

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
 Monday, February 4, 2013
 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:

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>	<u>Action</u>	<u>Staff Report</u>
1. Consideration of a request to approve the accounts payable for January 29 – February 4, 2013.		Sharon Bryan
2. Consideration of a request to approve the January 14, 2013, Amended City Council Minutes.		Leila A. Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Consideration of a request for Chief Brian Pike to formally “promote” Sergeant Justin Dimond; and a request that Mayor Greg Lanting administer the Oath of Office to Bradley Baisch, the Police Department’s newest Police Officer.	Action	Chief Brian Pike/ Mayor Greg Lanting
2. Consideration of a request to reconsider conditions placed on an amendment to the WS&V PRO PUD Agreement by the City Council on October 22, 2012.	Action	Renee Carraway
3. Consideration of a request to reappoint James Ray, Scott Standley, and Jay Reis to the Building Inspection Department Advisory Committee, for terms to expire March 2016.	Action	Dwayne Thomson
4. Presentation by Elisha Figueroa from the Idaho Office of Drug Policy.	Presentation	Elisha Figueroa
5. Presentation of the City Pool Financial Report by Gary Ettenger, CEO of the YMCA.	Presentation	Gary Ettenger
6. Consideration of a request by James Ray on behalf of Jon Davis to waive the non-conforming building expansion permit process for an expansion to property located at 819 Canyon Rim Road.	Action	Renee Carraway
7. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 - None		
V. <u>ADJOURNMENT:</u>		

**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, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington
Absent: None
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Parks & Recreation Director Dennis Bowyer, Police Chief Brian Pike, Zoning & Development Manager Renee Carraway, Building Official Dwaine Thomson, Assistant to the City Manager Mike Williams, PIO Josh Palmer, 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 with him. Pledge from Boy Scout Troop 63, St. Edward's Catholic Church, led the Pledge of Allegiance. Mayor Lanting introduced staff. A quorum is present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested the following be added to the agenda as Consent Item I.3: Consideration of a request to approve a PUD Agreement Amendment for the WS&V R-6 PRO PUD #263, for Lot 1 Block 1, WS& V Subdivision First Amended and authorize the Mayor to execute the agreement.

MOTION:

Councilperson Talkington made the motion to approve the amendment to the agenda. 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.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for January 29 – February 4, 2013, total: \$1,489,424.96
February 1, 2013, Payroll total: \$114,409.21
January 30, 2013, Fire Payroll: \$50,031.19
2. Consideration of a request to approve the January 14, 2013, Amended City Council Minutes.
3. Consideration of a request to approve a PUD Agreement Amendment for the WS&V R-6 PRO PUD #263 for Lot 1 Block 1, WS& V Subdivision First Amended and authorize the Mayor to execute the agreement. *Council approved to add to the Consent Calendar.*

MOTION:

Councilperson Barigar made a motion to approve the Consent Calendar 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.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request for Chief Brian Pike to formally "promote" Sergeant Justin Dimond; and a request that Mayor Greg Lanting administer the Oath of Office to Bradley Baisch, the Police Department's newest Police Officer.

Mayor Lanting, with the assistance of Police Chief Pike and Vice Mayor Hall, administered the Oath of Office to Bradley Baisch as Police Officer.

Police Chief Pike formally promoted Sergeant Justin Dimond.

2. Consideration of a request to reconsider conditions placed on an amendment to the WS&V PRO PUD Agreement by the City Council on October 22, 2012.

Zoning & Development Manager Renee Carraway explained the request.

Doug Vollmer, WS& V, LLC, is requesting a reconsideration of the October 22, 2012, City Council decision regarding an amendment to the Planned Unit Development Agreement. If the Council decides to send it back through the public hearing process, notices will be required to be mailed to surrounding property owners and posted in the newspaper.

City Attorney Wonderlich explained that the request is to decide whether or not to conduct another public hearing on the amended WS&V R-6 PRO PUD Agreement. If the Council chooses not to reconsider the request the decision of the City Council stands.

Council discussion followed.

City Attorney Wonderlich stated that the Council approved the amendment on October 22, 2012, to the WS&V R-6 PRO PUD #263 Agreement subject to conditions, some of which applied only to Lot 1 for Lot 1 Block 1, WS&V Subdivision First Amended. The applicant is requesting reconsideration of the amendment to the WS&V PRO PUD Agreement, to allow all the conditions to apply to Lots 2 through 5 also.

Doug Vollmer, WS& V, LLC, explained his request for reconsideration of the conditions of the WS&V PRO PUD Agreement.

MOTION:

Councilperson Talkington made the motion to approve the request for the reconsideration through another public hearing before the City Council to reconsider conditions placed on an amendment to the WS&V PRO PUD Agreement #263 by the City Council on October 22, 2012. 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.

3. Consideration of a request to reappoint James Ray, Scott Standley, and Jay Reis to the Building Inspection Department Advisory Committee, for terms to expire March 2016.

Building Official Duane Thomson explained the request. James Ray, Scott Standley, and Jay Reis are all at the end of their terms on the Building Inspection Department Advisory Committee. All three have completed their first terms and are eligible for reappointment. They have all requested to be reappointed.

The Mayor and staff recommend that the Council reappoint James Ray, Scott Standley, and Jay Reis to the Building Inspection Department Advisory Committee, for terms to expire in March 2016.

Council discussion followed.

Councilperson Munn stated that he had asked Community Development Director Humble if the positions had been opened up to builders and others of this trade and he responded that it is difficult to find interested and qualified applicants to serve on the Commission.

MOTION:

Councilperson Munn made the motion to reappoint James Ray, Scott Standley, and Jay Reis to the Building Inspection Department Advisory Committee, for terms to expire March 2016. The motion was seconded by Councilperson Hawkins.

Councilperson Mills Sojka commented that she would encourage the City to open the positions to the public.

Mayor Lanting stated that he has followed the lead of the former two mayors on reappointments. If commission/committee members are interested in reappointment and have good attendance, participation record, and recommendation of a staff and council liaison, he would consider the reappointments without opening the positions up to the public and would present to the City Council for approval.

Councilperson Talkington stated that he is in favor of opening up positions to the public and reappointments of members should be considered in a case to case basis.

4. Presentation by Elisha Figueroa from the Idaho Office of Drug Policy.

Elisha Figueroa presented the following:

"Medical" Marijuana: The Facts
18 "Medical" Marijuana States/2 Recreation Marijuana States
Marijuana is not Medicine
Medication vs. Street Drug
Medical Associations/Societies who do not support smoked marijuana as medicine.
Marijuana is addictive and harmful
"Medical" Marijuana and Fraud
Advertisements for "medical marijuana"

Council discussion followed.

- Gateway drug
- Education needed
- Health risks within marijuana

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- Enforcement needed
- Public health announcements
- Three Strikes Law

Police Chief Pike explained the impact of surrounding medical marijuana states and recreational states.

Mayor Lanting stated Tammy de Weerd, from the City of Meridian, and representatives from Idaho cities sent President Barack Obama a letter of concern regarding the legalization of marijuana in Washington and Colorado and his administration's decision to not enforce federal drug laws.

Elisha Figueroa stated that the Office of Drug Policy feels confident that legislation will not pass any kind of legalization of marijuana. She stated her concern of a voter referendum issue. Information has been requested on rehabilitation on the prison level from the Idaho Department of Corrections, after the Times News ran an article in the editorial. (CORRECTION COSTS: Marijuana and Despair)

Councilperson Munn stated that the "three strikes law and you're out" law is not a state law but a federal law.

Council directed City Manager Rothweiler to prepare a resolution for Council's consideration for a future meeting.

5. Presentation of the City Pool Financial Report by Gary Ettenger, CEO of the YMCA.

Gary Ettenger stated he would like to come back to Council and give a presentation on Youth Obesity.

He thanked the City for work done in the shower areas, office floor, and sidewalks.

The Board of Directors identified a million dollars of current needs and has discussed a capital campaign on the facility and would like to include the City Pool. At the City Pool, the following needs have been identified: Spray park, large slide, and aquatic climbing wall.

After meeting with Mitch Humble, Travis Rothweiler, Greg Lanting, Shawn Barigar, and John Pauley, a new accounting method was put in place on how a portion of the YMCA's full membership revenue would be credited to the pool. He reviewed the Y/City Pool Profit & Loss – September 2011 through August 2012.

Council discussion followed.

- Lifeguard wages
- Delayed payments

John Pauley stated that raises are based on job performance.

Gary Ettenger assured the Council that there would be no future problems on delayed payments.

Councilmember Barigar gave a brief update on the allocation of the full membership meeting with the YMCA and City Staff.

City Manager Rothweiler stated that the YMCA will present their Annual Report in August 2013.

6. Consideration of a request by James Ray on behalf of Jon Davis to waive the non-conforming building expansion permit process for an expansion to property located at 819 Canyon Rim Road.

Zoning & Development Manager Carraway reviewed the request.

Staff recommends approval of the request as presented.

Council discussion followed.

- Owner of the property between the property line and the actual canyon rim location.
- Year home built
- Circular driveway

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Zoning & Development Manager Carraway stated that she does not have a legal description or warranty deed on this property at this time. The property could be owned by the City of Twin Falls or Canyon Springs Golf Course.

James Ray, James Ray Construction, explained the request. Because of the zoning, the plan is to leave the current rear wall of the house in place. It is difficult to determine where the property line is located. He will not encroach any further north to the canyon from where the house is currently located. He explained that the basement will be buried and he will build a two story structure in the same place with no basement. On overhead projection he showed the covered patio. He stated that after some research, he could not determine when the house was built.

Mayor Lanting asked if the Council has an option of requesting a geological study even though it's a legal non-conforming use.

Zoning & Development Manager Carraway answered in the affirmative. A geological study has not been done on this property. The property on the west side of the home went through the legal non-conforming expansion permit process and a geological study was not required.

Council discussion followed.

Councilperson Mills Sojka recommended a geological study.

Zoning & Development Manager Carraway stated that she is not an engineer and does not know the stability of the canyon rim. It is within the code to protect any new development by requiring a geological study be completed. Building setbacks would be based upon that study or the code required setback, whichever is most restrictive. Historically a remodel of an existing structure has not been required to complete the study.

City Attorney Wonderlich stated that the City does not accept any liability responsibility if the request is approved.

Councilperson Munn asked the cost of a geological study.

James Ray stated that he understood that a geological study was done on the other side of the canyon at a cost of approximately \$50,000.

Councilperson Talkington stated that he would be in favor of a geological study on an undeveloped property. The request is for a legal non-conforming building expansion permit and he does not see the value of a geological study.

Zoning & Development Manager Carraway stated that an undeveloped property is required to have a 100' building setback and depending on the geological study the new building may be as close as 50'.

Councilperson Barigar asked if the surrounding neighbors were notified of the request.

Zoning & Development Manager Carraway stated that the applicant is not required to contact surrounding neighbors.

Mayor Lanting stated his concern of the adding additional weight to the canyon rim with a two story home. He stated that in the 1980s geological studies had been done on canyon rim properties but is not sure if there are written records. He remembers a geologist spoke at a Planning & Zoning Commission meeting, who discussed the concerns of building on the canyon rim.

MOTION:

Councilperson Talkington made a motion to waive the non-conforming building expansion permit process located at 819 Canyon Springs Road, as presented, and subject to no further encroachment beyond the current northern wall structure; and, the adjoining property owners be notified of the proposed building expansion.

Vice Mayor Hall asked for clarification as to who would notify the adjoining property owners and asked what happens if the property owners object.

City Manager Rothweiler stated that if the request is approved, Council has agreed to waive the public hearing process, and has permitted the applicant to move forward.

The motion failed for the lack of a second.

MOTION:

Councilperson Munn made the motion to approve the request by James Ray on behalf of Jon Davis to waive the non-conforming building expansion permit process for an expansion to property located at 819 Canyon Springs Road, as presented, and subject to no further encroachment beyond the current northern wall structure. The motion was seconded by Councilperson Barigar.

Council discussion followed.

-Public notification

Councilperson Hawkins asked why the public hearing portion is requested to be waived.

Zoning & Development Manager Carraway stated that City Code allows the process of the waiving of residential expansion, as long as it does not encroach any further into the rear setback along the canyon or the front or street side setback.

Roll call vote showed Councilpersons Barigar, Hall, Hawkins, Munn and Talkington voted in favor of the motion. Councilpersons Lanting and Mills Sojka voted against the motion. Motion approved 5 to 2.

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

Councilperson Munn invited the Council and City staff to attend an open house at Reeder Flying Service on February 5, 2013, at 11:00 A.M., to meet the new owners.

Councilperson Hawkins reported that the Golf Commission has two vacancies and applications can be made until February 15, 2013, and the Planning & Zoning Commission has two vacancies and applications can be made until February 13, 2013.

Vice Mayor Hall reported that the Policeman's Ball would be held on February 9, 2013, at Canyon Crest Restaurant.

Councilperson Barigar stated that the Annual Chamber Banquet would be held on February 8, 2013, at 6:00 P.M., at Radio Rondevoo.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 - None

V. ADJOURNMENT: The meeting adjourned at 6:51 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary