** Honorable Mayor and City Council  
**From:** Chief Brian Pike and Captain Matt Hicks

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## Request:

Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: Officers Ruben Murillo, Matt Gonzales, and Ken Wiesmore.

## Time Estimate:

The presentation will take approximately 10 minutes.

## Background:

On May 2, 2011, **Officer Ruben Murillo** was awarded his POST Academy Basic Certificate. Officer Murillo was required to complete the Basic Academy and serve one year as a Police Officer in the State of Idaho to receive this certification.

On November 5, 2010, **Officer Matt Gonzales** was awarded his POST Academy Intermediate Certificate. Officer Gonzales has served over four years as a Police Officer in the State of Idaho, and has completed hundreds of hours of training combined with college credits to receive this certification.

On March 4, 2011, **Officer Ken Wiesmore** was awarded his POST Academy Advanced Certificate. To receive this certificate, Officer Wiesmore has been awarded his POST Intermediate Certificate, has served eight years as a Police Officer in the State of Idaho, and has far exceeded the 1,200-hour training requirement combined with obtaining college credits.

The personal commitment of these Officers to better themselves through training has helped the Twin Falls Police Department in achieving its goal of being the best Police Department in the State of Idaho.

## Approval Process:

N/A

## Budget Impact:

Approval of this request will not impact the City budget.

*"People Serving People"*

Agenda Item for June 27, 2011  
From Chief Brian Pike and Captain Matt Hicks  
Page Two

**Regulatory Impact:**

N/A

**Conclusion:**

Staff recommends that the Council approve the request to present these certificates at the June 27, 2011, meeting.

**Attachments:**

1. Copy of POST Basic Certificate – Officer Ruben Murillo
2. Copy of POST Intermediate Certificate – Officer Matt Gonzales
3. Copy of POST Advanced Certificate – Officer Ken Wiesmore

aed

# State of Idaho

*The Peace Officer Standards  
& Training Council*

*hereby awards the*

*Basic Certificate*

*to*

*Ruben Murillo*

*Twin Falls Police Department*

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace  
Officer Standards & Training Council on the 2nd day of May, 2011.*

  
Chairman

  
Division Administrator

# State of Idaho

*The Peace Officer Standards  
& Training Council*

*hereby awards the*

*Intermediate Certificate*

*to*

*Matthew D. Gonzales*

*Twin Falls Police Department*

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace  
Officer Standards & Training Council on the 5th day of November, 2010.*

*Don Weaver*

Chairman

*[Signature]*

Division Administrator

# State of Idaho

*The Peace Officer Standards  
& Training Council*

*hereby awards the*

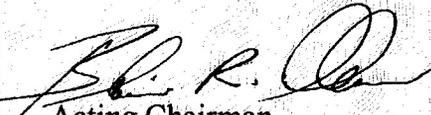
*Advanced Certificate*

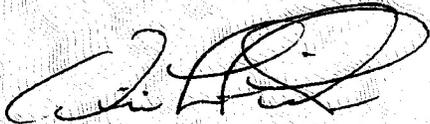
*to*

*Kenneth K. Wiesmore III*

*Twin Falls Police Department*

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace  
Officer Standards & Training Council on the 4th day of March, 2011.*

  
Acting Chairman

  
Division Administrator



**Date:** Monday, June 13, 2011  
**To:** Honorable Mayor and City Council  
**From:** Travis Rothweiler, City Manager

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**Request:**

Consideration of a request to extend the contract with People for Pets, Magic Valley Humane Society for management and operation of the City of Twin Falls' Animal Shelter.

**Time Estimate:**

The staff presentation will take approximately 5 minutes in addition to time needed for to answer questions. Debra Blackwood will also be available to answer questions.

**Background:**

People for Pets have been operating the City's Animal Shelter since October 1, 1989. The current contract, which was entered into on March 26<sup>th</sup>, 2007 will expire on September 30, 2011. The Director for People for Pet, Debra Blackwood, has submitted a request to extent the contract for services. The City Manager is recommending the City Council consider their request and extend their contract for a period of five years.

**Approval Process:**

Approval of this request requires a simple majority (50%+1) of the City Council members present at this meeting.

**Budget Impact:**

If this request is ratified, the proposed fees for the management and operation fees will remain unchanged.

During the budget development conversations with the City's staff, People for Pets, Magic Valley Humane Society Inc., has proposed a total fee of \$232,000 for the 2012 fiscal year. The contract and management fee has remained unchanged since the 2010 fiscal year. In FY 2009, the management and operation fee was \$240,252.

The total estimate budget for People for Pets for the upcoming 2012 fiscal year is \$451,800. In the current 2011 fiscal year, the People for Pets, Magic Valley Humane society was \$432, 800.

**Regulatory Impact:**

None.

**Conclusion:**

The City's staff recommends the City Council look favorably on the request made by Debra Blackwood on behalf of People for Pets, Magic Valley Human Society.

**Attachments:**

1. Current Contract with People of Pets, Magic Valley
2. Letter from Debra Blackwood, Director – People for Pets, LLC.

# COPY

C-3702

## AGREEMENT

**THIS AGREEMENT**, made this 26<sup>th</sup> day of March, 2007 by and between the City of Twin Falls, Idaho (hereinafter "City"), and People for Pets/Magic Valley Humane Society (hereinafter "People for Pets").

**WHEREAS**, City owns the animal shelter at 420 Victory Ave in Twin Falls; and,

**WHEREAS**, People for Pets took over operation of the animal shelter for the City and for other agencies, beginning October 1, 1989; and,

**WHEREAS**, The former lease and agreement has expired.

**NOW, THEREFORE**, City and People for Pets agree as follows:

### 1. People for Pets' Responsibilities:

- a. Maintain, clean and operate the animal shelter in accordance within guidelines of the Humane Society of the United States and in accordance with the Twin Falls City Code and applicable State Code.
- b. Pay routine maintenance and operating costs including utilities (except water, sewer and sanitation services), phone, purchase of cleaning supplies, vaccines (if necessary), euthanizing chemicals, office supplies.
- c. Discuss with City any remodeling or major repairs prior to ordering work.
- d. Check in dogs and cats and care for them in accordance with minimum standards of the Humane Society of the United States.
- e. Maintain a computerized record of each animal checked into the animal shelter and the animal's final disposition.
- f. Euthanize dogs and cats in a humane manner. Maintain certification with the Idaho Board of Veterinary Medicine and Idaho Board of Pharmacy to perform euthanasia. The hold time per animal should average seven calendar days.
- g. Dispose of carcasses.
- h. Staff the animal shelter with certified and qualified personnel and maintain reasonable hours for the public, said schedule of public hours to be approved by the City and People for Pets and posted 30 days prior to any changes. The schedule for public hours shall include no less than four hours on Saturday.
- i. Collect all license, redemption and adoption fees and account for them in accordance with the drafted ordinance.
- j. Operate a City dog-licensing program using an automated system.

- k. Provide the City with quarterly record of revenues and operating expenses and surplus or loss generated from operation. As part of the city's evaluation of shelter operations the City will review efforts to minimize reliance on property tax dollars and move towards fund-raising and grant writing to subsidize operations.
- l. Prepare and submit an annual budget to include major repairs and capital expenditures by May 1 of each year.
- m. Maintain all necessary records for a period of not less than 5 years.
- n. Provide reasonable accommodations to permit persons adopting animals to use the veterinarian of their choice for spaying/neutering.
- o. The Shelter Director shall attend all meetings of the Animal Shelter Advisory Commission.

**2. City Responsibilities:**

- a. Enforce animal control laws and deliver dogs to the Animal Shelter.
- b. Assist in routine repairs if notified on a timely basis and if work can be scheduled to be accomplished in a reasonable time period.
- c. Provide water, sewer and sanitation service at no expense to the People for Pets.
- d. Provide landscape maintenance for the facility at 420 Victory Ave.

**3. Term of Agreement:** This agreement shall be effective from the date of execution until September 30, 2011.

**4. Compensation:** People for Pets shall submit a detailed budget to the City by May 1. The budget shall show projected revenues from all sources including the county contract, fines, fees and donations. The budget shall also show total projected cost of operating the shelter. City agrees to pay People for Pets \$17,875.00 per month for all operating costs not otherwise provided for above. The fee for service will be renegotiated each City fiscal year.

**5. Liability Insurance:** People for Pets shall maintain a liability insurance policy during the term of this Agreement with an insurance company that is licensed to do business in the State of Idaho all at the sole cost and expense of People for Pets, in the sum of \$500,000 single limit coverage. People for Pets shall furnish City with a certificate of such liability insurance stating that said insurance is in full force and effect during the term of this Agreement.

**6. Indemnification:** People for Pets agrees to indemnify and hold harmless the City, its employees and agents, of and from any claim or cause of action arising out of or related to People for Pets' responsibilities, as set forth above. Likewise, the City agrees to indemnify and hold harmless People for Pets, its employees and agents, of and from any claim or cause of action arising out of or related to the City's responsibilities, as set forth above.

7. **Termination:** Either party to this agreement may terminate the agreement by giving 90-days prior written notice to the other party.

PEOPLE FOR PETS/MAGIC VALLEY      CITY OF TWIN FALLS  
HUMANE SOCIETY

*Dana K. Glaspower*      *[Signature]*

---

6/15/2011

To: Travis Rothweiler

Re: People for Pets/City of Twin Falls contract

Dear Mr. Rothweiler,

Please add to the agenda the People for Pets, Magic Valley Humane Society, Inc. / City of Twin Falls Animal Shelter contract to the City Council meeting of June 27<sup>th</sup>, 2011 for approval.

Respectfully Submitted, Debra Blackwood - director

Ps. I will be present at this meeting.



**DATE:** MONDAY, JUNE 27, 2011

**To:** Honorable Mayor and City Council

**From:** Mitch Humble, Community Development Department

### ITEM IV-1

**Request:** Request for an amendment to “Kelly & Cohen Appliances, Inc. and Willard D. Ihler and Dorothy M. Ihler PUD Development Agreement #212”, to allow for a modification of the Master Development Plan to include redevelopment of the northeast portion of the existing PUD #212 to allow an 8000 sf multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North aka 1434 Pole Line Road East. c/o Rex Harding, JUB Engineers on behalf of Twin Falls Holding Corp. (app. 2450)

**Time Estimate:**

The applicant’s presentation may take up to fifteen (15) minutes. Staff presentation will be approximately ten (10) minutes.

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner/Developer	<b>Size:</b> 2.4 (+/-) acres
Twin Falls Holding Corporation c/o Richard Crowley 940 Trotter Drive Twin Falls, Idaho 83301 736-17910 quad@ldsliving.com	<b>Current Zoning:</b> C-1 PUD	<b>Requested Zoning:</b> Amendment to Kelly & Cohen Appliances, Inc. PUD Agreement #212 and Master Development Plan
	<b>Comprehensive Plan:</b> Commercial/retail	<b>Lot Count:</b> PUD – 3 platted lots and 1 unplatted parcel
	<b>Existing Land Use:</b> Commercial Use	<b>Proposed Land Use:</b> Commercial Use Planned Unit Development
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
JUB Engineers, Inc. c/o Rex Harding 115 Northstar Avenue Twin Falls, Idaho 83301 208-733-2414 208-308-4675 (c) <a href="mailto:rlh@jub.com">rlh@jub.com</a>	<b>North:</b> C-1 PUD; Pole Line Rd E/ Magic Valley Mall	<b>East:</b> C-1; Locust St N/ Home Depot
	<b>South:</b> R-4; Residential	<b>West:</b> C-1; Lithia Auto Sales
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8, 10-6-1 through 3, 10-7-6, 10-10-1 through 3, 10-11-1 through 9, 10-14-1 through 6	

**Approval Process:**

**As per Twin Falls City Code 10-6-1.4(E) Approval of a PUD Sub-District:**

1. Preliminary Development Plan. The petitioner for a planned unit development sub-district may, after pre-application conferences with the planning staff, submit a preliminary development plan to the Commission for review, which development plan shall include the following: a. The proposed site plan, showing building locations and land use areas; b. Proposed traffic circulation, parking areas, pedestrian walks and landscaping; c. Proposed construction sequence for buildings, streets, spaces and landscaped areas; d. Existing zoning district boundaries; e. A survey of the property, including topography, buildings, watercourses, trees over six inches (6”) in trunk diameter, streets, utility easements, drainage patterns, right of way and land use; f. Other requirements that the Planning Department, Planning Commission, or legislative body may request.
2. After Commission review, a public hearing shall be held before the Commission and Council for a zoning district and zoning map amendment. (Ord. 2124, 10-15-1984)

**Budget Impact:**

Approval of this request will not impact the City budget at this time.

**Regulatory Impact:**

A recommendation from the Planning and Zoning Commission for the requested change will allow the request to proceed to the City Council for a decision.

## History:

In **July of 1909** the EOFF Tract was recorded. The property under consideration is part of the approved PUD Agreement and is located in the northeast portion of this plat.

On **March 31, 1998** Richard E. Santia, on behalf of Rex TV & Appliances, Inc., gave a preliminary presentation to the Planning & Zoning Commission on a request for a zoning district change and zoning map amendment from R-4 to C-1 PUD for property located at 1434 East Pole Line Road. A public hearing was held on April 14, 1998 concerning this request. The northeast property was not included in the request at that time. The main concerns with this request were **1)** creating a spot zone by not including the existing residence at the northeast corner of the property in the PUD; **2)** storm water management; and **3)** limiting accesses to one on Pole Line Road East and one on Locust Street North.

This request was approved with the following conditions: **1)** Provide an acceptable storm water management/flood plain mitigation plan. **2)** Limit total driveway approaches to one on Pole Line Road East and one on Locust Street North, as shown on the presented preliminary Master Development Plan. **3)** Perfect ingress/egress easement from unplatted R-4 parcel to precluded future direct access from corner lot to Pole Line Road East or Locust Street North. **4)** A minimum 15' landscaped buffer to be provided along Locust Street North and a minimum 30' landscaped buffer to be provided along Pole Line Road. **5)** Include the existing residence located at the northeast corner of Pole Line & Locust within the PUD.

Public hearings before the Council were set for May 18, June 1 and June 15, 1998 for the rezone request.

On **May 18, 1998** the Council voted to suspend the rules and approved the request to rezone this property from R-4 to C-1 PUD as presented subject to the five (5) conditions as recommended by the Commission. Ordinance #2583 was approved on May 18, 1998.

On **July 13, 1998** the City Council approved the PUD Agreement for Kelly & Cohen Appliances, Inc. and Willard D. Ihler and Dorothy M. Ihler. There was discussion regarding the name change of the developer.

On **September 21, 1998** the Planning & Zoning Commission approved the preliminary plat of the Rex Subdivision with the following three conditions: 1) Approval subject to Engineering technical review; 2) No direct access to Pole Line Road from Lot 2; and 3) Access to Lot 2 from Locust Street North be restricted to the southerly 47' of Lot 2. The Commission felt the plat appeared to meet the development plan approved through the PUD process and was consistent with the development in the area.

On **October 13, 1998** the City Council approved the final plat of the Rex Subdivision. They added a fourth condition that construction of curb, gutter and sidewalk along Pole Line Road East to Locust Street North was required. The final plat was recorded in June of 2000. There was a storm water plan submitted and approved by the engineering department. Additional rights-of-way on Pole Line Road and Locust Street North were provided.

On **October 25, 1999** the City Council approved an extension on the final plat of the Rex Subdivision for one year. The plat was recorded on June 21, 2000.

On **April 28, 2009** the Planning & Zoning commission approved the preliminary plat of the Rex Subdivision 1<sup>st</sup> Amended with the following four conditions: 1) Subject to amendments as required by building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City code requirements and standards; 2) Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property; 3) Subject to a deferral being obtained for the relocation of the existing sign at the time the sign is replaced or when Locust Street North is widened, whichever occurs first; and 4) Subject to a ten (10) foot easement being indicated on the plat behind the right-or-way line on Locust Street North.

On June 1, 2009 the City Council approved the final plat of the Rex Subdivision First Amended with staff recommendations. The final plat was recorded on June 21, 2009.

The applicant presented this proposed amendment to the “Kelly & Cohen Appliances, Inc. and Willard D. Ihler and Dorothy M. Ihler PUD Development Agreement--PUD #212”, to allow for a modification of the Master Development Plan to include redevelopment of the northeast portion of the existing PUD #212 to allow an 8000 sf multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North to the Commission on May 10, 2011.

**Analysis:**

This is a request for an amendment to the Kelly & Cohen Appliances, Inc and Willard D. Ihler and Dorothy M. Ihler PUD #212. The request would allow for modification of the Master Development Plan to include redevelopment of the northeast portion of the existing PUD #212 to allow an 8000 sq ft multi-tenant commercial development on property at the southwest corner of Pole Line Road East and Locust Street North aka 1434 Pole Line Road East.

The current Kelly & Cohen Appliances, Inc and Willard D. Ihler and Dorothy M. Ihler PUD Agreement was recorded in July 1998. The use language of the underlying “C-1” zone stated this agreement shall apply with regard to permitted uses, special uses and prohibited uses on the property as it was in the original PUD Agreement. The landscaping requirements in the original PUD Agreement were as per current city zoning ordinances and shall have a minimum 15 foot landscape buffer along Locust Street North and a minimum 30 foot landscape buffer along Pole Line Road – as measured from the existing curb or future curb. Within the landscape buffer along Pole Line Road, 50% of the lineal footage of landscaping shall have berms with a ridge elevation of at least 18 inches in height with at least 50% of the berming having a minimum ridge elevation of 30 inches in height. The landscaping requirement remains the same in the amended PUD Agreement. All other improvements have been completed per the original Kelly & Cohen appliances, Inc and Willard D. Ihler and Dorothy M. Ihler PUD Agreement.

The original PUD Agreement stated the Developer was to provide an acceptable storm water management/flood plain mitigation plan. A mitigation plan was provided and approved. Storm water seems to collect at the northeast corner of the Harbor Freight (formerly Rex TV & Appliance) parking lot. City Code 10-11-8(F) states that all commercial developments shall design and construct storm water retention facilities to retain the 50-year 24-hour rainstorm event. Due to the flooding that occurs after a bad rainstorm, storm water management should be reviewed for compliance.

The applicant is proposing the construction of an 8000 sf multi-tenant building. The Comprehensive Plan shows this area as Commercial/Retail. The proposed development of this property would comply with the Comprehensive Plan.

City Code 10-12-4.2(P)(1) states that pursuant to section 7-8-3, the use of the city’s potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term “New development” means any new subdivision or PUD, or any development of any parcel of land of  $\frac{3}{4}$  of an acre or larger that is not part of a subdivision or PUD. Section 10-12-4.2(P)(3) states the City Engineer may authorize in specific cases a variance from the requirement of a pressure irrigation system, if not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this subsection would result in unnecessary hardship. Special conditions may include, but are not limited to, small developments in terms of acreage, developments without viable access to irrigation water delivery, or developments without Twin Falls Canal Company water shares. The proposed development has an

existing well. Upon review the engineering department has determined that the applicant shall use the existing well for landscaping purposes of the proposed development.

City Code requires that the applicants make a preliminary PUD presentation to the Commission and to the public. This presentation, which took place on May 10, 2011, allows the Commission and the public to become familiar with the project prior to the actual public hearing. At the preliminary PUD presentation there were no questions or concerns. At the public hearing there were comments submitted by the adjacent tenant and property owner regarding the design of the site plan on the new commercial development. Harbor Freight was concerned about parking and that there was a single entrance into the PUD off of Pole Line Rd where all of the traffic would enter in front of their building potentially impacting their customers. They do not want to share parking and asked for an adjusted site plan addressing their issues.

**Staff recommended that should the Planning & Zoning Commission recommend approval of this request, as presented and subject to the following conditions:**

- 1. Subject to amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, the amended PUD Agreement and the amended master development plan.**
- 2. Subject to recordation of amended PUD Agreement #212, as approved by the City Council, prior to development of this site.**
- 3. Subject to the use of the existing well instead of pressure irrigation system for landscaping purposes.**
- 4. Subject to working out the outstanding issues as addressed in the letter submitted by Debie Guerra, Senior Council Harbor Freight Tools dated May 24, 2011 with the adjoining property owner prior to final approval of the PUD Agreement Amendments.**

**On May 24, 2011 the Planning & Zoning Commission, by a vote of 3 for and 4 against, voted to recommend denial of the request.**

**Attachments:**

1. Reason for Request
2. Comprehensive Plan Future Land Use Map 2.-4
3. Vicinity Map
4. Area Zoning Map
5. Aerial Map
6. Flood Plan Map
7. PUD Agreement #212/Master Development Plan
8. Rex Subdivision - 1998
9. Rex Subdivision First Amended - 2009
10. Proposed Master Development Map
11. Revised Proposed Master Development Plan – 06-14-2011
12. Proposed Building Elevation
13. Site Photos (2)
14. Portion of the May 24, 2011 P&Z PM



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

April 25, 2011

City of Twin Falls Community Development Services  
P.O. Box 1907  
Twin Falls, Idaho 83303-1907

Re: Modification of Kelley & Cohen Appliances, Inc. PUD Agreement

To Whom It May Concern:

The Twin Falls Holding Corporation is applying for a modification to the PUD Agreement between Kelley and Cohen Appliances, Inc. and the City of Twin Falls dated July 16, 1998. This modification application is to develop the property in the northeast corner of Lot 9 of the EOFF tract that was included as the Ihler Property. The Ihler property will be combined with Lot 1 of the Rex Subdivision First Amended Lot 2 Rex Subdivision that was recorded in 2010 to be developed as one commercial parcel with two or more tenants. The new commercial building will replace the house that previously occupied the Ihler property that was used as a real estate office. The property is owned and will be developed by the Twin Falls Holding Corporation.

A copy of the original Planned Unit Development Agreement is attached with this application. Also included is a copy of the proposed amended PUD Agreement and Master Development Plan.

The change in the PUD Development Plan and Agreement will allow the completion of the development with an overall commercial character and use.

The change in the PUD Development Plan and Agreement will be harmonious with the commercial / retail use of the area. There will be increased traffic at the existing driveways but no new driveways. The proposed Deseret Book business will increase customer traffic to the area which will benefit the existing businesses.

We welcome any comments and questions in regards to the development. Please give me a call at 208-733-2414 if you have any questions or need additional information.

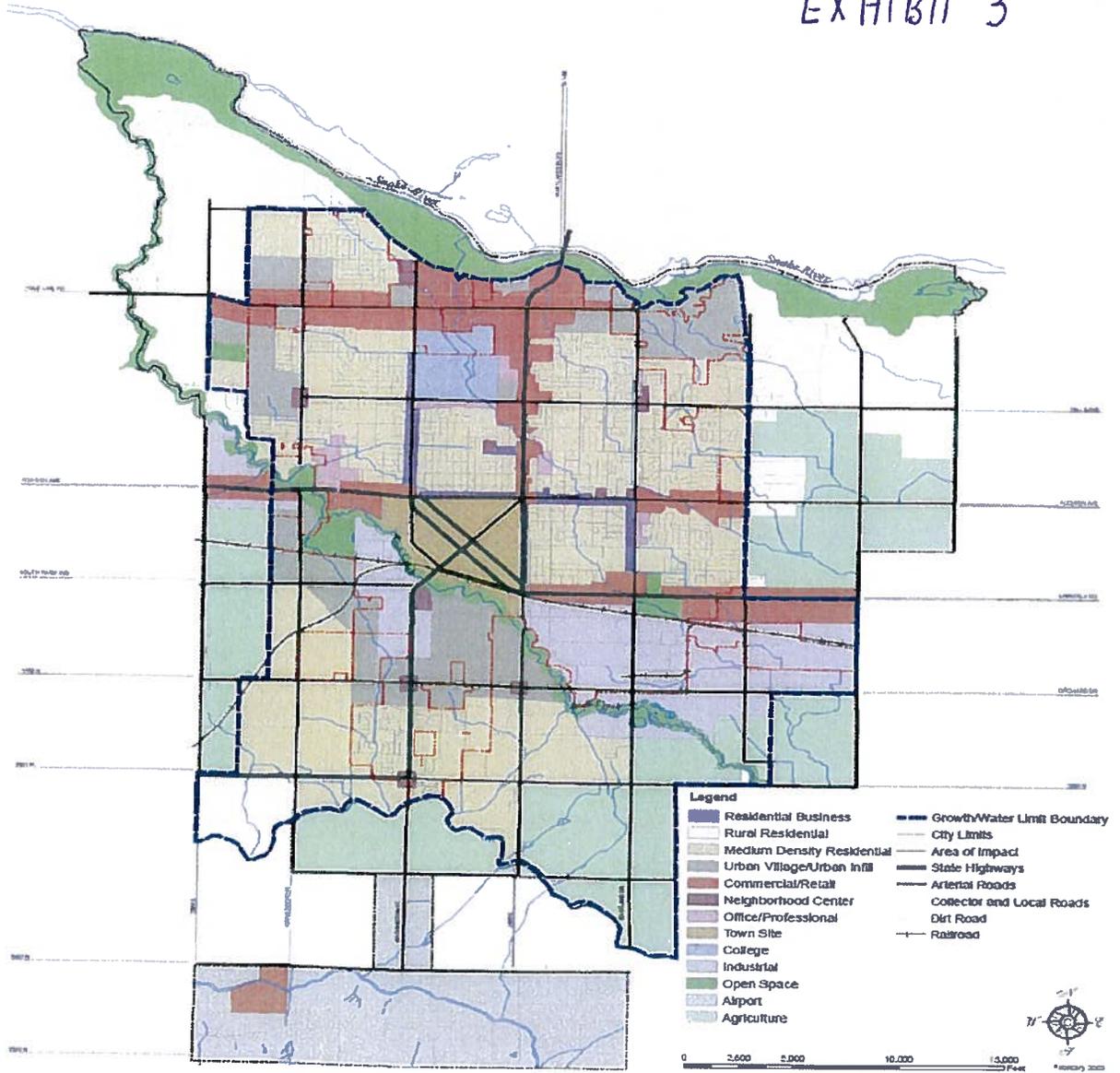
Sincerely,  
J-U-B Engineers, Inc.

Rex L. Harding, P.E.  
Project Manager

Cc: Richard Crowley, Twin Falls Holding Corporation

---

115 Northstar Avenue, Twin Falls, ID 83301 p 208 733 2414 f 208 733 9455 w www.jub.com



# Twin Falls Comprehensive General Plan Update

**Map 2-4:**  
Future Land Use



# VICINITY MAP

Snake River Canyon

Fillmore St

Bridgeway Blvd

Magic Valley Mall

Costco

PUD #212

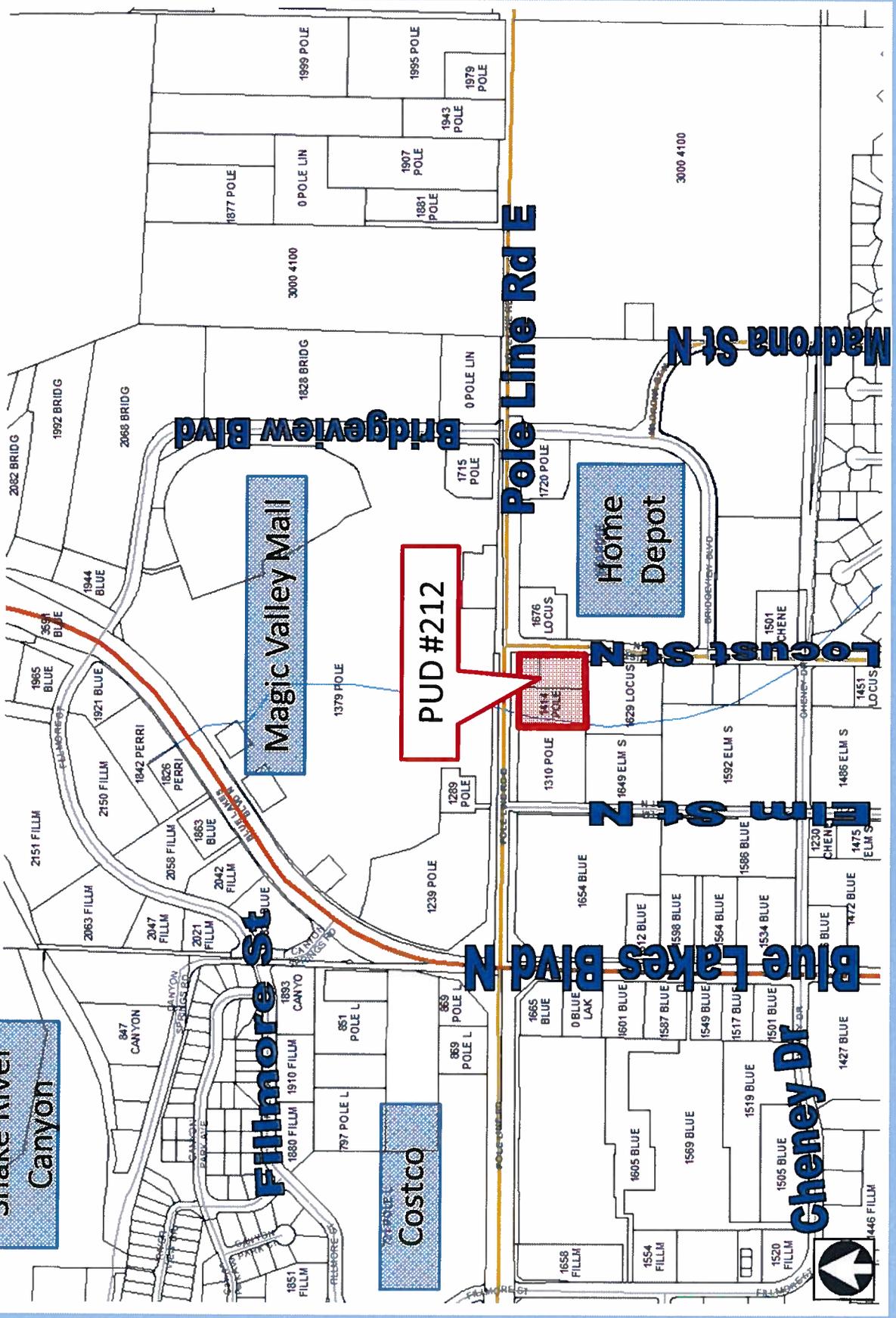
Big Lakes Blvd N

Forest St N

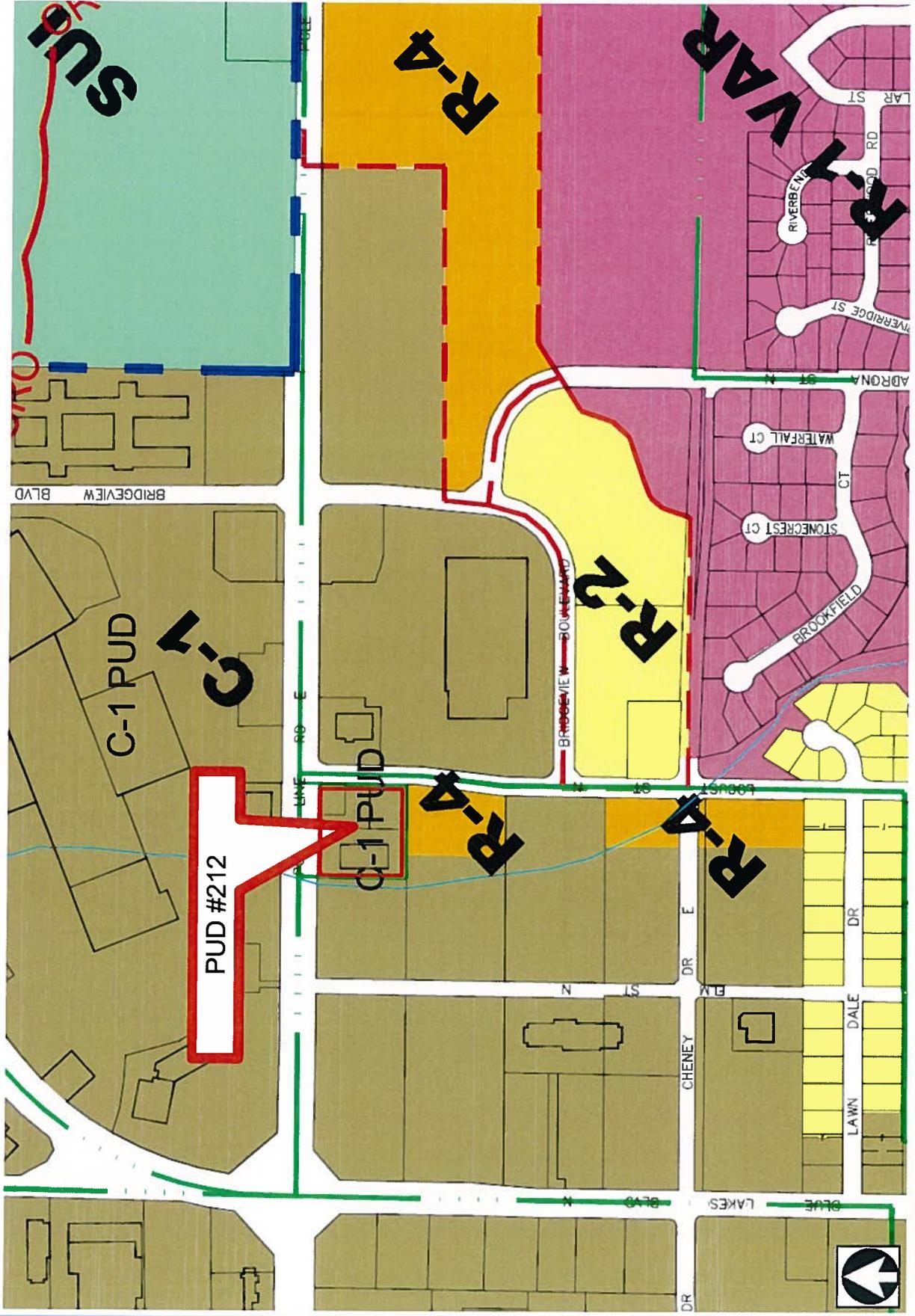
Pole Line Rd E

Madrona St N

Cheney Dr



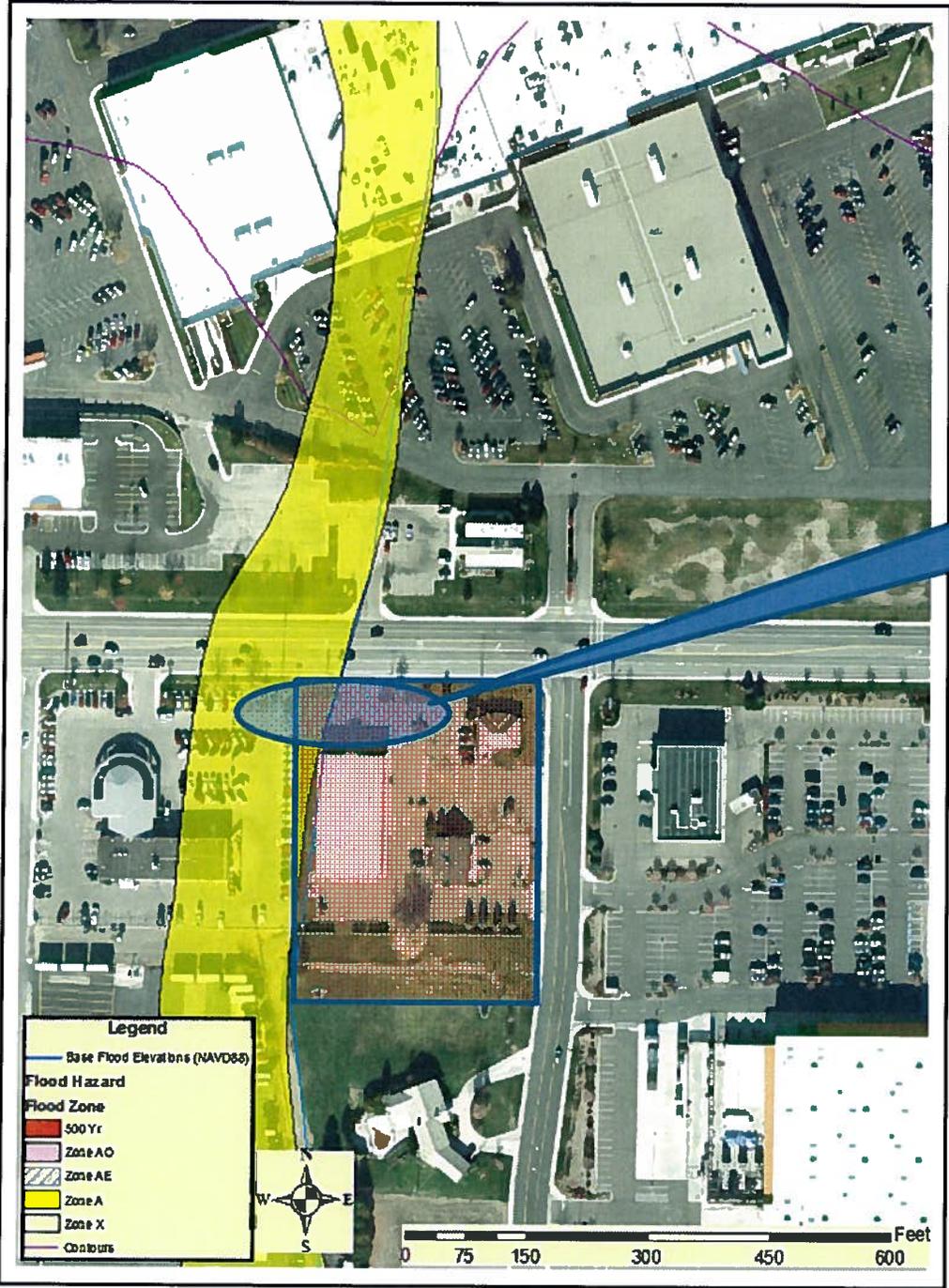
# ZONING MAP



# AERIAL MAP



# Flood Plain Map



Flood Problem Area





J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

# TRANSMITTAL LETTER

To: Ms. Renee V. Carraway  
Twin Falls Community Develop  
321 Second Avenue East  
Twin Falls, Idaho 83303-1907

Date: June 14, 2011  
Project: Twin Falls Holding Corp  
Project No.: 60-11-026

We are shipping you:

Attached via Hand Delivered , the following items:

COPIES	DATE OR NO.	DESCRIPTION
1		Revised Development Plan

These items are transmitted as checked below:

- For Approval     
 As Requested     
 Returned for Corrections  
 For Your Information     
 For Review & Comment

### REMARKS:

Transmitted herewith are the above described items in regards to the PUD Amendment for the Twin Falls Holding Corporation. This is the revised layout we discussed yesterday. Give me a call if you have any questions

Cc:

Signed:   
Rex L. Harding P.E.  
Project Manager

RECEIVED  
JUN 14 2011  
CITY OF TWIN FALLS  
PLANNING & ZONING

If enclosures are not as noted, please notify us at 208-733-2414.

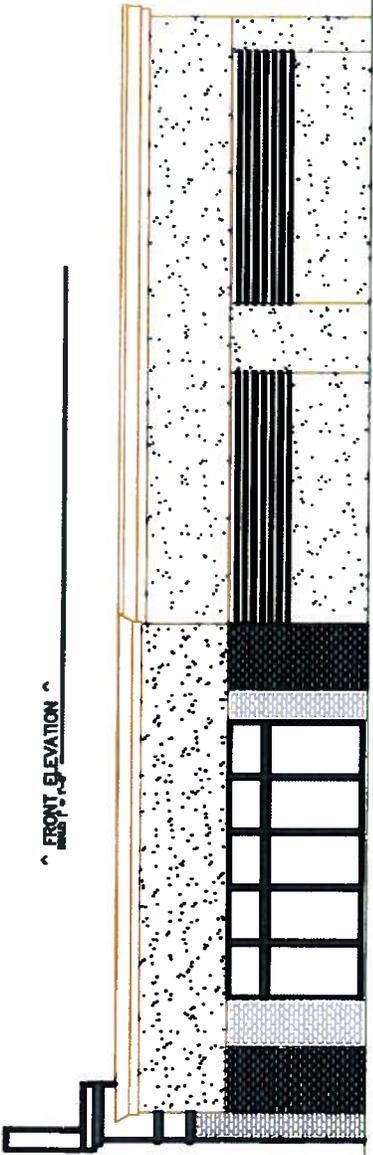


A-4

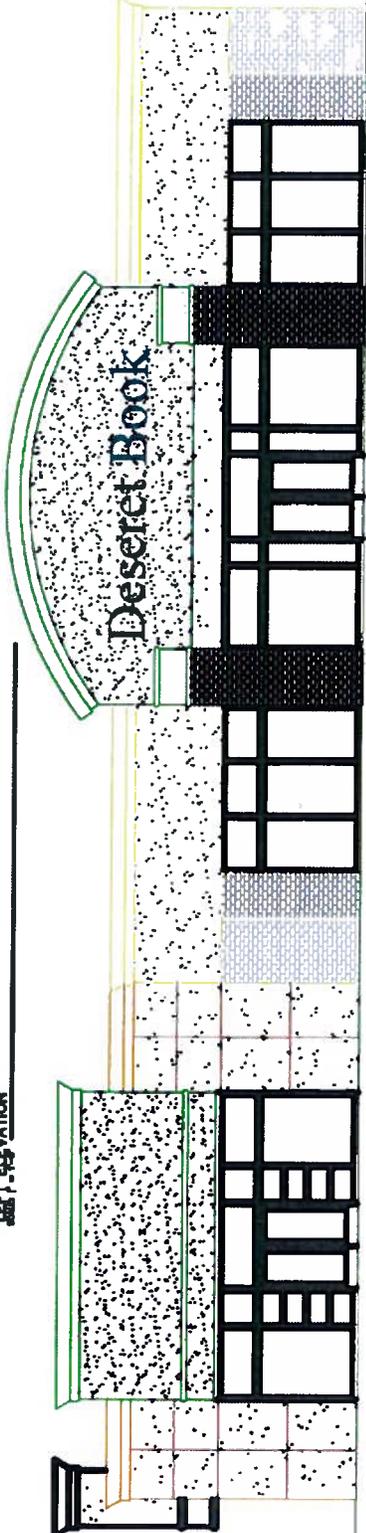
Laughlin & Assoc. Architects  
Architecture/Planning  
955 SERRANO AVENUE, SUITE 100  
TWIN FALLS, IDAHO 83401  
(208) 736-8030 FAX (208) 731-8990

NEW BUILDING FOR  
DESERT BOOK  
1434 FORTUNE ROAD EAST, TWIN FALLS, ID  
EXTERIOR ELEVATIONS

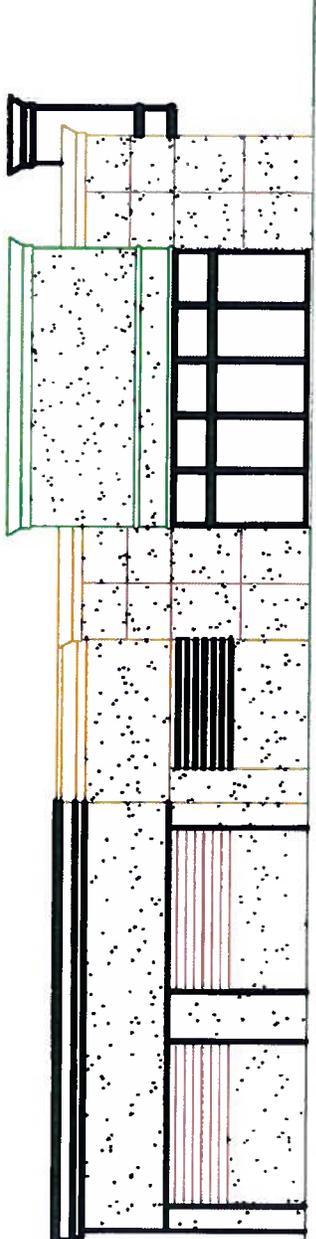
^ RIGHT ELEVATION ^



^ FRONT ELEVATION ^



^ LEFT ELEVATION ^







**MINUTES**  
**Twin Falls City Planning & Zoning Commission**  
**May 24, 2011-6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Wayne Bohrn    Kevin Cope    Jason Derricott    Terry Ihler    V. Lane Jacobson    Jim Schouten    Chuck Sharp  
**Chairman                      Vice-Chairman**

**AREA OF IMPACT:**

Lee DeVore    R. Erick Mikesell

**CITY COUNCIL LIAISON**

Rebecca Mills Sojka

**ATTENDANCE**

**PLANNING & ZONING MEMBERS**

**PRESENT:**

Bohrn  
Cope  
Derricott  
Jacobson  
Schouten  
Sharp

**ABSENT:**

Ihler

**AREA OF IMPACT MEMBERS**

**PRESENT:**

DeVore

**ABSENT:**

Mikesell

**CITY COUNCIL MEMBERS PRESENT:**                      Mills Sojka

**CITY STAFF PRESENT:**                      Carraway, Strickland, Vitek,

**AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING**

**III. ITEMS OF CONSIDERATION:**

1. Preliminary PUD presentation for a request for annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD to allow for expansion of an existing religious facility and accessory uses, and to include a variety of light commercial and professional uses that are consistent with the land use designation of Urban village/Urban Infill as defined in the Twin Falls Comprehensive Plan and to allow for signage as allowed for non-residential uses on property located at 1631 Grandview Drive North. c/o Mike Smit on behalf of the Twin Falls Reformed Church (app 2458)

**IV. PUBLIC HEARING ITEMS**

1. Commission recommendation on a request for an amendment to the Kelly & Cohen Appliances, Inc., and Willard D. Ihler & Dorothy M. Ihler Planned Unit Development Agreement #212, recorded September 22, 1998, to revise the Master Development Plan to include redevelopment of the northeast portion of the existing Planned Unit Development Agreement #212 to allow an 8000 sq. ft. multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North, aka 1434 Pole Line Road East. c/o Rex Harding, JUB Engineers on behalf of Twin Falls Holding Corporation (app.2450)
2. Request for a Non-Conforming Building Expansion Permit to allow expansion of an entrance canopy attached to a non-conforming building on property located at 1925 Kimberly Road c/o Lytle Signs, Inc. (app. 2451)
3. Request for a Special Use Permit to operate an indoor recreation facility in Space 9 of Building 4 at the Lynwood Shopping Center on property located at 1201 Filer Avenue East. c/o Rodney Waite on behalf of Laser Mania Family Fun Center (app. 2452)

IV. PUBLIC HEARING ITEMS

1. Commission recommendation on a request for an amendment to the Kelly & Cohen Appliances, Inc., and Willard D. Ihler & Dorothy M. Ihler Planned Unit Development Agreement #212, recorded September 22, 1998, to revise the Master Development Plan to include redevelopment of the northeast portion of the existing Planned Unit Development Agreement #212 to allow an 8000 sq. ft. multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North, aka 1434 Pole Line Road East. c/o Rex Harding, JUB Engineers on behalf of Twin Falls Holding Corporation (app.2450)

- Chairman Bohrn read into the record a letter of concern submitted by Debra Guerra, Senior Council Harbor Freight Tools to the Planning & Zoning Commission, filed with the application.

**APPLICANT PRESENTATION:**

Rex Harding, JUB Engineers, representing the applicant, stated that this PUD Amendment application is coming before the Commission because when the PUD was approved one of the conditions was that if any change or development was planned and especially if the change was for the northeast corner of the property it would be brought back through as a PUD Amendment. This portion of the property currently has a home on it that has been used as an office until recently and there is a vacant area to the south of the home. The plan is to remove the home and incorporate these two areas into the PUD Agreement Amendment and build a multi-tenant complex approximately 8000 sq. ft. in size for two tenants. The accesses to the properties are existing and were established when the original PUD was approved and will not change. The business called Rosebuds Florist is south of where the new building will be constructed with an ingress and egress through the parking light of the Rosebuds Florist from the Locust Street North entrance as well as an ingress and egress to the new building from Pole Line Road East. There will be a parking lot along the front of the new building along Pole Line Road and a driveway that will go around the east side of the building for loading and unloading. Part of the construction will include striping the parking spaces allowing for 75 marked parking spaces. The request is that the Commission recommend approval of this change to the City Council.

**STAFF PRESENTATION:**

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for an amendment to the Kelly & Cohen Appliances, Inc and Willard D. Ihler and Dorothy M. Ihler PUD Agreement #212.

The request, if approved, would allow for modification of the Master Development Plan to include redevelopment of the northeast portion of the existing PUD #212 to allow an 8000 sq. ft. multi-tenant commercial development aka 1434 Pole Line Road East. The preliminary PUD presentation was presented to the Commission on May 10, 2011 with no concerns.

The current PUD Agreement was recorded in July 1998. The use language of the underlying "C-1" zone stated this agreement shall apply with regard to permitted uses, special uses and prohibited uses on the property as it was in the original PUD agreement. The landscaping requirements in the original PUD agreement were as per current City Zoning Ordinances and shall have a minimum 15 foot landscape buffer along Locust Street North and a minimum 30 foot landscape buffer along Pole Line Road as measured from the existing curb or future curb. Within the landscape buffer along Pole Line Road, 50% of the lineal footage of landscaping shall have

berms with a ridge elevation of at least 18 inches in height with at least 50% of the berming having a minimum ridge elevation of 30 inches in height. The landscaping requirement remains the same in the amended PUD Agreement. All other improvements have been completed per the original Kelly & Cohen Appliances, Inc and Willard D. Ihler and Dorothy M. Ihler PUD Agreement.

The original PUD Agreement stated the developer was to provide an acceptable storm water management/flood plain mitigation plan. A mitigation plan was provided and approved. Storm water seems to collect at the northeast corner of the Harbor Freight (formerly Rex Tv & Appliance) parking lot. City Code 10-11-8(f) states that all commercial developments shall design and construct storm water retention facilities to retain the 50-year 24-hour rainstorm event. Due to the flooding that occurs after a bad rainstorm, storm water management should be reviewed for compliance.

The applicant is proposing the construction of an 8000 sq. ft. multi-tenant building. The Comprehensive Plan shows this area as commercial/retail. The proposed development of this property would comply with the Comprehensive Plan.

City Code 10-12-4.2(p)(1) states that pursuant to section 7-8-3, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or PUD, or any development of any parcel of land of  $\frac{3}{4}$  of an acre or larger that is not part of a subdivision or PUD.

Section 10-12-4.2(p)(3) states the City Engineer may authorize in specific cases a variance from the requirement of a pressure irrigation system, if not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this subsection would result in unnecessary hardship. Special conditions may include, but are not limited to, small developments in terms of acreage, developments without viable access to irrigation water delivery, or developments without Twin Falls Canal Company Water Shares. The proposed development has an existing well. Upon review the Engineering Department has determined that the applicant shall use the existing well for landscaping purposes of the proposed development.

There was a letter submitted from the Harbor Freight Tool company that was read into the record. This company is only a tenant in the existing building but they have expressed some concerns. Mr. Harding has spoken to them in the last few days and it seems there is not a concern with the original request for adding a building on this corner to make this a nice commercial site, however there are still some strong concerns from this tenant as well as the owner of the property with regards to parking and storm water retention on the lots. Staff has reviewed what the applicant is requesting and feel that this will be an improvement to this corner. However the tenant/property owner has expressed special concerns. Staff feels these issues need to be addressed prior to final development approval.

Zoning & Development Manager Carraway stated upon conclusion should the Planning & Zoning Commission recommend approval of this request staff recommends it be subject to the following conditions:

1. Subject to amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, the amended PUD Agreement and the amended master development plan.
2. Subject to recordation of amended PUD Agreement #212, as approved by the City Council, prior to development of this site.
3. Subject to the use of the existing well instead of pressure irrigation system for landscaping purposes.
4. Subject to working out the outstanding issues as addressed in the letter submitted by Debie Guerra, Senior Council Harbor Freight Tools dated May 24, 2011 with the adjoining property owner prior to final approval of the PUD Agreement Amendments.

**P&Z COMMENTS/QUESTIONS:**

- Commissioner Schouten asked if there are any plans for the expansion of Locust in the next five years.
- Assistant City Engineer stated that an expansion is not planned for this collector street at this time nor in the near future.
- Commissioner Bohrn asked stated the letter that was submitted had questions about parking and traffic flow through the property. He asked how many spaces does the new building require and how many spaces will be left for Harbor Freight.
- Mr. Harding stated that 32 are required for the new building, there are 24 spaces in the new parking lot, one additional space added on the Harbor Freight property and 4 additional spaces at the south end of the Harbor Freight property and one parking space that will be moved to allow for traffic to flow through to the new facility, other than that there will not be any changes to their parking as it exists.

**PUBLIC HEARING: OPENED**

- Jeff Rolig, stated he was contacted Clack, Rex LLC the landlord for the tenant Harbor Freight Tools. He stated this is a prime commercial piece of property and this could have a large impact on this area. Currently there are no recorded cross use agreements for access or parking. His concern is that until the end of last week the client had no real idea of what was going on with the development and this amendment will have an impact on the tenants business and may impact the lease agreement. He is concerned with how the site will be managed during construction with the limited access and how the final development will impact the entire development. His client has asked that this request be held until these issues are able to be discussed, the client does have to sign off on the agreement before things can move forward and they have some serious concerns that need to be addressed.
- Richard Crowley, the applicant for this requested stated they have been trying for months to get the information to the necessary parties. Yesterday when he received the call from a lady in Chicago he explained the procedure for this request and explained that they are willing to work with the neighbors who will be part of this development. The parking will be shared for this development and it will add additional value to the property.

**PUBLIC HEARING: CLOSED**

**CLOSING STATEMENTS:**

Mr. Harding explained there has been an additional driveway added in the Master Development Plan to help move traffic through north to south. The concern from the neighboring property was that this will add more traffic coming in from Pole Line Road. Mr. Harding explained that anyone that lives locally knows that access to the property is easier from the Locus Street access. His understanding is that a PUD Agreement allows for shared parking. The access is as it stands it was approved in the original PUD and plat and it will not change. There will be a chance for review of the Amended PUD Agreement and requires signatures from each property owner. The existing well will be used for irrigation and meet the requirement standards. The only things that have really changed in the amendment was the names of the owners and the descriptions of the uses allowed, and the master development plan to include the new building. Once the other property owners have a chance to review the agreement they will find

there have not been any changes to the accesses, parking, storm water, or utility easements and its not a drastic change from the original agreement.

**DELIBERATIONS FOLLOWED:**

- Commissioner Schouten asked about the direction of the traffic through the driveway in front of Rosebuds and the size of the driveway.
- Mr. Harding explained the driveway width is 12 feet with a five foot sidewalk next to the building.
- Commissioner Schouten explained his concern is that if he was entering the property from the Locust Street access and someone was traveling through this driveway area there could be a problem.
- Mr. Harding explained that this driveway would most likely need to be designated as one directional probably going south would be the best.
- Commissioner Derricott asked how the last condition on staff recommendations would be enforced.
- Zoning & Development Manager Carraway explained that a PUD Agreement has to be signed by all the properties for it to be approved.
- Commissioner DeVore asked if the customers for the new building can use the parking on the Harbor Freight portion of the property since it is a separate parcel. If there is not an agreement for cross use of parking between the properties will the parking requirements be met.
- Zoning & Development Manger Carraway stated this is one of the concerns raised by the Harbor Freight Tool company and explained that in the original PUD Agreement it does not state that parking can be shared. Typically a PUD Agreement states that the parking is shared and originally this may not have been a concern. A condition requiring a cross use parking agreement could be added. The terms of agreement must be met for all the property owners to sign off and will need to be part of the agreement. If agreements for cross use are not met these lots will not meet the parking requirements. The development plan was based upon shared parking plan.
- Commissioner Jacobson asked if the fourth conditions was not added to the staff recommendations the agreement would still have to be approved by the property owners involved before it could move forward.
- Zoning & Development Manager Carraway stated yes that is correct.
- Commissioner Bohrn stated there are obviously lots of problems that have not been answered and is concerned with letting this move forward.
- Commissioner Schouten stated his concerned that this development will be a problem when future development of Locust Street takes place.
- Zoning & Development Manager Carraway stated this development plan meets the current code requirements.
- Commissioner Cope stated that he is concerned that some of these issues were not been addressed before the plan moved forward, maybe there should be more time for things to be discussed.
- Commissioner Bohrn stated his worried that the Commission isn't sending something through that is clean.
- Commissioner Derricott asked when the tenants at Harbor Freight Tools contacted the City because the original presentation was heard 2 weeks ago. If the notifications went out then it shouldn't be held up because the applicant proceeded through the process correctly.
- Zoning & Development Manager Carraway stated a public notice was sent out to the property owners as required.

**MOTION:**

Commissioner Derricott made a motion to recommend approval of this request to the City Council with staff recommendations. Commissioner Sharp seconded the motion. Commissioners Derricott, Jacobson & Sharp voted in favor of the motion. Commissioners Cope, Devore, Schouten, Borhn voted against the motion.

**RECOMMENDED FOR DENIAL TO THE CITY COUNCIL**  
**CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JUNE 27, 2011**