

**Minutes
Public Hearing
Ashton Planning and Zoning Commission**

March 22, 2017
7:00 pm

Attendees: Commission Members: Matt Brady, Robert Reimann, James Reynolds, Norman Watkins, Chairman Mike Hogle, Administrator Tom Cluff and Deputy Clerk Jan Warnke.

Also attending were project developer Jeff Southard, project engineer Marvin Fielding, Andrew Rogers, Kelli Rogers, John Grube, Lon Atchley, Kathleen Atchley, Bill Stephens, Michele OMalley, Barbara OMalley, Patty Litton, Sharlene Bergeson, Janalee Albertson, Janean Mower, Donna Sadecki, Melvin Sadecki, Doug Ervin, Garth Blanchard, S. D. Woodall, Shauna George, Suzanne Brady, John A, ElRoy Leonard, Toni Garz, David Garz, Holly Shuldberg, Shon Shuldberg and Bernetta Hanson.

New Business:

Public Hearing

1. ACH Holdings proposes a subdivision.

- a. **Partial vacation of Johnson Subdivision vacating public road.**
- b. **Replatting vacated portion of subdivision with private road and ten lots**

Chairman Hogle called the hearing to order and asked Deputy Clerk Warnke if the hearing had been properly noticed and if the property had been posted. Deputy Clerk Warnke replied that the hearing was published in the Standard Journal on March 3rd and 10th and the property was posted on March 14th. Chairman Hogle then asked the commission if they had a conflict of interest. There were none. He then asked Administrator Cluff to present his report on the development. Administrator Cluff reported that the Class II application was to vacate lots 9-16 in the Johnson Subdivision along with a portion of 1st St. which is fronting those lots. The applicant submitted a preliminary plat for that property that replaces the public road with a private road and replaces 8 lots with 10 lots. The Ashton City Code classifies a replat as a subdivision. It would be treated just like a new subdivision. The City's procedure for reviewing subdivisions is found in 17.16A.080. Following the public hearing the commission will determine if the application complies with the Comprehensive Plan and meets all regulations of the Development Code. The commission may attach conditions to the approval. Then after the approval of the preliminary plat the applicant files a final plat application. That again is reviewed by the commission who then makes a recommendation to the City Council for final approval. The commission approves the preliminary plat and the council approves the final plat based on the commission's recommendations. Vacation of plats or any portion of plat is governed by section 17.16F.010 in the City Code and by 50.1306A of the Idaho Code. The commission will examine the proposed vacation and make a recommendation to the City Council. The City Council then holds a hearing and decides to approve or deny it. Then the City Council will accept or reject the petition for vacation based on findings that: the vacation will not eliminate safe street access to any lot or parcel that is in separate ownership and was formerly included in, or is adjacent to, the plat. The vacation will not eliminate easements or rights of way used for utilities serving any lot or parcel that is in separate ownership and was formally included in, or is adjacent to, the plat. Administrator Cluff has reviewed the plat and it complies with the code. He asked that the commission consider a couple of points. First does this plan optimize connections with adjoining developments? Second, safe access, the

code requires that development shall maintain the existing grid pattern of the existing streets where feasible. The existing Johnson Subdivision doesn't follow that pattern. Administrator Cluff's opinion was that extending 1st St. further North was not feasible because the existing development is built in a way that the grid cannot be extended. Third, adequate public facilities, the city has adequate sewer and water to serve these houses. There is a wetland report showing that this ground is not a wetland. After the commission takes testimony from the applicant and the public they will have to review the application, the testimony and the city code to make a decision about this application. Regardless of what decision is made the commission has to explain why they are making that decision. Mr. Cluff asked the commission if they had any questions for him. The commission had none.

Chairman Hogle then turned the time over to the applicant spokesperson, Jeff Southard. Mr. Southard mentioned that the applicant didn't care if 1st St. was vacated or not vacated. They had heard concerns from neighbors about traffic and people wandering into their yards so they chose a compound design to accommodate the neighborhood. The applicant is asking to vacate the 8 lots and replat to 10 lots. The 10 lots meet all of the requirements of the Code. Mr. Southard asked if the commission had any questions for him. Commissioner Watkins asked if the lots in the subdivision would be open to the public for sale or if it was part of the hotel units. Mr. Southard said that they would be open for sale. He stated that they would not be kept specifically by the ownership of the people who own the hotel but they are planned to be vacation rentals. They will be sold to people who wanted to own and or rent vacation properties there. They couldn't stop someone from buying a lot and living there but they are going to be marketed as vacation properties. The owners of the property are planning on having the onsite management of the hotel manage the rentals so there would be close onsite management.

Chairman Hogle reminded the public that their statements must only address the merits of the proposed development as measured by its compliance or lack of compliance with the comprehensive plan and the development code. Each speaker will be given 3 minutes.

Marvin Fielding 317 N 3823 E Rigby – Marvin works with the engineering firm working on the site development. He stated that the development meets the code, is a reasonable development and is in line with what was originally planned for the area. He is in favor of the development.

John Grube North Fremont Fire Chief – Reported that in one section of the fire code it states that the fire code official is authorized to require more than one access to a subdivision based on congestion factors that could limit access. With only having access from Hwy 20 he would recommend not vacating 1st St.

Melvin Sadecki 283 N 8th – He believes that the developers are savvy enough to meet all of the qualifications. He knows that the development can't be stopped. He doesn't believe that the area will gain much from the development. It will be minimal unless there is a hotel bed tax. He doesn't see that the Chinese people will spend much money in the area especially if the property is set up like a compound that keeps them more confined. We have to do what we can to protect our community and to benefit from it. The detriments from the excess sewage and water use and traffic are going to be a negative to the community unless the city puts in something like a hotel bed tax. Maybe this will be a wakeup call to the community to think about the planning and zoning regulations and change them for the future.

Doug Ervin 888 Highland – This is a large development for a small town so its effects will be magnified. He addressed the vacation of the 8 lots plat changing to 10 lots. The existing neighborhood immediately adjacent to the proposed change has 1/2 of the density. It is comprised of four houses each on a double lot. Form the Comprehensive Plan 2.6, Residential Land Use # 4, encourages infill development on vacant or undeveloped land within the city which this development does, but also included in that same section # 3, is the need to ensure that new development is organized as neighborhoods, and is integrated with the existing neighborhoods. He feels that the commission should not allow the 10 lots. There is a recent precedent for such an action. When the Wild Cherry Subdivision went through the permitting process, the original plan called for a larger number of smaller lots. The Planning and Zoning commission ruled that it did not integrate well with the existing neighborhood on Cherry St. so the developers changed their plan with fewer lots which was subsequently approved. He opposes changing the 8 lots to 10 lots.

Shawna Woodall 552 Shadow Run – Believes that if someone owns property they have the right to do what they want with it as long as it keeps within the zoning regulations. She also believes if you buy a property zoned a certain way then you should know what the rules are and you agree to proceed under those rules when you buy the property. In the City's Comprehensive Plan, section 2.1 states, the importance and need to maintain the traditional small town character while trying to maintain economic sustainability. Section 2.6, 2nd paragraph, assures that growth occurs at a reasonable pace, and in areas that can be sustained by City services and facilities and therefore does not place an inadequate burden on existing residents. Growth should pay its own way. She said her biggest problem with the plan is, where are the people going to live that work at the hotel and restaurant. They are going to have to be brought in because they are going to have to be able to speak Chinese. There is a lack of places to live now and you cannot just throw sixty people in a trailer on the side of town and say it's better than where they left. Section 3.2 says, Ashton will preserve and enhance a high quality of life for its residents, a safe and secure place for people to live and work. The population is going to increase by 50 % in the summer. Will the police department have someone to translate for them? She wants the developer, city council and everyone involved to be honorable and follow the rules like they have been set.

Lon Atchley 84 Spruce – He is not looking forward to additional traffic. Would like to see a cul-de-sac and not continuing 1st St. He is concerned about the water pressure in the area. He states the city has done remarkable improvements but it is still not enough. He doesn't have enough pressure to run two sprinklers at the same time. He disagrees with the engineers that the city has excess water capacity. We want to see the city grow reasonably. He encouraged the commission to listen to those people they represent.

Janalee Albertson 261 Walnut – She is concerned about the impact on the water and sewer systems. She also has low water pressure. She spoke about the tourists encroaching on private property, using swing sets, having picnics on resident's lawns, walking through yards and even urinating on the lawns. She is worried about the liability if someone gets hurt while trespassing on property and the impact this development will have on existing hotels and restaurants. She believes the value of existing homes will go down. She feels that the citizens have been lied to and would hope that the developers will be fair and honest about what is going on.

Chairman Hogle reminded the public again that at this time they should be speaking on the vacation of 1st St. and changing 8 lots to 10 lots. He stated that they would be able to address the hotel at the next section of the hearing.

David Garz 23 Spruce – Submitted a written statement.

Shon Shuldberg 222 Willow Lane – Mr. Shuldberg pointed out that the homes that are shown on the plan are smaller than the existing homes. He stated that the Comprehensive Plan suggests that there shouldn't be more than 4 homes per acre so he believes that the development goes against the Comprehensive Plan. He feels there should be 5 homes built not 10 homes. He believes it will lower property values because all of the homes on the plan all have the same look and they will be small. It will encroach commercial zoning into the residential zone which is against the Comprehensive Plan. Since these new homes will be short term rentals, how do we protect our kids from a transient population of people? There are safety concerns with not knowing who your neighbor is. Vacating 1st St. causes concern, because large development has a high risk of failure in this area. If that happens the homes will have to be sold individually and will need access.

Sheryl Hill 238 Idaho – Ms. Hill stated that the Planning and Zoning Commission did not have the authority under the City's Development Code to conduct this public hearing on the vacation of a plat and subdivision. She said that authority belonged to the Ashton City Council. She went on to tell the commission that at the February 2, 2017 commission meeting, Mr. Cluff explained that the commission would hold a hearing on the plat while the council would conduct a hearing on the vacation of 1st St. The 1st public hearing notice was simply for a plat amendment to change 8 lots to 10 lots. The development code does not allow an increase in the number of lots in a platted subdivision; they can only be decreased. She had asked Mr. Cluff about this and he had replied that 'what he had been calling a plat

amendment should be called a subdivision because the definition of subdivision includes any replat. But it is not clear if the old subdivision plat should be vacated as well.' As she has tried to understand Mr. Cluff's response she learned that the term replat is not defined in the Ashton Development Code. The Fremont County Development Code defines a replat as any change in an existing subdivision that adds land to the subdivision or creates a new road. The procedures for a replat are the same as for an original subdivision. Ms. Hill states that the proposal for Johnson Subdivision does not add land, and therefore does not meet the definition of a replat. She assumes somebody could argue that vacating 1st Street and then incorporating it back into the subdivision is somehow adding land, but she thinks that would be a misinterpretation of the code. Ms. Hill requested that the Commission decline to act on the Class II Permit application for Johnson Subdivision, and instead ask the zoning administrator to begin again, with a plat vacation, followed by a new subdivision proposal. She feels that this may help resolve several problems: 1. The developer's proposal is to build houses on property zoned lower density residential for use as short-term rentals by the owners or investors. Although the Development Code does not prohibit short-term rentals, the use of a residential area for commercial purposes does not comply with the Comprehensive Plan or the Development Code, and the property should be rezoned commercial. Vacating the plat will make this possible. 2. The short-term rental house development is, in fact, a large-scale development and should be subject to a facilities needs planning study. Rezoning the property commercial will make this possible. 3. At a recent community meeting, the concept of a "campus" enclosed by a six-foot wall elicited numerous conflicting reactions. Mr. Southard said the design concept was not necessary, but one they had proposed as a means of addressing problems that have already occurred with Chinese guests at Eagle Peak Lodge. One person voiced concern about the safety of guests who would be forced to walk along Highway 20 if they wanted to take an evening stroll. The single entrance and exit to both the hotel/restaurant and rental houses, could hinder emergency response services, and in fact, the street design that incorporates two cul-de-sacs is strongly discouraged in both the Comprehensive Plan and Development Code for residential zones. Solutions to these and many issues could be discovered through a process that incorporates greater communication between the developers and Ashton residents. Using a process to vacate and rezone this property will help to facilitate that interaction. 4. At the March 2, 2017 Planning and Zoning meeting, Mr. Cluff responded to a question from one of the commissioners about the use of the houses by saying that 'they have a subdivision application, and that subdivision is just like any other subdivision, single-family dwellings. If the hotel uses them, that's something maybe we need to figure out...or not.' We all know that the houses in the proposed subdivision will not be used as single-family dwellings, and although Mr. Cluff did not explain exactly what he meant by "if the hotel uses them" or how the commissioners could "figure that out," this seems to be the perfect opportunity to begin that process.

Andrew Rogers 87 Spruce – Mr. Rogers stated that the development was in his back yard. Many residents have difficulty with water flow and he doesn't believe that the City of Ashton's infrastructure could support such a large scale development. He doesn't think that Keller and Associates can conduct their study without bias because they work for the city and the developer. He feels a third party should be hired, someone without ties to either party. He told the commission that he was in favor of the partial 1st St. vacation. He thought it could be used only for emergency access and then if the market falls out it could be used as a street again. He appreciates the developers trying to decrease traffic generated by the hotel and their willingness to provide a 6 ft. concrete divider between the residential area and the development. He is hoping the barrier will reduce the noise from the busses running and to help protect the privacy of the residential area. He ended by telling how he was able to build his home with the help of Habitat for Humanity and that he was not in a position to be able to move.

Chairman Hogle asked Mr. Southard if he wished to give any rebuttal. Mr. Southard told the commission that he didn't know when the city hired Keller and Associates. He feels that it is not fair or correct to question their integrity. Last year he met with city some of the city staff. Delray Jensen recommended Keller and Marvin Fielding. Mr. Southard felt comfortable using Keller and associates because he felt that they were intimately familiar with the city's water and sewer system and he has every confidence that they acted in good faith and have given an excellent study on what the impact would be. He went on to say that he had driven around the area and didn't see that the proposed homes were less desirable than what is there currently. He doesn't feel that there is validity to that argument. He addressed comments that were given that the homes should be zoned commercial. The commercial zone does not allow single

family residences. All over the country cities are dealing with short term rentals in residential neighborhoods. There are homes already in Ashton that are being rented out on a short term basis. He then told the commission that they were being upfront about their intentions for these homes. He believes that they have done everything to meet the requirements for the plat vacation and new subdivision. They want the subdivision designed so that it benefits Ashton.

Chairman Hogle closed the hearing.

2. ACH Holdings proposes to build a 50 room hotel and a 200 seat restaurant

Chairman Hogle called the hearing to order and informed those present that the purpose of this hearing is ACH Holdings proposes to build a 50 room hotel and a 200 seat restaurant in the Highway Commercial Zone. He turned the time over to Administrator Cluff. Administrator Cluff reported that the size of the project required a large scale development study. The City's Code requires the study to address impact on the water and sewer system and to protect the need for improvements necessitated by their development. Inventory the facility's that will serve their development and the condition and capacity of the system to show if an addition to the system is required and will estimate the cost for those additional improved facilities. The applicant paid for a large scale development study, which found that no new water or sewer capacity would be needed to serve this development. The applicant will build the additional turn lane and intersection improvements required for accessing Hwy 20, as a condition of the ITD access permit. The hotel and restaurant are allowed in that zone. The fire department indicated that they do not need any additional equipment for this development. They will however require stand pipes and hose on each floor of the hotel. The county EMS department has indicated that the elevator in the hotel is not large enough to fit their equipment. They are asking that they increase the elevator size. The current site plan does not show enough parking spaces but they do have enough land to the north of the development so that they can provide enough parking, it's just not currently shown. Mr. Cluff told the commission as they hear the testimony and deliberate over and make a decision with regards to the hotel and restaurant, if there is no new information comes to light, he is recommending that they approve the application with the following conditions. The applicant will build adequate parking as required by the code. The applicant will change the building plans to include an elevator that meets the county EMS department requirements. The administrator shall be authorized to inspect and verify compliance with these conditions of approval. Reasons for approval are: The application is for uses allowed in the Highway Commercial Zone. The application, provided the conditions of approval are met, meets the standard of the City's Development Code. Administrator Cluff recommended, after hearing testimony, that the commission table the discussion to a later meeting to give him time to investigate the water pressure issue. The large scale development study didn't address water pressure. Cluff asked the commission if they had any questions for him. Commissioner Brady stated that he would like to see something about the accumulation of solids at the lagoon and how it is going to be impacted by this development.

Chairman Hogle turned the time over to the development representative, Jeff Southard. Mr. Southard said that he had been here three weeks ago to discuss an impact study. It was his understanding that the City Planning and Zoning Administrator and the commission were very clear that everything that needed to be included in the study had been included. The intention initially was that the meeting three weeks ago was to be the public hearing, but it was noticed incorrectly. They were still on the agenda but not for a public hearing. To hear that this might be tabled because there is additional information that needs to be addressed, should have been addressed three weeks ago, and we would have been happy to do further studies to look into things further. Mr. Southard then stated that he hoped that the city was not looking for a way to stall indefinitely the approval of this project. He said they had been very patient and he feels having been issued a permit last year, then having that permit revoked and then having to go back through a new process. He added that the developers absolutely expect to pay their fair share. This study helps identify what impact fees should be, which they will be glad to pay, but those seem to be conditions that need to be reviewed by engineering staff and others to figure out the water pressure issue. Mr. Southard cautioned the commission that they don't look for ways to delay the project when

they have jumped through every hoop that has been required and expected of them and then some. They have no problem at all with the pre-conditions that were mentioned. He was under the impression that the elevator would fit a full size gurney. That can be verified and approved. The developers have land for parking and they already have stand pipe and sprinklers in the plan. The two story hotel is an approved use. They are excited to be coming to Ashton and feel that they can add value to the neighborhood. Unfortunately, he said, he is the first one to say, hey guess what, we're going to build something that's never been built here before. This project has been planned for in your code for years. Mr. Southard met with citizens the night before and answered as many questions as he could. The developers want to do everything they can to be good neighbors. He has many frustrations about what happens with the Chinese tourists. He doesn't live here so he hasn't experienced that. He feels there are ways to mitigate that. The owners could use pamphlets, signage as they pull in that would help educate them to know what was appropriate and what wasn't. That won't solve everything but education has to help. They are open to discussing what can be done to help mitigate any concerns or issues that would happen with this development.

Chairman Hogle asked the commission if they had any questions for Mr. Southard. They did not at this time. He then reminded the audience that their comments were to only address the merits of the proposed development as measured by its compliance or lack of compliance with the Comprehensive Plan and City Code.

John Grube North Fremont Fire Chief – Gave written requirements that would be mandatory for this project. The State Fire Marshall is willing to come up to assist the city with the connection to their water line and to make sure everything is up to fire code.

Chairman Hogle then asked those present that had signed up to speak if they would like to make any comment.

Shon Shuldberg 222 Willow Lane – Feels the hotel and its infrastructure is too big for Ashton. They will not be able to control their commercial pushout into the neighborhoods. It will affect the life quality in the surrounding neighborhood. He has concerns about lighting and signage. He doesn't want the lights affecting the neighbors. The project has no benefit to Ashton. It will pay property tax and that is it. The Planning and Zoning was dismantled in May of 2016 and was just recently put back together. That's what pushed back the timeline. Then he (Mr. Southard) threatened the commission with, you better not hold us up. That's how they work. They are going to come in, poop in our town and leave. Their plan is to build a compound, keep them all there to eat and exclude the community and that's not the progress I want. There's better things to do with that property.

Sheryl Hill 238 Idaho – Started out by saying that section 17.48D.010 of the Development Code describes process in which the administrator retains and pays for the professional service provider to perform a large scale development study. That process was not followed in this study. The reason that the administrator will retain a professional service is to ensure there is no conflict of interest. Mr. Fielding and Keller & Associates have been providing engineering services to the development team since at least August of 2016. At the same time they were also working for the City of Ashton. She believes that creates a conflict of interest for Keller & Associates. At the community meeting on March 21, 2017 and again tonight, when a potential of conflict of interest was raised Mr. Southard interpreted the comments as disparaging the integrity of Mr. Fielding and Keller. That is not the case. Identifying a conflict of interest simply recognizes that most professionals will provide the best services possible and in the best interest of their own client. What is in the best interest of the developers may not be in the best interest of the City of Ashton. Therefore to avoid any possible questions on the matter, it's best to simply avoid it entirely by retaining a neutral party. She believes the study is inadequate and if the public would have been given an opportunity to speak three weeks ago she would have been able to inform them. Ashton is a disadvantaged community. Ashton's citizens are investing their wealth, as low as it is, in the water and waste water systems. Taking the time to evaluate the effects of this development on these systems and the potential cost to Ashton's residents demonstrates respect of and responsibility to the people who make Ashton their home. Commissioner Reynolds asked Ms. Hill where she got her information that the

study was inadequate. Ms. Hill replied that it was all in her written comments but was unable to give due to time limitations. She then told the commission that she had a master's degree in toxicology. She worked in a research lab at the University of Wyoming for thirteen years doing analysis of wastewater and toxicity of wastewater. Received master's in the engineering department at the University of Illinois as a biology student. Reynolds then asked her if she had put pencil to paper to verify this. She stated that she had several questions about the study results. Ms. Hill volunteered with the City on its wastewater treatment problem in 2015 and she has worked with and has respect for Mr. Fielding. She stated that she was not questioning his integrity. She then went on to say that the city has a lagoon system that relies on the biotic balance within the system. You don't know what will happen to this system once it is dredged and once a new lagoon is built taking some of the water from the cells into the lagoon. The city has a wastewater treatment operator, Delray Jensen, who does a wonderful job of maintaining that system. It's an art not a science. The city has a system that does not produce odor, which is rare in a wastewater system. It's practically odorless and that is something Delray can be proud of. We don't know what will happen when changes occur and I would like to have that at least acknowledged in the study. The Equivalent Dwelling Units that were used to estimate the impact on the wastewater system equals to only 38 people. That's the information that Marvin provided. The system upgrades for twenty years are intended to accommodate 236 people. The 1st alternative hotel design at full occupancy will accommodate a minimum of 50 people and a maximum of 200 people per day. That tells me that the EDU method of determining adequacy may not be sufficient.

Chairman Hogle asked Marvin Fielding if he had any rebuttal statements. Mr. Fielding stated that he had worked with the City of Ashton for a long time. He has tried to be upfront with everyone about the potential of conflict of interest working with both the developer and the City. The City contracted with Keller in 2014 to prepare the wastewater study and he was responsible for preparing that study. The water study was prepared by another firm around 2010 that he also worked for and he was also responsible for preparing that study. He thought that he was in a unique situation of understanding the City's water and sewer systems better than any other firm because they have been so heavily involved. He then address the concerns of the water pressure on that side of town. He said the city has measured the water pressure in that area and there is 80 to 82 pounds per square inch. Which is about 10 pounds per square inch higher than it is at the well. That is due to the elevation of the city. That area of town is lower than the rest of the city. That is the same reason that all of the sewer gravity flows. With the report of low system pressure in that area could be from the older galvanized water service lines throughout town. When they become rusted it can cause a loss of pressure in that service line instead of the whole system having low pressure. Todd will get alarms on his phone if there is low system pressure. We can go out and put a pressure gauge on a hydrant and put another pressure gauge at the home and start flowing water. Then you can measure them simultaneously. That way you can tell if it is a system issue or a service line issue.

Jeff Southard – If he understands this information correctly, it is the service line to each individual home. So the system pressure that was measured is more than adequate. The development cannot control the lines that goes to each home so that would be outside the scope of what we are doing here. A few questions came up that he addressed. The code has rules for lighting and signage and the development would have to meet those rules. They do not want to shine light in anyone's yard and he believes the code covers all of that. He doesn't know what the financial benefit will be for Ashton. He told everyone present that he was sorry if he sounded frustrated. He said that he was not threatening anybody but was pleading for reason that they have done everything that they have been asked to do. He doesn't see a way legally that this project can be denied based on the code that they've followed again and again. His plea is that reason will prevail and that they will be able to move forward. It's easy to look at someone else's property that you don't want to buy, and say there is a better use there for me if I don't have to pay for it. The developers think this is the best use for the property. Ashton is a great community and it is the gateway to adventure. That's why we're here. This area attracts tourists. We met with Delray and asked him who he would recommend to use. He said that he would prefer us to use Keller and Associates. We hired Keller because of the high recommendation of the City. He had never met Marvin but has been very pleased with his work. We like that Keller is intimately familiar with your system because it gives us confidence as we move forward everything is done properly and we are not taking advantage of the system. He told the commission that he appreciated the time that they had put in.

Chairman Hogle closed the hearing and called for discussion. First they discussed the partial vacation of 1st St. and replatting the vacated portion of the subdivision. Commissioner Reynolds liked keeping 1st St. for access. He doesn't like that residents would have to go to Hwy 20 for their only access. He also doesn't feel good about allowing the lots to be smaller. Chairman Hogle had the same concerns. Commissioner Brady feels they need better access for emergency personnel than Hwy 20. He also opposes vacating 1st St. Commissioner Watkins opposes vacating 1st St. He said that nothing is permanent. To have homes that are part of the community is better than to have them separate. Chairman Hogle asked the commission what they thought about changing the lot sizes. Commissioner Reynolds opposes changing the lot size. Commissioner Brady opposes jamming that many houses into that area. His biggest concern is calling it residential when it is essentially going to be used for commercial use. He and Commissioner Watkins prefer to keep it 8 lots instead of allowing 10 lots.

Chairman Hogle called for a roll call vote on the partial vacation of 1st St. Commissioner Brady No, Commissioner Reynolds No, Commissioner Reimann No, Commissioner Watkins No and Commissioner Hogle No. Motion failed. The reasoning they gave for their decision was access for emergency personnel and neighborhood inclusion.

Chairman Hogle called for a roll call vote on changing the 8 lots to 10 lots. Commissioner Brady No, Commissioner Reynolds No, Commissioner Reimann No, Commissioner Watkins No and Commissioner Hogle No. The reasoning that they gave for their decision was they wanted to keep the uniformity of the lots in that subdivision.

Chairman Hogle called for discussion on the 50 room hotel and 200 seat restaurant. Commissioner Brady would like to wait to make a decision. He said that after hearing that people in that area had a problem with water pressure. He wants those questions answered before he can make a decision. Commissioner Reynolds didn't think that any new information would change the decision of the commission. Commissioner Reimann agreed with Reynolds.

Commissioner Brady made a motion to wait to make a decision until their questions were answered. Commissioner Watkins second the motion. Roll call vote. Commissioner Reynolds No, Commissioner Brady Yes, Commissioner Watkins Yes, Commissioner Reimann No, Commissioner Hogle Yes. Motion passed.

The commission said that they would make a decision once the questions have been answered of the problem with the water pressure and what impact will the waste water solids have on the lagoon.

Administrator Cluff stated that the commission would review the additional written comments and other materials and then come back and deliberate over it again. They will specifically look at the life span of the lagoon and the water pressure in that area. They also would like to see a more accurate diagram of the hotel and restaurant parking area.

Public Hearing adjourned at 9:15 pm

Minutes respectfully submitted by Jan Warnke