

COUNCIL MEMBERS:

SHAWN BARIGAR	DON HALL	SUZANNE HAWKINS	GREGORY LANTING	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
<i>Vice Mayor</i>			<i>Mayor</i>			



**MINUTES**  
Meeting of the Twin Falls City Council  
**December 17, 2012**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East  
Twin Falls, Idaho

**6:00 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 a request to approve the accounts payable for December 11 – 17, 2012. 2. Consideration of a request to approve the December 3, 2012 and December 10, 2012, City Council Minutes.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a request to amend the current lease agreement between the City of Twin Falls and McKean Racing, LLC. 2. Consideration of a request to amend the Twin Falls City Fireworks Ordinance. <i>Proposed Ordinance #3042</i> 3. Presentation of the annual impact fee report from the Development Impact Fee Advisory Committee. 4. Public input and/or items from the City Manager and City Council.	Action  Action  Presentation	Travis Rothweiler  Anthony Barnhart  Mitch Humble
<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:** Shawn Barigar arrived at 6:14 P.M., Don Hall, Suzanne Hawkins, Greg Lanting, Rebecca Mills Sojka, Jim Munn, Chris Talkington
- Absent:** None
- Staff Present:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, PIO Josh Palmer, Battalion Chief Jack Barnes, Captain Anthony Barnhart, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Lanting called the meeting to order at 6:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. Mayor Lanting introduced staff. A quorum is present.

Boy Scout Alex Coselles, from Troop 68, introduced himself to the Council.

Vice Mayor Hall requested a moment of silence in memory of the 20 children and 6 adults who lost their lives on December 14, 2012, at Sandy Hook Elementary School in Newtown, Connecticut.

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

City Manager Rothweiler requested removal of Consent Calendar Item #2, Consideration of a request to approve the December 3, 2012, and December 10, 2012, and City Council Minutes.

**PROCLAMATIONS:** None

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for December 11 – 17, 2012, total:\$1,244,976.25  
December 11, 2012, Prepay, total: \$269.63  
December 7, 2012, Payroll, total: \$117,126.58
2. Consideration of a request to approve the December 3, 2012, and December 10, 2012, City Council Minutes.

**MOTION:**

Councilperson Talkington made the motion to approve the Consent Calendar with the deletion of *2. Consideration of a request to approve the December 3, 2012, and December 10, 2012, City Council Minutes*, as presented. The motion was seconded by Councilperson Hawkins 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 amend the current lease agreement between the City of Twin Falls and McKean Racing, LLC.

City Manager Rothweiler explained the request.

The City entered into a lease agreement with McKean Racing, LLC for the Magic Valley Speedway land in 2007. The agreement calls for rent payments to the City based on "the number of persons paying admittance fees for all activities held on the leased premises." The agreement is silent on tickets that are complimentary, or distributed for free, by McKean Racing. The proposed addendum to the contract was proposed by Mr. McKean, and imposes rent of ½ the amount per attendee on any complimentary tickets. Staff recommends that Council approve the addendum to the lease agreement with McKean Racing, and authorize the Mayor to sign.

The City Finance Department will participate directly in the billing process; and, in addition, complaints will be handled through the City Manager's office for review and compliance of the contract.

Council discussion followed:

Councilperson Talkington asked for clarification that in reference to the complimentary tickets distributed for free, this would include any event held at the speedway. He also asked how the gate receipts are determined.

City Manager Rothweiler answered in the affirmative. He also explained to Mr. McKean Council's concern regarding the activities held at the speedway regarding the Air Show event. The gate receipts are supplied by Mr. McKean.

Councilperson Mills Sojka stated she appreciated the change of process in which complaints will be handled. She referred to page 7 of the contract, and asked if public liability insurance is being submitted on an annual basis.

City Manager Rothweiler stated staff will instruct Mr. McKean to submit proof of insurance when he submits his annual payment.

Councilperson Mills Sojka asked if there was any outstanding circumstance for a 30 year contract.

City Attorney Wonderlich stated that Mr. McKean was getting ready to make some substantial improvements at the speedway and Mr. McKean wanted to make sure he had enough time to pay off the cost of the improvements.

Vice Mayor Hall asked how City Manager Rothweiler will handle complaints that take place in the County.

City Manager Rothweiler explained that he does not have police powers in the County; therefore, after he receives a complaint, the county resident may have to follow up with a complaint with the Sheriff's department. He stated that he has spoken to Mr. McKean regarding noise amplification complaints.

**MOTION:**

Vice Mayor Hall approved the amendment to the current lease agreement between the City of Twin Falls and McKean Racing, LLC. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request to amend the Twin Falls City Fireworks Ordinance. *Proposed Ordinance #3042*

Captain Barnhart explained the request.

At the City Council meeting held on July 9, 2012, Councilperson Talkington brought up for discussion the Fourth of July, specifically, noise disturbances associated with the illegal fireworks and the City's Fireworks Ordinance.

The proposed changes have been reviewed by the Fire Department and by City Attorney Wonderlich. Staff recommends approval of the amendments to the Twin Falls Fireworks Ordinance

Council discussion followed.

Councilperson Talkington asked for clarification of the proposed change in 6-9-9: REGULATIONS FOR FIREWORKS STAND. (L) Fireworks shall not be left in the stand when it is not open for business unless the stand is locked or secured.

He stated that the Kiwanis facility is in a large tent and is technically secured and locked. A person stays overnight at the facility. He asked if the Kiwanis would be in violation.

City Attorney Wonderlich stated that the ordinance does not define what secure means, and if it means a person manning the station, it will be a call for the Police and Fire Department.

Councilperson Hawkins asked why the application fee is to be lowered from \$100 to \$25.

Captain Barnhart stated that State law does not allow charging more than \$25 for the permit. A \$25 building inspection fee will be charged.

Councilperson Munn strongly encouraged the Police Department to issue some citations for violating the code. Doing so will send a message to the community that the City is serious about enforcement.

Vice Mayor Hall asked if the Police Department will become more assertive regarding enforcement.

Captain Barnhart stated that the plan is to have an educational campaign. A special team will address illegal fireworks.

Councilperson Barigar referred to "6-9-9: REGULATIONS FOR FIREWORKS STANDS: (A) All retail sales of safe and sane fireworks shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is hereby prohibited.

He asked if any retail stores in the City sell "safe and sane fireworks." His concern is if the code is being restrictive to temporary fireworks stands.

Captain Barnhart stated that he did not know but will address.

Councilperson Munn asked if the Police Department has money budgeted for overtime.

Captain Barnhart stated that his overtime line item was increased.

Councilperson Talkington commented that having fireworks in an established business would violate the insurance risk management.

Fire Battalion Chief Barnes stated that State statute states it is illegal for retail stores to sell fireworks. Securing a structure is up to the person making the sales.

City Attorney Wonderlich showed on overhead project State Code TITLE 39 HEALTH AND SAFETY CHAPTER 26 FIREWORKS 39-2607. Temporary fireworks stands.

**MOTION:**

Councilperson Talkington made the motion to suspend the rules and place Ordinance 3042, entitled:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING DEFINITIONS, AMENDING THE REQUIREMENTS FOR PERMITS, REQUIRING APPLICATIONS TO THE TWIN FALLS FIRE DEPARTMENT, MODIFYING AUTHORIZED DATES OF SALE AND HOURS OF USE, REGULATING SHORT-TERM STORAGE OF FIREWORKS, REQUIRING COMPLIANCE WITH THE STATE FIREWORKS ACT, PROVIDING FOR CONFISCATION OF ILLEGAL FIREWORKS BY THE POLICE DEPARTMENT, AND PROVIDING FOR PENALTIES FOR POSSESSION AND USE OF FIREWORKS.**

on third and final reading by title only. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Sanchez read the ordinance by title only.

**MOTION:**

Councilperson Hawkins made a motion to adopt Ordinance 3042, as presented. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Presentation of the annual impact fee report from the Development Impact Fee Advisory Committee.

Community Development Director Humble gave the presentation.

Part of the State Requirements for cities that have an impact fee program is an annual reporting requirement from the Development Impact Fee Advisory Committee to the City Council. This agenda item is the required annual report for the close of Fiscal Year 2012. The Committee met on October 25, 2012 to make their final recommendations for this report. The Committee discussed the Financial Data, Impact Fee Equity, Capital Improvements Plans, Automatic Fee Increase, and Growth Projections.

An automatic impact fee increase will occur in January in an amount equal to the change in the MCI from January 2012 to January 2013. That percent change through November 2012 is 1.7%.

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Council discussion followed.

Councilperson Talkington explained the benefits of impact fees. He recommended the Council endorse the recommendations of the Development Impact Fee Advisory Committee.

Councilperson Barigar stated that relating to the timing of the fee increase, would it make sense to go through the process in summertime to coincide with the budget year to be more helpful in establishing priorities and fees, or if it is set up on a calendar year for a reason.

City Manager Rothweiler stated when going through the budgeting process, the City is taking revenues that have already been captured and then applying them. The City is not counting on a revenue stream to come in through that year to then go forward with projects. If the process is to be changed, the fee increases should occur in conjunction with the budget just as it is done with other fees. Revenues are accumulated for specific years and for specific projects. The revenues can be placed in the budget as an enterprise type fund where the money is collected for a specific purpose.

Vice Mayor Hall asked if discussion has been made to place a traffic signal in front of Chobani.

City Manager Rothweiler stated that in addition to impact fees, additional tax increment financing may become available, in which traffic signals are eligible projects and the public costs could be paid for by the tax increment financing as it came in.

Councilperson Talkington and Community Development Director Humble stated that there is no plan for a traffic signal plan.

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

Mayor Lanting reported on the Grand Opening held for Chobani Idaho Inc., and thanked everyone involved.

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

**IV. PUBLIC HEARINGS: 6:00 - NONE**

**V. ADJOURNMENT: The meeting adjourned at 7:00 P.M.**

Leila A. Sanchez  
Deputy City Clerk/Recording