



Twin Falls City Council Minutes

Monday, February 24, 2020, 5:00 PM

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

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Suzanne Hawkins, Vice Mayor Ruth Pierce, Council Member Shawn Barigar, Craig Hawkins, Greg Lanting, Christopher Reid & Nikki Boyd.

Absent: None

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, Police Chief Craig Kingsbury, Planning & Zoning Director Jonathan Spendlove, Grant & Community Relations Manager Mandi Thompson, Parks & Recreation Director Wendy Davis, City Planner Brock Cherry, Desktop Support Analyst Jeremiah Parent, Executive Administrative Assistant Leila Sanchez

Mayor Suzanne Hawkins called the meeting to order at 5:00 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

Mayor Suzanne Hawkins invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) PROCLAMATION OF THE MAYOR

a) Sanctity of Human Life - Request made by Pastor Paul Thompson

Mayor Suzanne Hawkins read the Sanctity of Human Life Proclamation.

Pastor Paul Thompson received the proclamation, gave a brief presentation and spoke on House Bill 361.

4) CONSENT CALENDAR

Mayor Suzanne Hawkins removed the following property from the Consent Calendar: f) Request to approve the Findings of Fact and Conclusions of Law for Elizabeth Properties, LLC Zoning District Change and Zoning Map Amendment

MOTION:

Council Member Christopher Reid moved to approve the Consent Calendar as presented except for Findings of Fact and Conclusions of Law for Elizabeth Properties, LLC Zoning District Change and Zoning Map Amendment. The motion was seconded by Council Member Shawn Barigar. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg

Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. Approved 7 to 0.

MOTION:

Council Member Greg Lanting moved to approve the Findings of Fact and Conclusions of Law for Elizabeth Properties, LLC Zoning District Change and Zoning Map Amendment. The motion was seconded by Council Member Christopher Reid. Roll call vote showed Council Members Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. Council Members Nikki Boyd and Craig Hawkins abstained from voting. The motion passed 5 to 0 with 2 abstentions.

- a) **ACTION ITEM:** Request to approve the Accounts Payable for February 6-19, 2020.
- b) **ACTION ITEM:** Request to hold the annual "Walk a Mile in Her Shoes" event.
- c) **ACTION ITEM:** Request to hold the Magic Valley Refugee Day.
- d) **ACTION ITEM:** Request to approve the Annual Saint Patrick's Day Parade Application and Special Event Celebration sponsored by Bev O'Connor and Jennifer Colvin of O'Duncans, to be held on Tuesday, March 17th, 2020.
- e) **ACTION ITEM:** Request to hold the Twin Falls Municipal Band Concerts.
- f) **ACTION ITEM:** Request to approve the Findings of Fact and Conclusions of Law for the following:
 - Rose Russell Subdivision Final Plat
 - Sundance Subdivision No. 2, a PUD Final Plat
 - North Haven Office Condominium No. 1, a PUD Final Plat
 - Compton BR Properties, LLC Vacation
 - LC Investment Holdings, LLC Vacation
 - Elizabeth Properties, LLC Zoning District Change and Zoning Map Amendment
- g) **ACTION ITEM:** Request from the Twin Falls School District to waive building permit fees.

5) ITEMS OF CONSIDERATION

- a) **ACTION ITEM:** Reappointment of Carolyn Bolton to the Planning and Zoning Commission for 2nd term.

Mayor Suzanne Hawkins explained the request and recommended the appointment of Carolyn Bolton as presented.

MOTION:

Council Member Ruth Pierce moved to reappoint Carolyn Bolton to the Planning and Zoning Commission for a 2nd term. The motion was seconded by Council Member Craig Hawkins. Roll

call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

- b) **ACTION ITEM:** Request to hold the Lights and Lasers at Shoshone Falls Event on May 15-25, 2020.

Sergeant Ryan Howe presented the request.

Melissa Barry, representing Southern Idaho Tourism, explained the event.

MOTION:

Council Member Shawn Barigar moved to approve the request to hold the Lights and Lasers at Shoshone Falls Event on May 15-25, 2020. The motion was seconded by Council Member Pierce seconded the motion. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

- c) **ACTION ITEM:** Request to approve the contract with Mosaic Community Planning in the amount of \$46,480 for the completion and submission of a community Consolidated Plan and Analysis of Impediments to Fair Housing Choice.

Grant & Community Relations Manager Mandi Thompson explained the request.

Discussion ensued on the following:

- References
- Unbudgeted Expense of \$46,480

Grant & Community Relations Manager Mandi Thompson stated references, including the City of Lewiston, spoke favorably of Mosaic Community Planning. She also clarified that the City of Twin Falls will be reimbursed for the \$46,480, in fiscal year 2021. The program year for HUD is aligned with the City of Twin Falls fiscal year and will begin on October 1, 2020. At that point the City will submit reimbursement for costs.

City Manager Travis Rothweiler explained the request is for an unbudgeted expense of \$46,480. Though the money will be not be received until the next fiscal year, it will be a receivable for fiscal year 2020, credited against the 2020 fiscal year, and reflected in the City's audit.

MOTION:

Council Member Ruth Pierce moved to approve the contract with Mosaic Community Planning in the amount of \$46,480.00, for the completion and submission of a community Consolidated Plan and Analysis of Impediments to Fair Housing Choice. The motion was seconded by Council Member Shawn Barigar. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd,

Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

- d) **ACTION ITEM:** Request to award a bid for the City Park restroom project.

Parks & Recreation Director Wendy Davis explained the request and spoke on the scope of the project.

Colby Ricks, Ricks Architecture, LLC, explained the design project proposal.

Kevin Skelton, Parks & Recreation, discussed the electrical upgrades and how it connects to the Shoshone Archway.

Parks & Recreation Director Wendy Davis explained low bid was submitted by Hayes Construction for \$458,115. The complete project, as bid, with the asphalt pathway, add-on the surveillance cameras brings the total project cost to \$462,000, in addition to a 5% contingency would make the total \$458,100.

Approval of this request will dedicate funds to the project and allow staff to proceed with a contract.

Discussion ensued on the following.

- Projected dollar amount
- Clarification of total cost of project
- Trim costs to the bid

Parks & Recreation Director Wendy Davis explained the project started out at \$190,000. The architect estimate came in around \$360,000.

City Manager Travis Rothweiler explained the City Council has the option to reject the bid or authorize staff to use cash reserves to move forward and fund this project. If the bid is approved, staff will bring the contract back to Council with change orders.

Mayor Hawkins explained the need for the project; however, she was not expecting the expense for a restroom. With the other expenses the City is looking at this time and with temperament of the legislators for property tax reduction or freeze, she cannot support the expense for a restroom at this time.

MOTION: Council Member Barigar moved to award the bid as presented to Hayes Construction in the amount of \$494,314.00, and asked staff to move forward with the contract and to bring back to the City Council for approval. The motion was seconded by Council Member Reid. Roll call vote showed Council Members Craig Hawkins, Nikki Boyd, Shawn Barigar, Greg Lanting, Christopher Reid and Ruth Pierce voted in favor of the motion. Council Member Suzanne Hawkins voted against the motion. The motion passed 6 to 1.

- e) **ACTION ITEM:** Request to adopt an ordinance for an Annexation with a Zoning District Change from M-1 to M-2 for property located at 594 & 616 Washington Street South c/o Idaho Department of Corrections. (PZ19-0147)

Planning & Zoning Director Spendlove explained the request. Staff has prepared an ordinance to finalize the Annexation and Zoning District Change and Zoning Map Amendment process.

MOTION: Council Member Nikki Boyd moved to suspend the rules and place Ordinance No. 2020-001, on third and final reading by title only. The motion was seconded by Council Member Ruth Pierce. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

Recording Secretary Leila A. Sanchez read the Ordinance No. 2020-001, by title only:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ANNEXING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFORE, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT

MOTION: Council Member Ruth Pierce moved to adopt Ordinance No. 2020-001 for an Annexation with a Zoning District Change from M-1 to M-2 for property located at 594 & 616 Washington Street South c/o Idaho Department of Corrections. (PZ19-0147). The motion was seconded by Council Member Shawn Barigar. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

- f) **ACTION ITEM:** Request to adopt an ordinance for a Zoning Development Agreement Amendment for property located on the south side of the 1800 block of Elizabeth Blvd c/o Gerald Martens on behalf of Elizabeth Properties, LLC (PZ19-0131)

Planning & Zoning Director Jonathan Spendlove explained the request. The passing of the ordinance will amend the Zoning Development Agreement for this property regarding land use and other development criteria.

Council Members Nikki Boyd and Craig Hawkins recused themselves at this time.

MOTION:

Council Member Greg Lanting moved to suspend the rules and place Ordinance No. 2020-002, on third and final reading by title only. The motion was seconded by Council Member Shawn Barigar. Roll call vote showed Council Member Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid and Ruth Pierce voted in favor of the motion. Council Member Nikki Boyd and Craig Hawkins abstained from voting. The motion passed 5 to 0 with 2 abstentions.

Recording Secretary Leila A. Sanchez read Ordinance No. 2020-002, by title only:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING
CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING
CLASSIFICATION THEREFORE, AND ORDERING THE NECESSARY AREA OF IMPACT AND
ZONING DISTRICTS MAP AMENDMENT

MOTION:

Council Member Christopher Reid moved to adopt Ordinance No. 2020-002, for a Zoning Development Agreement Amendment for property located on the south side of the 1800 block of Elizabeth Blvd c/o Gerald Martens on behalf of Elizabeth Properties, LLC. The motion was seconded by Council Member Barigar. Roll call vote showed Council Member Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid and Ruth Pierce voted in favor of the motion. Council Member Nikki Boyd and Craig Hawkins abstained from voting. Motion passed 5 to 0 with 2 abstentions.

Council Members Nikki Boyd and Craig Hawkins took their seats at this time.

6) GENERAL PUBLIC INPUT

Nick Mattison stated the government gains its power from the consent of the governed and believes the governed have no voice. The Council are passing ordinances, etc., without any prior notice to the public. He read the Police Oath of Office and stated his concern that ordinances and procedures are being passed that may be abrasive against our current Constitution of Idaho and of the United States. He explained he was arrested for possessing an air-gun in a public place because of an ordinance. He spoke in favor of restrooms and a recreation center.

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Nikki Boyd reported the U.S. Department of Transportation announced the Magic Valley Regional Airport is one of 18 airports to receive a portion of the U.S. \$12.2 million from the U.S. Department of Transportation's Small Community Air Service Development Program. The City was awarded \$900,000.

City Manager Travis Rothweiler reported that on Monday, March 2, 2020, a joint session is planned for the City Council and the Planning & Zoning Commission to discuss City Code Title 10 rewrite. The City Council will convene in the Council Chambers at 5:00 p.m. and move to the Council Overflow Room. This is potentially one of three meetings.

On Wednesday, March 4, the City Council will meet for a Special Meeting for an Executive Session for the purpose of hiring a Chief Financial Officer. Members of the City Council are serving on the selection process. To call the meeting to order one of the Council Members not serving on the selection committee will need to call. All the City Council are invited to the afternoon events.

Council Member Reid recused himself at this time due to a personal relationship with the applicant.

8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle c/o Dustyn L. Brownlee. (PZ19-0154). On January 28, 2020 the Planning and Zoning Commission recommended approval of the proposed Vacation by a vote of 6 - 0.

City Planner Cherry explained the request is to vacate a platted utilities, irrigation, and drainage easement within the northern portion of Lot 20, Block 1 in the North Park #1 Subdivision located at 430 Parkway Circle. The purpose of the proposed vacation is to have a greater building envelope for a detached garage. The applicant has provided approval letters from all appropriate utility providers, with no objections. On January 28, 2020 the Planning and Zoning Commission recommended approval the proposed Vacation (PZ19-0154) by a vote of 6 - 0.

Dustyn L. Brownlee, applicant, explained the request.

Mayor Suzanne Hawkins opened and closed the public testimony portion of the hearing with no input.

Council deliberation: None

MOTION: Council Member Shawn Barigar moved to approve the request to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle c/o Dustyn L. Brownlee. (PZ19-0154), as presented and with the following condition: 1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable. The motion was seconded by Council Member Nikki Boyd. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, and Ruth Pierce voted in favor of the motion. Council Member Christopher abstained from voting. The motion passed 6 to 0 with 1 abstention.

Council Member Christopher Reid took his seat at this time.

- b) **ACTION ITEM:** Request an Appeal of a Special Use Permit to allow a Home Occupation on property located at 850 Cambron Avenue c/o Robert Taylor (PZ20-0004). On January 14, 2020 the Planning and Zoning Commission approved the Special Use Permit (PZ19-0150) by a vote of 6 - 0.

City Planner Cherry explained the request for an Appeal of a Special Use Permit to allow a Home Occupation on property located at 850 Cambron Avenue c/o Robert Taylor (PZ20-0004).

On January 14, 2020, the Planning & Zoning Commission approved the said Special Use Permit by a vote of 6 to 0. The property is within the R-2 (Residential Single Household) Zoning District.

For clarification, since the adoption of zoning ordinance in all the residential districts the City has allowed a home occupation, which allows for a limited commercial type business. This allows for a customer or another individual coming to their residence to receive goods or services. It is mandated that whoever is operating a home occupation operates within 400 sq. ft. Exterior aesthetics are not allowed. This is a way to allow someone to pursue a small commercial enterprise while also living in their home. This is not a rezone for commercial. The applicant intends to provide med spa services which includes facials, Botox, hair removal, and hair restoration. The services will be provided in an approximate ninety (90) square foot room in the applicant's home. The applicant will serve one (1) to two (2) customers at a time. Hours of operation will be Monday through Friday from 9:00 AM to 6:00 PM and Saturdays by appointment only. Staff has determined that the applicant's request is in accordance with City Code and City Comprehensive Plans.

During the public hearing portion for the original request, Mr. Taylor made a statement to the Planning & Zoning Commission outlining his concerns and issues on January 14, 2020. As a result, Mr. Taylor, has a standing case in an appeal. Staff spoke with Mr. Taylor and explained to him the appeal of the Planning & Zoning Commission's decision to the City Council.

The Council is tasked with making a decision on this request. The Council may:

1. Reaffirm the Planning and Zoning Commission Approval of the Special Use with its original conditions;
 2. Reaffirm the Planning and Zoning Commission Approval of the Special Use Permit with modified conditions as determined by the Council;
 3. Reverse the Planning and Zoning Commission Approval of the Special Use Permit.
- February 24, 2020, letters in support of the appeal have been received from individuals who live in close proximity to the proposed home occupation.

Robert J. Taylor, appellant, 775 Drayton Avenue, spoke at this time. The request is for the City Council to reconsider the decision of issue of a Special Use Permit by the Planning & Zoning Commission for a home occupation that was conveyed on January 14, 2020. He presented reasons for his request.

Maricruz Davis, original applicant, spoke on the issues presented by Mr. Taylor. She explained her type of business and her credentials. She addressed concerns presented in Mr. Taylor's letter to the Council.

Council discussion ensued.

- Ms. Davis holds a master's degree in Nurse Practitioner
- No employees

Mayor Suzanne Hawkins opened the public testimony portion of the hearing.

Joyce Redden spoke against the request.

Allen Redden spoke against the request.

Lori Taylor spoke against the request.

Terry Edwards spoke in favor of the request.

Josh Davis spoke in favor of the request.

Closing statements.

Maricruz Davis gave her closing statement.

Robert Taylor, Appellant, gave his closing statement.

Clarifying questions from the Council:

- Since 2002, roughly 20 Special Use Permits are in place.
- The City does not require a separate entrance.
- 90% of subdivisions are sub-zoned R-2.
- Unless restricted by a PUD, residential areas allow for home occupations.

Mayor Suzanne Hawkins closed the public hearing.

Council deliberations.

MOTION: Council Member Shawn Barigar moved to uphold the Planning and Zoning Commission's approval of the Special Use subject to the continued compliance with all local, state, and federal and other standards as applicable. The motion was seconded by Council Member Craig Hawkins. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

9) ADJOURNMENT

The meeting adjourned at 7:20 p.m.



Leila A. Sanchez

Recording Secretary