

**COUNCIL MEMBERS:**

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

*Mayor*



**MINUTES**

Meeting of the Twin Falls City Council  
**Monday, December 16, 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: None

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b>		
1. Consideration of a request to approve the accounts payable for December 10 – 16, 2013, total: \$399,744.36.	Action	Sharon Bryan
2. Consideration of a request to approve the November 18, 2014, City Council Minutes.	Action	Leila A. Sanchez
3. Consideration of a request to approve the Final Plat of Cedarpark #10 Subdivision.	Action	Mitchel Humble
4. Consideration of a request to pay fees in lieu of park land dedication for the Laurelwood Subdivision #3.	Action	Dennis J. Bowyer
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b>		
1. Swearing in ceremony for the Twin Falls Police Department's newest Police Officer, Nate Egan. It is requested that Mayor Greg Lanting administer the Oath of Office.	Presentation/ Action	Chief Brian Pike Mayor Greg Lanting
Captain Anthony Barnhart will be presenting Officer Dusty Solomon with her POST Advanced Certification.	Presentation	Capt. Anthony Barnhart
2. Consideration of a request to approve the purchase of three Honda ST1300P Police Motorcycles.	Action	Sgt. Ryan Howe
3. Consideration of a request to authorize the Mayor to sign a Cooperative Agreement with ITD for Americans with Disabilities Act (ADA) Curb Ramp Program; Key No. 13990, and to adopt a Resolution confirming this commitment.	Action	Josh Baird
4. Presentations from Municipal Powers Outsource Grants (MPOG) Recipients on use of funds received last fiscal year.	Presentation	Pat Lehmann
5. Consideration of a request to adopt a Resolution of the City Council of the City of Twin Falls creating the Economic Development Ready Team.	Action	Travis Rothweiler
Consideration of a request to adopt a Resolution of the City Council of the City of Twin Falls creating the Zoning Ordinance Amendment Committee (ZOAC).		
6. Discussion on the annual impact fee report from the Development Impact Fee Advisory Committee.	Discussion	Mitchel Humble
7. Discussion on City issued permits for mobile food concessions and a possible amendment to City Code Title 3, Chapter 18.	Discussion	Mitchel Humble
8. Discussion on Canyon Jump process.	Discussion	City Council
9. Public input and/or items from the City Manager and City Council.		
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u></b> None.		
<b>V. <u>ADJOURNMENT:</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.*

**Present:** Shawn Barigar, Don Hall, Suzanne Hawkins, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington

**Absent:** None

**Staff Present:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitchel Humble, Budget Coordinator Patricia Lehmann, Parks & Recreation Director Dennis Bowyer, Chief Finance Officer Lorie Race, Police Chief Brian Pike, Police Captain Anthony Barnhart, Police Sergeant Ryan Howe, Staff Engineer Josh Baird, Deputy City Clerk 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. A quorum is present. Mayor Lanting introduced staff.

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

City Manager Rothweiler requested the following amendments to the agenda:

Consideration of a request to approve an Alcohol License transfer of ownership for new owner Historic Ballroom, LLC, 205 and 210 Shoshone Street North.

**MOTION:**

Councilperson Talkington made the motion to amend the agenda as presented. 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 December 10 – 16, 2013, total: \$399,744.36. Prepay December 17 – 1155719.34
2. Consideration of a request to approve the November 18, 2014, City Council Minutes.
3. Consideration of a request to approve the Final Plat of Cedarpark #10 Subdivision.
4. Consideration of a request to pay fees in lieu of park land dedication for the Laurelwood Subdivision #3.
5. Consideration of a request to approve an Alcohol License transfer of ownership for new owner Historic Ballroom, LLC, 205 and 210 Shoshone Street North.

**MOTION:**

Vice Mayor Hall made the motion to approve the Consent Calendar as amended. 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.

**II. ITEMS FOR CONSIDERATION:**

1. Swearing in ceremony for the Twin Falls Police Department's newest Police Officer, Nate Egan. It is requested that Mayor Greg Lanting administer the Oath of Office.

Chief Pike gave the presentation.

Mayor Lanting and Vice Mayor Hall administered the Oath of Office to Police Officer Nate Egan.

Captain Anthony Barnhart will be presenting Officer Dusty Solomon with her POST Advanced Certification.

Captain Barnhart gave the presentation.

Chief Pike, Mayor Lanting, and Vice Mayor Hall presented Officer Dusty Solomon with her POST Advanced Certification.

2. Consideration of a request to approve the purchase of three Honda ST1300P Police Motorcycles.

Sergeant Howe explained the request.

Staff would like to proceed with the purchase of three 2014 Honda ST 1300 P Police Motorcycles from Adventure Motorsports of Twin Falls and to use the remainder of the approved budget amount to upfit the three motorcycles.

Discussion followed.

-Comparison of Honda, BMW and Harley motorcycles.

**MOTION:**

Councilperson Talkington made the motion to accept the low bid of \$49,479 for the described equipment bid by Adventure Motorsports. Vice Mayor Hall seconded the motion and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Consideration of a request to authorize the Mayor to sign a Cooperative Agreement with ITD for Americans with Disabilities Act (ADA) Curb Ramp Program; Key No. 13990, and to adopt a Resolution confirming this commitment.

Staff Engineer Josh Baird explained the request.

The ADA Curb Ramp Program is a state-administered program that provides funding for projects to address pedestrian curb ramps on the state highway system. The goal of the program is to provide safe and easily accessible facilities for pedestrians with disabilities while allowing local jurisdictions flexibility in meeting the required standards.

The City of Twin Falls applied for funds in April 2013 to construct 11 ramps on the state highway system. The City was notified in July 2013 they had been awarded \$60,000, the maximum amount offered per jurisdiction, to construct the 11 ramps. As part of the funding requirements, several City staff attended mandatory construction training in late July 2013.

ITD requires a cooperative agreement to delineate shared responsibilities on their projects. They also require a resolution to confirm the City's acceptance of the agreement.

The Council is asked to authorize the Mayor to sign the final agreement and is asked to adopt the resolution.

Discussion followed.

-Plans to update existing ramps

**MOTION:**

Councilperson Mills Sojka made the motion to authorize the Mayor to sign a Cooperative Agreement with ITD for Americans with Disabilities Act (ADA) Curb Ramp Program; Key No. 13990, and to adopt Resolution 1913. 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.

4. Presentations from Municipal Powers Outsource Grants (MPOG) Recipients on use of funds received last fiscal year.

Lynn Baird, Trans IV Buses, gave the presentation. A grant of \$25,000 was awarded.

Discussion followed.

City Manager Rothweiler stated that the City of Twin Falls will be applying for 5311 Planning Funds. The City will be applying for a \$40,000 grant to help go through the process to examine the possibilities of creating a fixed route bus system. The City's responsibility is a 10% match, and if successful, would be included in the 2015 budget. The application of interest will be submitted by December 3, 2013. In calendar 2014, if the project is selected, the City will go before the board to accept planning funds.

Discussion followed.

-Qualification based process  
-City Partnership with Trans IV

Councilperson Barigar stated that consideration should be made to remove Trans IV from the MPOG process and allocate the funds in the main budget.

Vice Mayor Hall stated that there are councilmembers who are employees of CSI and there may be a conflict of interest if Trans IV is placed in the FY 2015 budget. He asked the City Attorney for guidance on how to proceed.

Kathryn Bausman, Jubilee House, Inc. gave the presentation. A grant of \$2,500 was awarded.

Marcus Marques, The Salvation Army, gave the presentation. A grant of \$5,000 was awarded.

Edie Unland-Schab, Interfaith Volunteer caregivers, gave the presentation. A grant of \$5,000 was awarded.

Carolyn White, Magic Valley Arts Council, gave the presentation. A grant of \$6,150 was awarded.

Council directed staff to begin the MPOG process after the first of the coming year.

Councilperson Talkington stated that consideration should be made to remove the Municipal Band from the MPOG process and place it in the main budget.

City Attorney Wonderlich stated that in the Ethics and Government Law, it is not illegal for the City to contract with Trans IV. Councilmembers Hall and Munn, employees of the College of Idaho, will have to abstain from voting. Councilperson Mills Sojka has a conflict with placing the Municipal Band in the main budget.

5. Consideration of a request to adopt a Resolution of the City Council of the City of Twin Falls creating the Economic Development Ready Team.

Consideration of a request to adopt a Resolution of the City Council of the City of Twin Falls creating the Zoning Ordinance Amendment Committee (ZOAC).

City Manager Rothweiler explained the request.

On December 9, 2013, the members of the Twin Falls City Council and the City Manager reviewed the different work groups that had been informally created that need to be recognized to ensure the City operated in compliance with Resolution 1912. The City Council instructed the City Manager and the City Attorney to construct Resolutions designed to create and transform the informal workgroups into recognized committees. Those committees are the economic development ready team and the Zoning Ordinance Amendment Committee (ZOAC).

Approval requires a simple majority vote of the City Council members present on each Resolution. A separate vote needs to be taken on each proposal.

*City Manager Rothweiler explained Resolution No. 1914, a Resolution of the City Council of the City of Twin Falls, Idaho, creating the Economic Development Ready Team.*

**MOTION:**

Vice Mayor Hall made the motion to adopt Resolution 1914. The motion was seconded by Councilperson Mills Sojka.

Discussion followed.

-Membership

City Attorney Wonderlich stated that the Mayor will appoint Councilmembers to the Committee and City Manager Rothweiler will appoint members to the committee. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

*City Manager Rothweiler explained Resolution No. 1915, a Resolution of the City Council of the City Council of the City of Twin Falls, creating the Zoning Ordinance Amendment Committee.*

-Two Planning & Zoning Commission members serve on the ZOAC.

Councilperson Talkington made the motion to approve Resolution 1915. The motion was seconded by Councilperson Barigar.

Councilperson Mills Sojka stated that on Tuesday, members of the Planning & Zoning Commission expressed interest in participating in or at least observing the ZOAC and because of the Council's resolution only two members will be appointed to the committee. She understood that part of the resolution to mean that any of the other members are welcome to sit in the audience and observe because it is a public meeting, and she doesn't know how we could exclude anyone from a public meeting. She stated that City Attorney Wonderlich gave his input whether that makes it more complicated. She stated her intent with the resolution was to actually open up the conversation to more people rather than to reduce it down to fewer people. She asked for Council input.

City Attorney Wonderlich stated that he spoke with Councilperson Mills Sojka at the Planning & Zoning Commission meeting and his opinion is if you have two members at the meeting and other members observing and participating, it appears to be a Planning & Zoning Commission meeting. The resolution limits the number of members attending meetings.

Councilperson Hawkins stated her concern on December 2, 2013, prior to passing Resolution 1912. At the meeting she stated she wanted to have a more active part of the Economic Development Ready Team. She stated that if any Planning & Zoning Commission

members can attend any of the ZOAC meetings, then anyone of the Council can attend any of the Economic Development Ready Team. If this is the case, the Council is not complying with Resolution 1912.

City Manager Rothweiler stated that if two Councilmembers are appointed to the Economic Development Ready Team and two members of the Council attend the meeting to observe, a quorum of the Council is formed, making the meeting a Council meeting, in which a meeting notice has not been posted. He stated that he and City Attorney Wonderlich have attended several of the advisory committees and spoken with department leaders to discuss Resolution 1912. All Council appointed committees or commissions are subject to the Idaho Open Meeting Laws.

City Attorney Wonderlich stated that the same rules apply to the Planning & Zoning Commission. He stated that if more than four members of the Planning & Zoning Commission attend a ZOAC meeting, this is a meeting of the Planning & Zoning Commission.

Vice Mayor Hall stated that the Council, as elected officials, passed a resolution stating that no more than two persons may serve on any committee. This applies to the City Council and its committees and commissions.

City Manager Rothweiler stated for clarification that Resolution 1912 did not create the number, but that was created by Idaho Code. Anytime there is a quorum of a group in attendance, the Idaho Open Meeting Law will need to be followed.

-Deliberations

City Attorney Wonderlich stated that the definition of deliberations is very broad, in which a commission or a committee member may have to vote on in the future. Failing to notice a meeting, post an agenda, and not taking minutes of a City Council meeting is in violation of the Idaho Open Meeting Law. If a quorum of the City Council is present at a ZOAC meeting, this makes the meeting a Council meeting.

Councilperson Munn recommended that any councilmember who wished to attend a public meeting should contact staff to have staff notify, post an agenda, and take minutes.

Discussion followed.

-Minutes for ZOAC

-Implementation of Resolution 1912

-ZOAC and Economic Development Ready Team are in accordance with the Strategic Plan.

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.

Recess: Recess at 6:37 p.m.

Reconvened: 7:45 p.m.

6. Discussion on the annual impact fee report from the Development Impact Fee Advisory Committee.

Community Development Director Humble gave the presentation.

State code requires the Development Impact Fee Advisory Committee to "file periodic reports, at least annually, with respect to the capital improvements plan and report to the governmental entity any perceived inequities in implementing the plan or imposing the development impact fees" (67-8205(3)(d)).

No action is necessary for this agenda item. An automatic impact fee increase will occur in January in an amount equal to the change in the MCI from January 2013 to January 2014. That percent change through November 2013 is 1.5%.

Council discussion followed.

City Manager Rothweiler stated that the City may use impact fees to acquire equipment. Mandi Thompson, Grant Writer, has applied for a grant through Homeland Security for a ladder truck.

7. Discussion on City issued permits for mobile food concessions and a possible amendment to City Code Title 3, Chapter 18.

Community Development Director Humble gave the presentation.

Staff recommends that the Council discuss the City's current practices for permitting mobile food vendors and provide direction regarding the need to amend City Code 3-18.

Ms. Rosalie Dingwall stated that she owns commercial property at East Five Points and is renting the property. The renters would like to park their truck at this location and their application has been held up for six months. She spoke in favor of allowing the food truck on her property.

Council discussion followed.

- Regulating food vendors on private property
- South Central Health Department regulations
- Illegal disposal of grease
- City of Boise mobile food concession process
- Fairness to small business owners
- Parking and landscaping
- Protecting public health and safety
- Boise's South Central Health District's regulations
- Definition of a mobile food truck

City Attorney Wonderlich stated that the direction from the Council is to proceed in creating an ordinance amendment to permit and provide regulations for private property mobile food concessions for Council's review.

8. Discussion on Canyon Jump process.

City Manager Rothweiler stated that tonight's meeting is to discuss compensation.

Staff has met with Rod Woodruff, President, CEO, Buffaloe Chip, Twin Falls County Sherriff Tom Carter and Chief Deputy Donny Newman to discuss public safety.

In the agreement staff is recommending to the Council adding a public safety plan and concept, a traffic safety plan and concept to be submitted to the Police Department and approved by the Chief of Police no later than June 1, 2014.

Rod Woodruff stated that the public safety aspect is a work in progress. He stated that he met with Brian Lay with the Department of Lands. Traffic, streets, jump site, and a survey of the property were discussed at the meeting.

Chief Brian Pike gave an update on the meeting discussed.

Discussion followed.

- Representatives of Beckley Media
- 6 months ago a public safety plans was requested from the applicants
- 85% + events to be held on the Northside of the canyon

City Manager Rothweiler stated that staff is seeking direction from the Council in regards to compensation and gave Council the following options, but not limited to: Accept improvements of in lieu funding, additional parking trails around jump site, cash payment, percentage of gross revenues, and receipt of residual sales.

Discussion followed.

- Compensation for staff time
- Compensation for utilizing the jump site
- Road improvements
- Financial compensation similar to the state lease
- Improvements for public access to the site
- Fee to utilize jump site
- Residual income (pros and cons)

Parks & Recreation Director Bowyer discussed the cost of extending the trail and fencing of trail, providing access to the site, paved parking lot, restroom, souvenir shop, and concession stand. He stated he will report back to Council on costs.

Discussion followed.

- Fully functioning park
- Museum
- Royalties earmarked for trails
- Cost for public safety
- Prosecutorial costs

Assistant to the City Manager Williams stated he has not received any emails at the [jump@tfd.org](mailto:jump@tfd.org) website specific to compensation.

Council directed staff to come back to Council with estimates of development costs for the Evel Knievel jump site.

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

Max Newlin stated that he is an informed citizen. Information is available to the citizens of Twin Falls but he does not expect public input until a backhoe is at the site.

City Manager Rothweiler stated that the Idaho Bond Bank has approved the City's bond application.

A City Council meeting will be held on December 19, 2013, to discuss possible upcoming issues of the 2014 Legislative Session.

Vice Mayor Hall stated that on November 25, 2013, consideration of an independent contractor contract with Wonderlich and Wakefield for City Attorney services was discussed. He stated that for the record he would like to make the following clarifications, stating that he and Councilperson Munn contacted County Prosecutor Grant Loebs and asked him for an estimate of the cost to do prosecution for the City. Grant Loebs gave him an estimate of \$194,000. Vice Mayor Hall clarified that he made the statement that \$194,000 is more than what was being paid to Wakefield and Wonderlich law firm for doing both prosecution as well as City Attorney work. The statement is accurate, but he failed to state that the \$194,000 included support staff, a legal secretary type or office manager type of position and the positions would be fully burdened positions. This would involve taxes, insurance, as well as retirement and office supplies. This was Grant Loebs' rough estimate only and was not calculated perfectly.

Mayor Lanting stated that on January 6, 2014, at 4:00 p.m. the Twin Falls City Council will have a guided tour of the City Communications Center (CCC) and will discuss emergency communications operations.

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

**V. PUBLIC HEARINGS:** None.

**V. ADJOURNMENT:** The meeting adjourned at 8:36 p.m.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary