

COUNCIL MEMBERS:

SHAWN BARIGAR	LANCE CLOW	DON HALL	GREGORY LANTING	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
Council-Elect		Vice Mayor	Mayor			



CORRECTED MINUTES
 Meeting of the Twin Falls City Council
 February 6, 2012
 City Council Chambers
 305 3rd 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:
I. CONSENT CALENDAR: 1. Consideration of accounts payable for January 24 – February 6, 2012. 2. Consideration of the January 23 and January 26, City Council Minutes. 3. Consideration of the request for approval of the final plat for Eldridge Commercial Condominiums Subdivision, c/o Ken Edmunds. 4. Consideration of the Final Plat of WS& V Subdivision – A PUD, 19.31 (+/-) acres consisting of 5 lots and property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W.S.&V., LLC.	<u>Action</u>	Staff Report Sharon Bryan L. Sanchez Renée Carraway Renée Carraway
II. ITEMS FOR CONSIDERATION: 1. Consideration of a request to award the bid on the Oregon Trail Youth Complex Restroom to Peterson Brothers Construction. 2. Consideration of a request to approve a Zoning Title Amendment which would amend Twin Falls City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines" as they exist or as amended when reviewing for a Certificate of Appropriateness, c/o Historic Preservation Commission, Darrell Buffaloe, Chairman (app. 2492) 3. Consideration of an appeal of a decision by the Planning & Zoning Commission to grant a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon in the City's Area of Impact. Appellant: John T. Lezamiz. TABLED FROM THE JANUARY 23, 2012 AGENDA. 4. Public input and/or items from the City Manager and City Council.	Action Action Action	Dennis Bowyer Kelly Weeks Mitch Humble
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 1. Consideration of a request to set new Recreation Fees for the Twin Falls Parks & Recreation Department. 2. Consideration of an appeal by Jeffrey E. Rolig on behalf of Allen Nagel/All State Auto Sales, Inc, regarding the Planning and Zoning Commission's decision on December 28, 2011, specific to three (3) conditions of approval of a Special Use Permit to allow an expansion by more than 25% of an existing automobile dealership and including up to four (4) display pad sites on property located at 284 Washington Street North. (app 2494)	Public Hearing Public Hearing	Dennis Bowyer Renée Carraway
V. ADJOURNMENT: to Executive Session 67-2345(1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.		

****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: Shawn Barigar, Lance Clow, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington
Absent: Don Hall
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Parks & Recreation Director Dennis Bowyer, Zoning & Development Manager Renee Carraway, Planner 1 Kelly Weeks, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the Pledge of Allegiance to the Flag.

A quorum was present. Mayor Lanting introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler removed the following from the agenda:

Executive Session 67-2345(1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for January 24 – February 6, 2012, total: \$1,047,743.59; February 3, 2012, Payroll total: \$99,882.95; February 1, 2012, Fire Payroll total: \$48,346.08.
2. Consideration of the January 23 and January 26, City Council Minutes.
3. Consideration of the request for approval of the final plat for Eldridge Commercial Condominiums Subdivision, c/o Ken Edmunds.
4. Consideration of the Final Plat of WS& V Subdivision – A PUD, 19.31 (+/-) acres consisting of 5 lots and property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W.S.&V., LLC.

MOTION:

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

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to award the bid on the Oregon Trail Youth Complex Restroom to Peterson Brothers Construction.

Parks & Recreation Director Bowyer explained the request.

Staff recommends awarding the Oregon Trail Youth Complex Restroom project to Peterson Brothers Construction in the amount of \$130,519.00 and to authorize staff to proceed in acquiring the materials for the sewer and water lines, the materials for the electrical work, and the equipment for the concession stand.

Discussion followed:

Councilperson Clow asked if \$180,000 was the total budget number to include sewer and water. Parks & Recreation Director Bowyer answered in the affirmative.

Councilperson Talkington asked for the construction standards for restrooms that are typically vandalized. Parks & Recreation Director Bowyer stated that fixtures are stainless steel.

MOTION:

Councilperson Clow made a motion to award the bid on the Oregon Trail Youth Complex Restroom to Peterson Brothers Construction in the amount of \$130,519.00, as presented. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Consideration of a request to approve a Zoning Title Amendment which would amend Twin Falls City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines" as they exist or as amended when reviewing for a Certificate of Appropriateness, c/o Historic Preservation Commission, Darrell Buffaloe, Chairman (app. 2492)

Planner 1 Weeks explained the request.

Approval of this request will allow the HPC to reference the "Warehouse Historic District Design Guidelines" when reviewing applications for Certificates of Appropriateness.

Staff recommends that the Council approve the attached ordinance change as presented.

Darrell Buffaloe, Chairman of the HPC, stated that the appeal process has been incorporated into the ordinance. On overhead projection he explained a few of the guidelines.

Community Development Director Humble stated that the public hearing was held on ~~December 9, 2011~~. (January 9, 2012). The ordinance is ready for adoption.

Discussion followed:

Councilperson Talkington asked if there is an indication that the WHO guidelines will be unsuccessful because applicants do not want to spend money on improvements. Darrell Buffaloe stated that the HPC will assist the applicant with information to help replace or repair buildings in the most efficient manner.

Councilperson Clow asked what it meant to preserve railroad and leaving historic signs on old buildings. Darrell Buffaloe explained the commission will review the request and make an independent decision.

MOTION:

Councilperson Talkington made a motion to suspend the rules and place Ordinance 3025, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §10-4-22.3(H) BY REFERENCING THE WAREHOUSE HISTORIC DISTRICT DESIGN GUIDELINES on third and final reading by title only. 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.

Deputy City Clerk Sanchez read the ordinance by title only.

MOTION:

Councilperson Clow made the motion to adopt Ordinance 3025, as presented. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted favor of the motion. Approved 6 to 0.

3. Consideration of an appeal of a decision by the Planning & Zoning Commission to grant a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon in the City's Area of Impact. Appellant: John T. Lezamiz. **TABLED FROM THE JANUARY 23, 2012 AGENDA.**

Councilperson Barigar recused himself from the item for consideration. He disclosed that he testified on behalf of his employer.

City Attorney Wonderlich reviewed the process.

Community Development Director Humble stated that the notices sent out by the applicant were verified. On overhead projection he showed the Magic Valley Flight Simulation 300' Radius Map, showing the parcels noticed by the applicant.

John Lezamiz, the appellant, was not present at the meeting.

JodyTatum, applicant, thanked the Council for their consideration.

City Attorney Wonderlich recommended that the motion be made in the affirmative and recommend approval of the SUP with the understanding that a no vote on the motion would mean the request would be denied and a yes vote would be for approval.

Discussion followed:

Councilperson Clow referred to John Lezamiz's reasons for appeal listed in his January 11, 2012, NOTICE OF APPEAL:

1. Failing to provide notice to all affected property owners;
2. Conflict of interest by P&Z Commissioner, and

3. Failing to follow, adhere to and failing to implement provisions of Twin Falls City Code §10-13-2.2(D)(5).

Councilperson Clow asked City Attorney Wonderlich if the question presented before Council is if the Planning & Zoning Commission properly considered the increased traffic on Canyon Springs Road.

City Attorney Wonderlich stated that Mr. Lezamiz had the argument that the applicants did not give the proper notification to those impacted by the proposed change. The Zoning Administrator determined that proper notification had been given by Magic Valley Simulation.

MOTION:

Councilperson Talkington made the motion to uphold the decision made by the Planning & Zoning Commission and to recommend for approval to the County Commissioners to grant a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon in the City's Area of Impact, as presented. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0. Councilperson Barigar abstained from voting.

4. Public input and/or items from the City Manager and City Council.
Councilperson Mills Sojka stated that she spoke with Art Hoag regarding the Art and Soul in the Magic Valley. Mr. Hoag discussed how the City might encourage or involve the City of Twin Falls. Mayor Lanting asked for suggestions.

Adjourned at 5:58 P.M.

Reconvened at 6:11 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00

1. Consideration of a request to set new Recreation Fees for the Twin Falls Parks & Recreation Department.

Parks & Recreation Director Bowyer explained the request using overhead projection.

On December 13, 2011, the Parks & Recreation Commission voted to approve the following recommendations on fees:

1) Youth sports programs administered by the City (baseball, softball, basketball, and soccer) should increase the City resident fees from \$15 to \$20 and non-resident fees from \$25 to \$35.

Staff concurs with this recommendation. An effective date would be April 2 to coincide with baseball/softball program.

Discussion followed:

- The increase in fees will generate \$15,000 in revenue.
- Non residents do not pay City taxes.
- The City of Twin Falls does not compete with other cities' recreational program.
- The Parks & Recreation Department provides a waiver if the participant is unable to pay.

Council discussed that an increase would create a hardship on families due to the current economy.

The public hearing was opened and closed with no public input.

City Manager Rothweiler discussed the implications if the request is not approved. This would include making reductions of \$15,000 to the Parks & Recreation Department as it relates to operations and expenses.

MOTION:

Councilperson Clow made the motion to approve Resolution 1878, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ESTABLISHING RECREATION PROGRAM FEES.

Section 1: That Recreation Program fees shall be established as follows:

Youth Sports-In Twin Falls City Limits (basketball, baseball, softball, soccer) 20.00

Youth Sports-Out of Twin Falls City Limits (basketball, baseball, softball, soccer) 35.00
Effective Date - April 2, 2012

The motion was seconded by Councilperson Talkington.

The public hearing portion was reopened.

Parks & Recreation Director Bowyer explained the decreases that would occur in the department if the increase is not approved.

The public hearing was closed.

Roll call vote showed Councilpersons Barigar, Clow, Lanting, and Mills Sojka voted in favor of the motion. Councilpersons Munn and Talkington voted against the motion. Approved 4 to 2.

2. Consideration of an appeal by Jeffrey E. Rolig on behalf of Allen Nagel/All State Auto Sales, Inc, regarding the Planning and Zoning Commission's decision on December 28, 2011, specific to three (3) conditions of approval of a Special Use Permit to allow an expansion by more than 25% of an existing automobile dealership and including up to four (4) display pad sites on property located at 284 Washington Street North. (app 2494)

Jeff Rolig explained the appeal. He stated the following:

The commission imposed a 6:00 P.M. closing time. Mr Nagel is requesting an 8:00 P.M. closing time

The SUP process requires improvements be completed within 6 months. The Planning & Zoning Commission made a recommendation of a five month completion date. Mr. Nagel is requesting time for improvements to be extended to June 30, 2012.

Mr. Nagel would like to be allowed to leave cars on the gravel portion of the property he bought until such time construction has started and has been completed. He is not arguing the need to pave the parking area. The area is leveled and graveled and the cars would be parked in the graveled area.

Zoning & Development Manager Carraway explained the request.

On December 28, 2011 the Planning & Zoning Commission approved as presented a request for a Special Use Permit to expand by more than 25% an existing used automobile dealership to include up to four (4) display pad sites for property located at 284 Washington Street North. This request was unanimously approved subject to 12 conditions.

Two letters of appeal were received from Jeffrey E. Rolig, P.C. on behalf of Allen Nagel – they are dated January 11, 2012 & January 23, 2012. The letter dated January 11, 2012 states Mr. Nagel wishes to appeal three (3) conditions of approval:

1. Condition #6- Subject to compliance with paving and landscaping requirements by May 31, 2012.
Mr. Rolling is asking to move this date to June 28, 2012, which is 6 months from the date of approval.
City Code 10-13-2.2 (K) states failure to comply with conditions of approval within 6 months shall null and void the approval of a special use permit. Therefore the code supports a 6 month time frame to complete the conditions of approval.
2. Condition #12- Subject to hours of operation no later than 6:00 P.M. as presented, and no earlier than 7:00 A.M.
Per City Code §10-4-8.2. Mr. Rolig is asking for his client to be permitted to stay open until 8:00 P.M.
3. The permitted retail hour of operation in the C-1 zone is 7:00 A.M. to 10:00 P.M. However, as this land use requires a special use permit it is not unusual for an applicant to reduce the hours of operation- generally this is to be better neighbors with adjacent property owners – as this site is adjacent to existing residences to the north, east and south. The 6:00 pm time was placed upon the permit as it was specifically stated as the hours of operation by the applicant.

4. Condition #5- Subject to all parking and maneuvering areas being hard-surfaced per City Code §10-11-4. There shall be no vehicles on undeveloped surface at any time.

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

Rebuttal:

Mr. Nagel stated that the request is for a deferral up to June 2012, and to be able to operate sales on the gravel portion of the lot.

Council discussion followed.

-Asphalt prevents vehicles bringing gravel and dirt onto public street.

-Amplified sound is not being requested by the applicant.

Mr. Nagel listed the reasons for his request.

The public hearing was closed.

MOTION:

Councilperson Clow made the motion to approve a Special Use Permit to expand by more than 25% an existing used automobile dealership to include up to four (4) display pad sites for property located at 284 Washington Street North, as presented, subject to the following 12 conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to four (4) pad sites being allowed in the landscaped area, at least ten (10') feet back from the back of curb on Washington Street North, minimum of 9' X 20' and hard surfaced to meet code.
3. Subject to compliance with C-1 Zone Landscaping requirements and including a minimum ten feet (10') of landscaped area along the frontage to meet the gateway arterial landscaping requirements.
4. Subject to compliance with City Code §10-11-3 by implementing screening on the southern boundary of the property.
5. Subject to all parking and maneuvering areas being hard-surfaced per City Code §10-11-4. There shall be no vehicles on undeveloped surface at any time.
6. Subject to compliance with paving and landscaping requirements by May 31, 2012.
7. Subject to limiting the existing accesses on Washington Street North to one (1) access for ingress/egress.
8. Subject to signage being approved by staff prior to operation of the business.
9. Subject to approval and implementation of a storm water retention plan for the property prior to operation of the business.
10. Subject to review by the Twin Falls Canal Company of the coulee on the property and compliance with any requirements that they may have for development. A copy of the approved plan to be provided prior to operation of the business.
11. Subject to compliance with all DMV dealership requirements. A copy of the approved dealership license to be provided prior to operation of the business.
12. Subject to hours of operation no later than 6:00 pm, as presented, and no earlier than 7:00 am per City Code §10-4-8.2.

The motion was seconded by Councilperson Mills Sojka.

MOTION:

Councilperson Talkington made a motion to amend condition #6 to allow a deferral of the hard surfacing of the southernmost property in question until June 28, 2012. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MOTION:

Councilperson Talkington made a motion to amend #12 to allow the hours of operation from 7:00 a.m. to 8:00 p.m. 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.

MOTION:

Councilperson Clow made a motion to amend condition #5 that hard surfaced areas would be phased in over three year period according to City Code. The motion was seconded by Councilperson Mills Sojka.

Zoning & Development Manager Carraway explained the deferral process.

Councilperson Clow withdrew his motion. Councilperson Mills Sojka concurred with the withdrawal.

MOTION:

Councilperson Munn made a motion to amend condition #5 to allow the applicant to park inventory for sale and to allow for sale of automobiles on the undeveloped property in the four lots described up to and until June 28, 2012, at which time it will be paved and ready to go. The motion was seconded by Councilperson Talkington. Roll call vote showed Councilpersons Barigar, Clow, Lanting, Munn, and Talkington voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 5 to 1.

- V. **ADJOURNMENT:** to Executive Session 67-2345(1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. Removed from the agenda.

The meeting adjourned at 7:56 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary