

**COUNCIL MEMBERS:**

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



**MINUTES**  
**Meeting of the Twin Falls City Council**  
**Monday, November 18, 2013**  
**City Council Chambers**  
**305 3<sup>rd</sup> 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: Small Business Saturday**

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of a request to approve the accounts payable for November 13 – 18, 2013. 2. Consideration of a request to approve the November 4, 2013, City Council Minutes.	Action Action	Sharon Bryan Leila A. Sanchez
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a request to approve an Airport Grant Offer from ITD, Division of Aeronautics, in the amount of \$25,000.  2. Consideration of the request from the Twin Falls Golf Advisory Commission to raise fees at the Twin Falls Golf Club.  3. Consideration of a request from Twin Falls Urban Renewal Agency to accept the proposed pocket park to be built on 4th Avenue South upon completion of construction.  4. Consideration of adoption of an ordinance for the annexation of property consisting of 412.49 (+/-) acres, with a zoning designation of Open Space, located approximately 10,900' along the boundary of the Snake River Canyon between Hankins Road North (3200 East) extended and the eastern boundary of Dierkes Lake, including the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake.  5. General outline of the upcoming Special Meeting to be held on Thursday, November 21, 2013, on the possible canyon jumping.  6. Public input and/or items from the City Manager and City Council.	Action  Action  Action  Action  Presentation	Bill Carberry  Steve Meyerhoeffer Dennis J. Bowyer  Cindy Bond Dennis Bowyer  Mitchel Humble  Mike Williams
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u> None</b>		
<b>V. <u>ADJOURNMENT :</u></b> Executive Session 67-2345(b) <b><u>To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.</u></b>  Executive Session 67-2345(c) To conduct deliberations concerning labor negotiations <b><u>or to acquire an interest in real property which is not owned by a public agency.</u></b> <b><u>(The bold face type is the "purpose" for the Executive Session.)</u></b>		

*Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.*

**5:00 P.M.**

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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, Community Development Director Mitchel Humble, Airport Manager Bill Carberry, Parks & Recreation Director Dennis Bowyer, Assistant to the City Manager Mike Williams, 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. A quorum was present. Mayor Lanting introduced staff.

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

City Manager Rothweiler requested the following amendments to the agenda:

Items for Consideration:

To consider initiating a hearing at a future Council meeting to revoke the alcohol permit for the Pioneer Club, located at 1519 Kimberly Road East.

Consent Calendar:

Amended City Council Minutes of the November 4, 2013, Council Meeting.

**MOTION:**

Councilperson Talkington made the motion to approve the amendments to the agenda as presented. The motion was seconded by Vice Mayor Hall.

Council discussion followed.

Councilperson Mills Sojka asked if the owner of the Pioneer Club will be present at tonight's meeting. She did not want to add the item if the owner had not received a 24 hour notice.

City Manager Rothweiler and Building Inspector Duane Thompson stated that Marv Pierce, owner of the Pioneer Club, has been contacted and will present at tonight's meeting.

Roll call vote showed Councilpersons Barigar, Hall, Hawkins, Lanting, Munn, and Talkington voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 6 to 1.

**PROCLAMATIONS:** Small Business Saturday

Councilperson Barigar read the proclamation and encouraged the citizens of Twin Falls to shop locally.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for November 12 – 18, 2013, total: \$544,624.62.
2. Consideration of a request to approve the November 4, 2013, City Council Amended\_Minutes.

**MOTION:**

Vice Mayor Hall made the motion to approve the Consent Calendar as amended. 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 to approve an Airport Grant Offer from ITD, Division of Aeronautics, in the amount of \$25,000.

Airport Manager Carberry explained the request.

The ITD Division of Aeronautics has offered the \$25,000 grant to assist with a portion of the cost of the airport capital improvements. The Grant Offer will be subject to the standard assurances associated with State Division of Aeronautics grant agreements. The airport confirms its grant eligibility by providing the State with documentation that the City has invested at least \$50,000 toward FAA AIP projects. This will be done through the local 6.25% match money associated with recent FAA Projects.

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Staff recommends approval of the request.

Council discussion followed.

Deputy City Clerk Sanchez read the following from the proposed resolution:

Resolution number 1910 of City of Twin Falls, Idaho accepting the Grant Offer of the State of Idaho through the Idaho Transportation Department, Division of Aeronautics in the maximum amount of \$25,000 to be used under the Idaho Airport Aid Program, Program number: LNS8TWF, Project number: TWF-2013 AIP-033 in the development of the Joslin Field Magic Valley Regional Airport.

**MOTION:**

Councilperson Munn made the motion to adopt Resolution 1910 as presented. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**MOTION:**

Councilperson Hawkins made the motion to accept Idaho Transportation's Division of Aeronautics grant offer in the amount of \$25,000, to be used at the airport. Vice Mayor Hall seconded the motion and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request from the Twin Falls Golf Advisory Commission to raise fees at the Twin Falls Golf Club.

Steve Meyerhoeffer, Twin Falls Golf Club Manager, explained the request.

At the October Golf Advisory Commission meeting, the Commission unanimously approved the proposed rates setting the prices for the 2014 season at the Twin Falls Golf Club.

Council discussion followed.

-Fees charged at private golf clubs.

Parks and Recreation Director Bowyer stated that staff concurs with the Commission's recommendation.

**MOTION:**

Councilperson Talkington made the motion to adopt Resolution 1911, calling for the passes and player fees not to exceed 5% as described in the golf pro's schedule. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Steve Meyerhoeffer stated that the "Friends of Muni" raised \$9,000.

3. Consideration of a request from Twin Falls Urban Renewal Agency to accept the proposed pocket park to be built on 4th Avenue South upon completion of construction.

Cindy Bond, URA Chair, stated the City Council requested information on the maintenance of the park at their September 23, 2013, meeting and Parks and Recreation Director Bowyer will present the information.

Parks & Recreation Director Bowyer gave a detailed estimate on the maintenance of the park. If the Parks & Recreation Department maintains the pocket park the cost is estimated at \$6,075 per year.

Council discussion followed.

-Taxable income estimated to be received in 2023

-Engineering and Parks & Recreation will provide oversight of construction process.

-Adequate lighting

Melinda Anderson, URA Director, stated that the URA collects approximately \$2,000,000 per year on Revenue Allocation area 4-1. The City is estimated to receive one-half of whatever the taxable income is in 2023.

Vice Mayor Hall stated that crime prevention was an element of the design of the park and adequate lighting was considered.

**MOTION:**

Vice Mayor Hall made the motion to accept the request of the Twin Falls Urban Renewal Agency to accept the proposed pocket park to be built on 4th Avenue South upon the completion of construction in Revenue Allocation 4-1. 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.

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4. Consideration of adoption of an ordinance for the annexation of property consisting of 412.49 (+/-) acres, with a zoning designation of Open Space, located approximately 10,900' along the boundary of the Snake River Canyon between Hankins Road North (3200 East) extended and the eastern boundary of Dierkes Lake, including the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake.

Community Development Director Humble explained the request. The Council's adoption of the proposed ordinance will allow the property to be annexed into the City limits.

**MOTION:**

Councilperson Talkington made the motion to suspend the rules and place Ordinance 3058 on third and final reading by title only. The motion was seconded by Councilperson Hawkins.

Deputy City Clerk Sanchez read the title: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ANNEXING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFOR, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**MOTION:**

Vice Mayor Hall made the motion to adopt Ordinance 3058. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. General outline of the upcoming Special Meeting to be held on Thursday, November 21, 2013, on the possible canyon jumping.

Assistant to the City Manager Mike Williams presented the following outline of the Special Meeting:

- I. 4:00 PM – Meeting Commences
- II. 15 minute presentation from each applicant
- III. Break
- IV. Public Comment – 2 minute time limit for anyone wishing to speak
- V. Q & A from the City Council
- VI. Council discussion on next steps. Set up date for subsequent meeting to rank proposals

Council discussion followed.

- Broadcasting of meeting/media streaming
- Surety Bond

Public Information Officer Palmer stated that KMVT is planning to broadcast the meeting and KTVB has expressed interest in doing a live 3 to 5 minute shoot.

Councilperson Talkington asked if the meeting is a regular Council meeting and if decisions can be made by the Council. In addition he asked if the City chooses not to limit the event to one applicant, May the Council set a surety bond level.

City Attorney Wonderlich stated that the meeting is an open meeting and the agenda will be posted. The Council may set the amount of a surety bond.

City Manager Rothweiler stated that he would ask the Council not to set a floor for a bond until discussion has made with ICRIMP to discuss the risk analysis.

Mike Williams stated that proposals are on the City website at [www.tfid.org](http://www.tfid.org). A camera crew from ABC news stated they will be present.

Council discussion followed.

- Meeting commencing at 4:00 p.m.
- Format of Public Comment and Q & A from the City Council
- Experience of applicants

City Manager Rothweiler stated that Council may direct staff to move the commencement time of the meeting.

The Council would ask the applicant on citizens' behalf questions that were received from email or at the meeting. The format is similar to a Land Use Public Hearing.

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Assistant to the City Manager Mike Williams stated that the applicants' written presentations are on the City's website ([www.tfid.org](http://www.tfid.org)) and actual presentations submitted by the applicants will be posted on the City's website. Public comment can be sent to [jump@tfid.org](mailto:jump@tfid.org).

PIO Palmer stated that KMVT is planning to live stream a portion of the meeting. The entire meeting can be viewed on FOX Channel at 9:00 p.m. The City is audio recording the meeting.

-Discussion followed on the ranking of proposals

After Council discussion, the November 21, 2013, meeting will begin at 4:00 p.m.

Councilperson Hawkins asked staff if they had a schematic, chart, or points that the Council should be looking for as far as positives and negatives.

Assistant to the City Manager Williams suggested that the City may want to begin with the applicants' responses to the series of questions in the Request for Qualifications.

City Manager Rothweiler stated that the City does not have a tabulation sheet by design. This is a Council process and the purpose of the Canyon Jump RFQ Review Team was to gather information to present to Council.

The lineup for presenters was chosen randomly by the Council and is as follows:

1. REO Development Group
2. ABC, Inc.
3. Ping Pong Productions, Inc.
4. Adrenaline Nation
5. Beckley Media, LLC
6. Omega Point Productions, Inc.

Councilperson Hawkins stated that she had a conflict of interest with Marv Pierce and recused herself from discussion on the Pioneer Club.

7. Consideration of a request to consider initiating a hearing at a future Council meeting to revoke the alcohol permit for the Pioneer Club, located at 1519 Kimberly Road East.

Community Development Director Humble explained the request. The applicant applied for a building permit for a storage area and on November 1, 2013, Fire Captain Tim Lauda inspected the building and found that a wall had been removed and the storage area had been converted to a bar. The work was being done without a review and permit and the City does not know the full extent of the problems that have been created by the expansion of the bar. Staff has safety concerns for the employees and patrons of the business. Earlier today, the Building Department issued a work stop order at the Pioneer Club and the Building Official plans to place a "do not occupy" placard on the building.

City Code 3-9-12 gives the City the authority to revoke an alcohol license when a licensee fails to conform to the regulations and laws of the State of Idaho. The Pioneer Club is operating in a building that is not safe to occupy, and in conversations with the applicant it appears that he has no intent to bring the building into compliance. An assembly use, such as a bar, should not be operating in that building without safety improvements.

Staff recommends that the Council initiate a revocation hearing to consider revoking the alcohol license for the Pioneer Club, located at 1519 Kimberly Road, and set a hearing date of December 2, 2013.

Council discussion followed.

- Alcohol license inspection process
- Closing a building due to safety reason process
- Hearing to revoke an alcohol license process

Community Development Director Humble explained that the applicant has been contacted on what is being discussed at tonight's meeting.

Vice Mayor Hall stated for clarification that the request is for a public hearing and the Council will be acting in a quasi-judicial manner and should not be taking any information from the public until the public hearing date.

City Attorney Wonderlich stated that the Council may allow the applicant to speak at this time.

**MOTION:**

Councilperson Munn made a motion to set a hearing for the purpose of revoking the alcohol permit for the Pioneer Club, located at 1519 Kimberly Road East, at a City Council meeting scheduled for 5:00 p.m. on November 25, 2013. The motion was seconded by Councilperson Talkington.

Mayor Lanting invited owner Marv Pierce to speak at this time.

Marv Pierce gave a history of the improvements he has made to the Pioneer Club. In regards to the storage unit Marv Pierce stated that he changed his mind three-fourths of the way through the job. The cost overrun on the job was from \$41,000 and \$63,000 and changes were made to the original plan.

Council discussion followed.

Mayor Lanting asked Marv Pierce if he was aware that by changing the storage area to a bar area different codes would come into play.

Marv Pierce stated no and that everything from the ground up was "primo." He stated that the storage area did not require a sprinkler system, so therefore a sprinkler system should not be required in the bar area.

Vice Mayor Hall asked Dwaine Thomson why is he waiting to close the bar if it is not safe to occupy as stated in his report.

Dwaine Thomson, Building Official, responded that there is a matter of going through the right process.

Discussion ensued between Dwaine Thomson and Marv Pierce.

City Manager Rothweiler stated that prior to the City taking any action staff wanted the Council to have the opportunity to hear the issue and ask questions. A sprinkler system in an A-3 assembly is required to pass building and fire code inspection.

Marv Pierce explained that he has a 175 seat occupancy in a 4,800 sq. ft. building and there is no need for a sprinkler system.

Mayor Lanting asked if the Pioneer Club is grandfathered in regards to his occupancy permit.

City Attorney Wonderlich stated that he would defer the occupancy issue to Dwaine Thomson. The building is no longer grandfathered in because of the expansion. As of November 1, 2013, Marv Pierce tore down a bearing wall and turned it into occupied space without a permit.

Council discussion followed.

Marv Pierce stated that a sprinkler system will not happen in the Pioneer Club because it does not make sense to him and if things are not worked out he expects to be in court.

Mayor Lanting stated that since Marv Pierce invoked the possibility to sue the City, he suggested that his attorney contact the City Attorney first thing November 19, 2013.

Marv Pierce stated that he is willing to work with Dwaine Thomson and discuss the fire system.

Councilperson Munn stated that his motion is on the floor but he would like to amend the motion to set a hearing for the purpose of revoking the alcohol permit for the Pioneer Club located at 1519 Kimberly Road East at a City Council meeting scheduled for 5:00 p.m. on November 25, 2013, or a later date if progress is being made between staff and the business owner. Councilperson Talkington concurred with the amendment to the main motion and roll call vote showed that all present voted in favor of the motion. Councilperson Hawkins recused herself from discussion and abstained from voting. Approved 6 to 0.

City Manager Rothweiler stated that according to the Fire Marshall and Fire Chief the place that is unsafe is the A-1 assembly area and not the entire structure.

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

Max Newlin asked what type off criteria will be used to judge or evaluate the six qualified applicants at the Special Meeting to be held on Thursday, November 21, 2013, on the possible canyon jumping.

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City Manager Rothweiler explained that the Council is in the information gathering phase and there may be subsequent interviews or processes the Council may choose to do before making a decision.

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

Vice Mayor Hall stated that he visited with Max Newlin regarding public noticing and encouraged all citizens to contact elected officials and the City Council to receive clarification.

Councilperson Talkington stated that he received a report from City Manager Rothweiler and it stated that, "The City of Twin Falls remains incredibly financially healthy." Provided were highlights for the period of October 2012 and September 2013.

Councilperson Talkington stated that the General Fund has almost \$7 million in unrestricted surplus, Street Fund has \$1.3 million in unrestricted surplus, Capital Fund, Water Fund has \$ 5.9 million in unrestricted surplus and the Sewer Fund has \$1 million in unrestricted surplus. The total of unrestricted monies totals an excess of \$15 million. The property tax and enterprise fund budgets for this year is over \$50 million for the first time and represents nearly a third of the total operating budget in the way of surpluses. Several of the Council attempted to have a reduction in expense lines which would result in a lower city budget but they were unsuccessful. The majority of the Council felt that the City had a healthy and operating necessary budget. He stated that he is frankly uncomfortable with the numbers. Apparently this is historically high and he is not sure how reasonably unrestricted the monies are. He asked City Manager Rothweiler if the City has or should the Council have room to provide crediting back to various enterprise funds when there are unrestricted surpluses of this magnitude in some of the funds.

City Manager Rothweiler stated, for example, that in the Water Fund, the report illustrated \$5.96 million; and as part of the Clif Bar deal there will be a reduction of \$3.5 million. The \$3.5 million had not been dedicated at the issuance of the report. The October report will show the City's portion of the Clif Bar's water tank will then be a restricted account moving forward. The action was made October 17, when the Clif Bar deal was made. The \$3.5 million will be placed in the restricted account. The acquisition of the land will further reduce it by \$100,000. The City budgeted \$350,000 for the land and the site and the price came in at \$450,000. In terms of unrestricted cash reserves they are about where they have been historically. They are not significantly larger than where they have been in the past especially when you look at the General Fund. In the past, proceeds have been used from the Street Fund and the General Fund to make improvements on Eastland Drive. The monies are invested into one-time projects that couldn't normally be absorbed in any operating budget. When going through the budget process, the City wants to assure that the anticipated revenues are covering the anticipated expenditures.

Councilperson Talkington stated that the taxpayers are asking if the monies are reasonable. The main enterprise fund, the Water Fund, is down \$2.5 million.

City Manager Rothweiler stated that if a real live report was done it would show about \$3.6 million away from the fund, \$100,000 for the actual tank and \$3.5 M for the acquisition of the tank. As part of the process, a commitment was made to take that \$3.5 million and apply it to the tank.

Councilperson Talkington stated that the City has \$3.5 million of unrestricted cash in streets and asked the City Manager if he is envisioning using more out of the General Fund and transferring to the district fund to use for capital projects.

City Manager Rothweiler stated that is not the plan at this time. The Council can do this at any time, which they have done in the past, when work was done on the Eastland Street project. Cash was taken from the General Fund because the General Fund had the capacity to absorb those improvements and the City made a commitment of General Fund dollars to offset the improvements to Eastland.

Councilperson Talkington stated that \$4.28 million is in the capital improvement fund, and asked if these are unobligated funds.

City Manager Rothweiler stated that he would have to look at the report. He believes this is the total balance.

Councilperson Talkington stated that he would like to understand this because he feels uncomfortable that these are within the historic bounds and some of them seem excessive.

City Manager Rothweiler stated that staff will be available to work with him.

**IV. PUBLIC HEARINGS: None**

**V. ADJOURNMENT :**

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Executive Session 67-2345(b) **To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent,** or public school student.

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

**(The bold face type is the “purpose” for the Executive Session.)**

**MOTION:**

Vice Mayor Hall made the motion to move to Executive Session 67-2345 (b) and 67-2345(c) 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.

The meeting adjourned at 7:33 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary