

COUNCIL MEMBERS:

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
Vice Mayor					Mayor	



AMENDED MINUTES
Meeting of the Twin Falls City Council
Monday, January 27, 2014
City Council Chambers
305 3rd Avenue East -Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
PROCLAMATIONS: None

GENERAL PUBLIC INPUT

I. CONSENT CALENDAR:

1. Consideration of a request to approve the January 21 – 27, 2014, Accounts Payable, total: \$699,435.35.
2. Consideration of a request to approve the January 6, 2014, City Council Minutes.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to adopt a resolution revising the By-Laws of the Twin Falls Youth Advisory Council.
2. Consideration of a request from the Twin Falls Urban Renewal Agency (TFURA) to acquire unused City owned property located on the 200 block of 2nd Avenue South for the purpose of redevelopment.
3. Consideration of a request to adopt an ordinance amending Twin Falls City Code §10-7-6(a) by reducing the front yard setback for a portion of Bridgeview Boulevard from 62 feet to 52 feet.
4. Consideration of a request to approve Contract Amendment No. 13 from CH2M HILL for the operation and maintenance of the Waste Treatment Plant, industrial pre-treatment program and associated sewer lift stations.
5. Discussion of draft four of the Agreement with Beckley Media to use Twin Falls City property in his effort to jump the Snake River Canyon. *This will not be an action item.*
6. General update on Canyon Jump process to include public safety and possible compensation.
7. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00

1. A public hearing to consider the City's intent to dispose of a 770± square foot portion of a City owned lot located at 2617 Paintbrush Drive.

V. ADJOURNMENT:

Present: Suzanne Hawkins, Jim Munn, Shawn Barigar via telephone, Chris Talkington, Gregory Lanting, Don Hall, Rebecca Mills Sojka

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitchel Humble, Parks & Recreation Director Dennis Bowyer, Chief Brian Pike, Lt. Craig Stotts, Planner 1 Jonathan Spendlove, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Hall 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.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATIONS: None

GENERAL PUBLIC INPUT: None

I. CONSENT CALENDAR:

1. Consideration of a request to approve the January 21 – 27, 2014, Accounts Payable, total: \$699,435.35.
2. Consideration of a request to approve the January 6, 2014, City Council Minutes.

MOTION:

Vice Mayor Hawkins made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilperson Talkington stated for a point of clarification that the January 6, 2014, Chief Pike stated that he has working with Rod Woodruff with Buffalo Chip and Mr. Woodruff estimated a crowd attendance of 50,000 to 70,000 people.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to adopt a resolution revising the By-Laws of the Twin Falls Youth Advisory Council.

Hannah Bello, President, explained the proposed changes in the Youth Council's By-Laws: The first change is to adjust the membership age. The previous accepted grade was ninth grade but after some interest from younger people we are requesting to lower that grade requirement to eighth grade. The second change is the serving requirement. For a member to stay on the Council, they must participate in at least 70% of all volunteering, projects, and campaigns. The last change to the resolution is to allow students from Kimberly to join the Council.

The Youth Council recommends approval of the request.

MOTION:

Councilperson Munn made the motion to adopt Resolution 1917. The motion was seconded by Councilperson Lanting 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 Urban Renewal Agency (TFURA) to acquire unused City owned property located on the 200 block of 2nd Avenue South for the purpose of redevelopment.

Cindy Bond, TFURA Chairperson, explained the request.

The City owns a vacant, undeveloped, 6,250± square-foot lot adjacent to TFURA owned building at 242 2nd Ave S. It may have been used as a BID parking lot at one time since there are parking curbs in place, but the lot is not part of the City's current downtown parking program.

The adjacent vacant warehouse at 242 2nd Ave S. is owned by TFURA and is available for redevelopment. TFURA has been approached several times by developers seeking to acquire the warehouse to be redeveloped as office or retail space. Each time the developer has said that to make the acquisition work for them, the adjacent City lot would be needed for associated parking. For various reasons, none of the inquiries have moved further.

This is a great opportunity for the City and TFURA acting together to put into private ownership two publicly owned parcels that are not currently producing any economic benefit. In the near future both of these parcels are likely to become drains on both the City and TFURA as deferred maintenance costs will eat into public funds. The warehouse has been vacant since 2010 and does need a private owner to redevelop and extend its useful life.

Adding the vacant City-owned parcel to the warehouse site and marketing both together makes the sites more attractive to future owners/developers and more likely to be redeveloped.

At its January 13, 2014, meeting, the TFURA board authorized the Chairperson to ask the City Council to transfer the City's unused lot to the TFURA to be redeveloped with the TFURA's vacant building.

Discussion followed.

Councilperson Lanting stated that the first City fire station was at this location.

Councilperson Mills Sojka asked what the plans are for the property and if the public will be allowed to continue parking on the lot. Cindy Bond stated that she has been approached by several developers who have ideas but have not come up with anything definitive. She stated that it may be used for parking for the business or business may expand into that area.

Councilperson Lanting stated that someone expressed interest in the property to use for parking. He expressed the importance of placing the building on the market.

Cindy Bond stated the building is in need of repair.

Mayor Hall stated that he understands the need for parking downtown but sees the importance of placing a deteriorating building that can be renovated on the market now.

MOTION:

Councilperson Munn made a motion to proceed in allowing the Urban Renewal Agency to acquire the unused City property located at the 200 block of 2nd Avenue South described as Twin Falls Town site Block 119, Lots 9 and 10, for the purpose of redevelopment. The motion was seconded by Vice Mayor Hawkins.

Discussion followed.

Councilperson Mills Sojka stated she would like more information prior to giving away a public asset.

Councilperson Munn asked if the lot was part of the downtown parking plan and the cost to bring the lot to City standards. Community Development Director Humble stated that when the BID operated the parking program, they sold parking passes to use the lot. Since the City took over the parking program, passes have not been sold for use of the lot, primarily because the lot does not meet the City standard for parking.

Public Works Coordinator Caton stated that the approximate cost to bring it the lot to City standard is \$5,000.

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

3. Consideration of a request to adopt an ordinance amending Twin Falls City Code §10-7-6(a) by reducing the front yard setback for a portion of Bridgeview Boulevard from 62 feet to 52 feet.

Community Development Director Humble reviewed the request.

On January 13, 2014 the City Council granted the request as presented and directed staff to present an ordinance. Staff recommends the City Council adopt the ordinance so it can be published and codified.

MOTION:

Councilperson Lanting made the motion to suspend the rules and place Ordinance 3061 on third and final reading by title only. The motion was seconded by Councilperson Talkington.

Discussion followed.

Councilperson Talkington stated that the proposed build out by Bridgeview Estates will take some cars off the narrow section of Bridgeview and will have some modifying influence.

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

Deputy City Clerk Sanchez read Ordinance 3061 by title only, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §10-7-6(A) BY REDUCING THE FRONT YARD SETBACK FOR A PORTION OF BRIDGEVIEW BOULEVARD FROM 62 FEET TO 52 FEET.

Councilperson Talkington made the motion to adopt Ordinance 3061. The motion was seconded by Councilperson Munn.

Discussion followed.

Councilperson Mills Sojka reiterated her concern of allowing a particular property owner to modify the setback. City code standards should apply to everyone.

Vice Mayor Hawkins stated she understands the need for the *cover* at Bridgeview Estates but believes modifying the setback does not alleviate the traffic problems on Bridgeview.

Councilperson Munn stated that City Councils have been entrusted by the community to make decisions. He believes that the Council's job is to evaluate a request on a case by case basis. In addition, if an applicant requests a modification of a setback in a different location the Council will review the request. He will support the change.

Councilperson Lanting stated the traffic problems can be alleviated by not allowing parking on Bridgeview. This may force Bridgeview Estates employees to park in the back parking lot of Sportsman's Warehouse. Bridgeview Estates has a partial agreement with Sportsman's Warehouse. The same traffic problems occur west of Canyon Crest at the Rivercrest Apartments. Residents of Rivercrest Apartments park on both sides of the road rather than use the parking lot utilized for residents.

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

4. Consideration of a request to approve Contract Amendment No. 13 from CH2M HILL for the operation and maintenance of the Waste Water Treatment Plant, industrial pre-treatment program and associated sewer lift stations.

Public Works Coordinator Caton reviewed the request.

The most recent agreement with CH2M Hill was executed in 2001 and has been amended on an annual basis since that time to reflect changes in operating conditions and fees. The 2001 agreement was for a period of 10 years with a 120 day cancellation provision. This year, CH2M Hill is presenting Amendment No. 13. The proposed contract has a 4% increase from FY 2012-2013. The total direct cost is \$2,749,450 and the base fee is \$3,300,000. The costs have been budgeted for FY2014.

At the end of the year the contract requires CH2M Hill to rebate to the City 100% of the Maintenance and Operation costs that have not been spent and the associated margin with those costs.

Discussion followed.

City Manager Rothweiler stated that the agreement does not impact the City's current rates.

Councilperson Talkington gave a brief history of the City's WWTP and the partnership with CH2M Hill.

Shawn Moffitt, CH2M Hill, stated that CH2M values the partnership with the City.

MOTION:

Councilperson Mills Sojka made a motion to approve Contract Amendment #13 from CH2M Hill for the operations and maintenance of the Waste Water Treatment in the costs described. The motion was seconded by Councilperson Talkington and roll call vote showed all members voted in favor of the motion.

Shawn Moffitt presented a rebate check to the City of Twin Falls for the amount of \$4,472.72.

City Manager Rothweiler explained the rebate process.

Mayor Hall introduced Twin Falls County Commissioner Mills and Jerome County Commissioner Howell.

5. Discussion of draft four of the Agreement with Beckley Media to use Twin Falls City property in his effort to jump the Snake River Canyon. *This will not be an action item.*

City Manager Rothweiler stated that Mr. Beckley and Mr. Simmons from Beckley Media are present.

City Attorney Wonderlich stated that the agenda states this is draft four of the Agreement, but he clarified this is approximately the tenth or twelfth draft that he has on his computer.

He reviewed the following revisions to the draft lease agreement using overhead projection.

1. Proposed dates were provided where the "blanks" appeared previously. Lease Term: Commencement Date: February 3, 2014, and Expiration Date: September 30, 2014. April 1, 2014, was used for the early deadlines for planning documents that are required to be provided as well as insurance, bonding, etc. September 8, 2014, is listed as the event date.
2. Addition to the Paragraph 2 (C) Reclamation Plan, acknowledging that the City plans to use the runway/road, parking area, etc., for future development of a trailhead. The language was also "except as otherwise provided herein" to a couple of reclamation provisions requiring return to natural state upon determination.
3. The General update on Canyon Jump process to include public safety and possible compensation.

He reviewed Attachment A – Special Terms and Conditions.

Staff met with Beckley Media today. Jon Simmons, Beckley Media, will like to discuss the issue of the amount of the bond and the conditions of the bond. The amount of the bond is \$1,000,000. The condition of the bond states that Beckley Media will provide a bond that protects the Lessor and the public due to violation of any provision of any provision of the this lease.

Beckley Media will report on a meeting they had with the County Prosecutor and the Courts today at 3:00 P.M.

City Manager Rothweiler is seeking direction from Council in the areas of compensation.

Discussion followed.

Councilperson Talkington stated his concern on public safety with a crowd attendance of 50,000 to 70,000 people.

Chief Pike explained that Mr. Woodruff gave his best guess on the crowd attendance of 50,000 to 70,000. Ed Beckley stated that the crowd attendance is estimated at 40,000. Staff is planning on a crowd attendance of 50,000 to 70,000. The City will continue to work with law enforcement partners in this process. Later this week staff will meet with Twin Falls County and Jerome County to discuss the second jump. This past weekend staff received a safety plan specifically related to the Southside. He stated that he has no idea what the safety plan looks like on the Northside. Discussed today with Beckley Media was a multijurisdictional approach to the public safety plan. Captain Storm, Idaho State Police, has stated his concern of the impact of the jump. He is present at tonight's meeting.

Discussion followed.

Regional promotional opportunities

City Manager Rothweiler stated that he and Councilperson Barigar constructed a basic outline in terms of the promotion and marketing of the area. The organizations specified are Southern Idaho Tourism, The Chamber of Commerce, and Southern Idaho Economic Development Organization.

Councilperson Mills Sojka spoke against limiting the regional promotional opportunities to the three organizations listed.

Mayor Hall stated he is in favor of the organizations specified.

Jon Simmons, Beckley Media, stated he met Grant Loeb and Linda Wright to discuss the process. City Manager Rothweiler stated he spoke with Grant Loeb prior to the meeting and Mr. Loeb indicated to him that the meeting was positive and productive.

Mr. Simmons stated his concern of the definition of the \$1,000,000 bond and what it represents. It would be difficult for a surety company to write a bond for Beckley Media unless there is definition on what the amount represents and what triggers claims under the bond. A price tag can be associated with the reclamation issue, the construction issue, and any payment issues.

The other concern is the \$51,000 alternative payment for the trail head completion. The 30 day payment requirement is a concern. He stated they could front load the payments, which would make it difficult for their media partner, or could commit to the payment at a later date with a bond to secure that payment be made.

-Bonding

City Attorney Wonderlich stated that his job is to protect the City; therefore, this has been written very broadly.

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City Manager Rothweiler stated that per Council instruction last week, the dates written in the draft agreement are dates that will work for staff.

-Public Safety Plan

Councilperson Talkington stated his concern that a public safety plan has not been presented to the Council. He would like to see the plan tonight or by February 3, 2014.

Jon Simmons stated Jon Walczak has been interfacing with law enforcement folks. He stated his concern of the April 1, 2014, deadline proposed in the agreement because the lack of definition to the bond.

-County approval

City Attorney Wonderlich stated that he understood that Prosecutor Grant Loeb would be signing off on the behalf of Twin Falls County.

Jon Simmons stated that Beckley Media is planning to go before County Commissioners a week from today, to receive authorization from the Commissioners.

-Proposed April 1, 2014, deadline date for Phase 1 – Planning and Permitting

City Manager Rothweiler stated that last week Council instructed staff to insert dates to the lease at staff's discretion.

Ed Beckley stated for clarification that the 40,000 number came from tickets sold.

-Parking lot

City Manager Rothweiler stated that Parks & Recreation Director Bowyer shared with Council the development costs for the Evil Knievel jump site. This included a parking lot directly south of the jump site

Ed Beckley recommended the \$25,000 rent payment for property be invested in a road. He explained his plans for the road.

Parks & Recreation Director Bowyer, using overhead projection, described his idea for a 45,000 sq. ft. paved parking lot. He estimated the parking lot at \$185,000.

Ed Beckley stated he will work with staff on a parking lot.

City Manager Rothweiler asked if Ed Beckley suggested taking the \$25,000 lease payment and applying it to enhance the road to come in line with City specifications meets Council approval.

Mayor Hall answered in the affirmative.

Mayor Hall opened up the public comment portion of the meeting.

Max Thompson, Pole Line East, asked if property owners are protected with the bond if there are damage issues.

Council discussion followed.

City Attorney Wonderlich stated that he can write the bond as broad as the Council wishes.

Mayor Hall closed the public input portion of the meeting.

Discussion followed.

-Private property protection

Councilperson Lanting stated that part of a security plan will show which roads will be closed and for how long.

Councilperson Munn stated the importance that the best safety plan is in place.

Vice Mayor Hawkins stated for the record that she is sympathetic for the property owners in the area. Property owners who live next to the fairgrounds or the airport have to deal with large crowds near their property every year for special events. While we need to be cognizant of our citizen's needs, it is the property owner who is ultimately responsible for their property. The City Council's job is to protect the City but not necessarily our job to write in all the specifics for the property owners.

Chief Pike explained the plans to control access to the subdivision. The plan is to barricade the area and work with the residents. The goal is to have a comprehensive safety plan.

Ed Beckley stated that Beckley Media has liability insurance to cover what is being discussed. He stated that this event will not repeat what happened forty years ago.

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

City Manager Rothweiler introduced Jerome City Councilman Dale Ross.

Local legislators are scheduled to meet with the Council on January 30, 2014.

Mike Williams has accepted the role of City Administrator for the City of Jerome.

The Jump Site tour is scheduled for February 10, 2014, at 4:00 p.m., and at 6:00 p.m. public input will be received on the jump site agreement.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Mayor Hall introduced Jerome County Commissioner Roger Morley.

Mayor Hall referred to an editorial in the Times News regarding the jump and the lease. He stated the editorial contained inaccuracies and he is planning to write a letter to set the record straight.

Councilpersons Talkington and Mills Sojka stated they would not support the letter.

Councilpersons Lanting, Hawkins, and Munn are in favor of correcting the media's inaccuracies.

IV. PUBLIC HEARINGS: 6:00

1. A public hearing to consider the City's intent to dispose of a 770± square foot portion of a City owned lot located at 2617 Paintbrush Drive.

Community Development Director Humble explained the request.

Mayor Hall opened up the public input portion of the hearing.

Stan Tibiason spoke in favor of the request.

Mayor Hall closed the public input portion of the hearing.

MOTION:

Councilperson Talkington made the motion to authorize the City's intent to dispose of a 770±square foot portion of a City owned lot located at 2617 Paintbrush Drive. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0. (Councilperson Barigar had left the meeting telephonically.)

V. ADJOURNMENT: The meeting adjourned at 7:02 p.m.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary