

COUNCIL MEMBERS:

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



**MINUTES**

Meeting of the Twin Falls City Council  
**Monday, February 3, 2014**  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho

4:00 p.m.

City Council to tour the Snake River Canyon Jump Site.

5:00 p.m.

Executive Session 67-2345(f) To communicate with legal counsel for the public agency to discuss the legal ramifications and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

5:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA  
 PROCLAMATIONS

**GENERAL PUBLIC INPUT**

AGENDA ITEMS		Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b>			
1.	Consideration of a request to approve the January 28–February 3, 2014, Accounts Payable, total: \$223,259.54; January 31, 2014, Fire Payroll, total: \$51,284.74; January 31, 2014, Payroll, total: \$21,725.30.	Action	Staff Report Sharon Bryan
2.	Consideration of a request to approve a Liquor License for Buffalo Wild Wings Grill & Bar located at 1239 Poleline Road #303B.	Action	Sharon Bryan
3.	Consideration of a request to approve a Beer and Wine License ownership transfer to Jeremy Sudik dba Scooter's located at 137 2nd Avenue East	Action	Sharon Bryan
4.	Consideration of a request to approve Findings of Fact, Conclusions of Law, and Decision for Cederpark #10 Subdivision.	Action	Mitchel Humble
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b>			
1.	Consideration of a request to adopt a resolution declaring the City's intent to dispose of real property and setting a date for a public hearing.	Action	Melinda Anderson
2.	Consideration of a request to approve the Airport Advisory Board's recommendation to renew on-airport car rental lease agreements.	Action	Bill Carberry
3.	Consideration of a request to utilize a \$25,000 ITD State grant to purchase an Airport maintenance truck and flatbed.	Action	Bill Carberry
4.	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> 6:00</b>			
1.	Consideration of a request to approve the agreement with Beckley Media to use Twin Falls City property in his effort to jump the Snake River Canyon.	PH ACTION	City Council
<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.*

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Present: Suzanne Hawkins (4:00 p.m.), Jim Munn (5:23 p.m.), Shawn Barigar (via phone at 5:23 p.m.), Chris Talkington (4:00 p.m.), Gregory Lanting(4:00 p.m.), Don Hall(4:00 p.m.), Rebecca Mills Sojka (4:00 p.m.)

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitchel Humble, Parks & Recreation Director Dennis Bowyer, Airport Manager Bill Carberry, Economic Development Director Melinda Anderson, Chief Brian Pike, Lt. Craig Stotts, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

4:00 P.M.

City Council to tour the Snake River Canyon Jump Site. Mayor Hall adjourned the meeting to tour the Snake River Canyon Jump Site at 4:05 p.m.

5:00 P.M.

Mayor Hall reconvened the meeting at 5:17 P.M.

Executive Session 67-2345(f) To communicate with legal counsel for the public agency to discuss the legal ramifications and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

**MOTION:**

Councilperson Lanting made the motion to adjourn to Executive Session 67-2345(f). The motion was seconded by Councilperson Munn.

Mayor Hall read Executive Session 67-2345(f)

Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Mayor Hall adjourned to Executive Session at 5:23 p.m. Councilperson Barigar called into executive session at 5:23 p.m.

Mayor Hall called the meeting to order at 6:06 p.m. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag. A quorum is present. Boy Scouts from Troop 60 helped lead the Pledge of Allegiance to the Flag.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None**

City Manager Rothweiler stated that an amended agenda was posted to show the following Public Hearing is an action item. Consideration of a request to approve the agreement with Beckley Media to use Twin Falls City property in his effort to jump the Snake River Canyon.

**PROCLAMATIONS: None**

**GENERAL PUBLIC INPUT: None.**

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the January 28–February 3, 2014, Accounts Payable, total: \$223,259.54; January 31, 2014, Fire Payroll, total: \$51,284.74; January 31, 2014, Payroll, total: \$21,725.30.
2. Consideration of a request to approve a Liquor License for Buffalo Wild Wings Grill & Bar located at 1239 Poleline Road #303B.
3. Consideration of a request to approve a Beer and Wine License ownership transfer to Jeremy Sudik dba Scooter’s located at 137 2nd Avenue East
4. Consideration of a request to approve Findings of Fact, Conclusions of Law, and Decision for Cederpark #10 Subdivision.

**MOTION:**

Vice Mayor Hawkins moved to approve the Consent Calendar as presented. The motion was seconded by Councilperson Talkington. Approved 7 to 0.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request to adopt a resolution declaring the City’s intent to dispose of real property and setting a date for a public hearing.

Melinda Anderson, representing the URA, explained the request.

Discussion followed.

-Building code compliance

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-Taxes

Melinda Anderson stated that the property is offered as is and the new owner will, if required, bring up to code. The property is currently not generating any tax income to any taxing agencies.

**MOTION:**

Councilperson Lanting made a motion to adopt Resolution 1918, and to conduct a Public Hearing on Feb 24, 2014, at 6:00 p.m. The motion was seconded by Vice Mayor Hawkins.

Councilperson Mills Sojka stated she is concerned of the limited parking downtown

Councilperson Lanting clarified that the property is not a parking area.

-Soil analysis

Melinda Anderson stated that she has not seen an environmental assessment level 1 or level 2.

Roll call vote showed six members present voted in favor of the motion, and Councilperson Mills Sojka voted against the motion. Approved 6 to 1.

2. Consideration of a request to approve the Airport Advisory Board's recommendation to renew on-airport car rental lease agreements.

Airport Manager Carberry explained the request.

The Airport Advisory Board made a recommendation to renew the current operators. Staff concurs with their recommendation.

Discussion followed.

-Counter space

-Car wash facility

Airport Manager Carberry introduced the Counter Managers.

**MOTION:**

Councilperson Talkington made a motion to concur with the Airport Advisory Board recommending the Airport Car Rental Lease Agreements. The motion was seconded by Vice Mayor Hawkins.

Councilperson Mills Sojka stated that she would support a competitive bid process in a request for proposal process for the best interest of the Airport and the citizens who own the Airport.

Councilpersons Mills Sojka and Barigar voted against. Approved 5 to 2.

3. Consideration of a request to utilize a \$25,000 ITD State grant to purchase an Airport maintenance truck and flatbed.

Airport Manager Carberry explained the request.

The purchase would be to acquire a new 4 x 4 pickup truck and a separate flat bed.

The project will enable the maintenance department to replace the heavily utilized 2004 utility pickup truck with a new vehicle and create a more reliable spray truck for de-icing and weed spraying.

Staff is requesting to utilize the grant awarded by the State to improve the department's fleet.

**MOTION:**

Councilperson Lanting made the motion to accept the request to utilize a \$25,000 ITD State Grand to Purchase an Airport maintenance truck and flatbed as described by Bill Carberry. 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.

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

City Manager Rothweiler stated the biennial National Citizens Surveys will be sent to residents over the course of the next week.

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III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Vice Mayor Hawkins reported that the Policeman's Ball will be held on Saturday, February 8, 2014, at Canyon Crest.

IV. PUBLIC HEARINGS: 6:00

1. Consideration of a request to approve the agreement with Beckley Media to use Twin Falls City property in his effort to jump the Snake River Canyon.

City Manager Rothweiler stated that he and City Attorney Wonderlich will review the changes in the agreement as directed by Council.

City Attorney Wonderlich reviewed the changes made to the agreement. He also explained the changes requested by Beckley Media.

- The event date is corrected to September 7, 2014, rather than September 8, 2014.
- Removes highlighting and watermark.
- Special Events Permit fee removed. Mr. Beckley will be upgrading the roadway.
- The development of the roadway will be required to meet City standards for rural roadways.
- Modified the description of the parking lot to add a statement that the size and configuration of the parking lot shall require the approval of the City Council.
- Deleted the building of the Canyon Rim Trail. Beckley Media will be required to pay the \$51,000 estimated cost to construct the Canyon Rim Trail allowing 180 days and posting a bond to insure that payment.

Changes requested by Beckley Media are as follows:

- Timing of the insurance requirement. The timing matches what was negotiated with the State.
- Date of posting the bond from April 1, 2014 to May 1, 2014.
- Added the language of Force Majeure.

Discussion followed.

-Fencing requirement

City Attorney Wonderlich stated that Beckley Media and Jon Simmons stated that they intend to fence the west side to protect from wind and spectators as well. The fencing will then be reused by the City.

Jon Simmons stated he understood that Beckley Media would construct fencing on both sides. Ed Beckley stated earlier that fencing was not needed on the west side but Mr. Beckley will construct the fencing either way.

City Attorney Wonderlich reviewed the agreement using overhead projection.

City Manager Rothweiler on overhead project placed three letters from Bill Proft, Carole and Duncan A. Douglas, and Stephanie Lambert that will be entered into the record.

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

Seth Wheeler, Willow Circle, spoke against the request. His concern is the ability of the jump to be performed safely.

Mark Lambert, Skyline Drive, spoke against the request. His concern is the image of the City that will be projected by the event and public safety.

Victoria Wakewood, Skyline Drive, spoke against the request. Her concern is the lack of public safety and protection of the City's image.

Lawrence Flournoy, Hankins Road N., Kimberly, ID, spoke against the request. His concern is that the City will not benefit from the event.

Fran Florence, Hidden Lakes Drive, Kimberly, Idaho, spoke against the request, and on overhead projection he showed the original request for qualifications issued by the City in October of 2013. He stated his concern that the event is not protecting public safety and health and the City's brand and image.

Brent White, Candleridge Drive, spoke on behalf of Woodbury Corporation and Ray Nielson of Canyon Park West. He stated his concern of a significant net loss on that day and the lease not addressing the impact on private property owners. He stated that if the Council approves the lease agreement that the Council designate their property as remote parking location and the insurance

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provision of the contract be extended to their properties as additional insurers, maintain public safety to be funded and paid for by the promoter.

Katie Breckenridge, Picabo, stated her concern of public safety, issue of fire safety, and a liability issue. She described a fire that occurred in the canyon when she was younger and the Auger Falls fire. She requested that she, as a property owner, be protected in some manner. Ticket sales cannot base the number of people who will attend the event. Lastly, she stated that she was addressed in one of the Council's emails and wanted to make it clear that she does not believe she or Rob Struthers have put any heat on the Council for any reason at any time or at any time been victimized.

Jennifer Prucil, Concordia Circle, spoke against the request. She stated her concern of Ed Beckley not meeting any of the Council's deadlines.

Jill Devries, spoke in favor of the request. She believes this is a great opportunity for the Magic Valley.

Mayor Hall closed the public input portion of the hearing.

Deliberations.

-Coverage of insurance and bonding

City Attorney Wonderlich stated the bonding is to insure payments or any promises that are made in terms of improvements or costs to the City. Insurance is for liability. The City is named as an additional insurer. It protects the City in case there is injury or damage to property and someone thinks the City has responsibility, then the insurance company represents the City on the insurance and pays the claims. It does not directly protect if someone else has damages against their property if it were caused by Beckley Media or they allege it was caused by the City.

Councilperson Talkington stated that as identified by commenters tonight, the primary opening paragraph stressing the need to protect the public health and safety has not been met by the agreement and he cannot support it.

Councilperson Barigar stated that he is impressed by the public reminding the Council what was started back in October with the request for qualifications process and outlining some overarching items that were important to the community, including protection of the public's health and safety, protection of the City's brand and image, and positive marketing opportunities, along with the Council discussing that the event be at a sane and safe fashion at no cost to the taxpayers. The public health and safety plan has not been addressed. He and Councilperson Talkington have been asking for the plan and have not received it. He believes it is time to move on to the next applicant, REO, because he is confident they will address the issues that are important to the Council in a timely fashion and with a solid plan.

Councilperson Mills Sojka stated that she believes the public's concerns are addressed in the lease and the lease is the only legal way the Council can hold the applicant accountable. The issues that don't pertain to legal issues are more subjective, such as the issues of branding and imaging, of which everyone has a different perspective. What the Council has asked from the applicant has been provided and she believes that he is owed a vote and to move forward in good faith.

### **MOTION:**

Councilperson Lanting made the motion to approve the agreement as negotiated with Beckley Media to use the Twin Falls City property on September 7, 2014, for a proposed Snake River Canyon Jump. The motion was seconded by Councilperson Mills Sojka.

City Manager Rothweiler reminded the Council that Mr. Jon Simmons and Ed Beckley are in attendance.

Vice Mayor Hawkins requested to hear a safety plan update from police staff.

Chief Pike stated that he does not have a safety plan update. Staff met with a number of the City's partners, the Sheriff of Twin Falls County, Sheriff of Jerome County, Idaho State Police, and had a conversation last week regarding a multijurisdictional approach to the safety plan. One of the concerns discussed with the event planning were the inconsistencies taking place on the Northside, and they decided as a group, if moving forward with the jump, that they would like to move forward collectively. He does not have a complete executable safety plan in place. Captain Barnhart has addressed the last draft of the safety plan and supplied Jim Walzcak with a number of recommendations based on that plan, but he has not received additional work.

### **AMEND THE MOTION:**

Councilperson Talkington moved to amend the motion that the lease be approved if an acceptable public health and safety plan is provided and agreed upon by Jerome County, Twin Falls City and Twin Falls County by March 10, 2014. Councilperson Mills Sojka seconded the motion.

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Discussion followed.

Councilperson Mills Sojka asked the date in the agreement to provide a safety plan is April 1, 2014, so the approval of a safety plan is a contingency to the lease.

City Attorney Wonderlich stated that what Chief Pike was discussing is a multijurisdictional agreement among law enforcement. This is not the same as the April 1, 2014, safety and security plan. The safety and security plan deals with overall safety and security of the entire event.

Clarification of motion:

Councilperson Talkington stated that this is not a separate document. It is not intended in any way involve a meeting of three law enforcements where other duties other than to act upon the safety health plan provided by the applicant. The responsibility is solely upon the applicant to move in a fast forward position to provide the Council with a safety plan which the three jurisdictions can agree upon.

Councilperson Barigar stated the Idaho Department of Lands process has been going on since August or September and is frustrated that the City of Twin Falls is continually being put in the driver's seat. The Council has a request from an applicant asking to do something and the burden continues to fall on City staff, and now other agencies to craft plan, a plan Beckley Media has had several months to put together.

Councilperson Lanting stated the Council gave Beckley Media the additional time by vote or conversation of the Council; therefore, he will be supporting the amendment to the motion.

Mayor Hall asked for clarification of the main and amendment to the motion if passed.

City Attorney Wonderlich stated that in understanding the motion, there is not to be an execution of the lease unless on March 9, 2014, Beckley Media comes up with a multijurisdictional plan approved by the Police Chief.

Councilperson Talkington stated for clarification that if approval was received from Chief Pike and the two respective sheriffs, with concurrence of the City Manager, that this is acceptable from the Council's perspective of protecting the public safety and infrastructure, and that this would satisfy the motion.

Captain Pike stated for clarification that when the process was started Ed Beckley was to provide the plan. The first draft received from Beckley Media, which was a draft that the City's partner, Jerome County, is working on, was extremely vague. This led to a number of conversations with Beckley Media, to come to Twin Falls to look at all the dynamics. This than led to a second public safety plan, which is inadequate. The entities can work together on a multijurisdictional approach, but he stated that the development of the plan will take resources.

Discussion followed.

**Roll call vote on the amendment to the motion:**

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

Discussion followed.

- Strategic Plan
- Public safety
- Public input against the jump
- Potential of second jump

**ROLL CALL VOTE ON THE MAIN MOTION:**

Councilpersons Lanting and Mills Sojka voted in favor of the motion. Councilpersons Hawkins, Munn, Barigar, Talkington, and Hall voted against the motion. Failed 2 to 5.

V. **ADJOURNMENT:** The meeting adjourned at 8:15 p.m.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary