

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, May 12, 2014
City Council Chambers
305 3rd Avenue East -Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
PROCLAMATION:

- National Public Works Week - May 18 through the 24th. Request made by Jon Caton, Twin Falls Public Works Director.
- National Police Week - May 11 through May 17, 2014 and Peace Officer's Memorial Day May 15, 2014. Request made by JP O'Donnell, Twin Falls Police Department.

GENERAL PUBLIC INPUT

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 May 6 – May 12, 2014.	Action	Sharon Bryan
2. Consideration of a request to accept a single family zero lot line dwelling Improvement Deferral Agreement for the purpose of constructing certain improvements along Tyler Street on the property located at 371 Tyler Street.	Action	Troy Vitek
3. Consideration of a request to accept a signal family zero lot line dwelling Improvement Deferral Agreement for the purpose of constructing certain improvements along Tyler Street on the property located at 373 Tyler Street.	Action	Troy Vitek
4. Consideration of a request to approve the Western Days Special Events Application (May 30–June 1, 2014) and Western Days Parade Application (May 31, 2014).	Action	Ryan Howe
5. Consideration of a request to approve a Half Marathon sponsored by the Magic Valley Community Fun Run Organization to be held on Saturday, May 31, 2014.	Action	Ryan Howe
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Presentation of Certificates of Appreciation to Hannah Bello, Nolan Stroup and Katie Wilkins in recognition of their service on the Twin Falls City Youth Advisory Council.	Presentation	Suzanne Hawkins
2. Presentation of a service plaque to Craig Manning in recognition of his service on the Parks & Recreation Commission.	Presentation	Dennis Bowyer
3. Presentation of an Executive Certificate, the highest certificate awarded to peace officers in the State of Idaho, to Chief Brian T. Pike of Twin Falls Police Department.	Presentation	William L. Fink Peace Officer Standards & Training
4. Consideration of a request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-6 PRO to C-1; commercial/retail, for a property located on the south side of the 200 block of Shoup Ave West for Cowboy Investments.	Action	Mitchel Humble
5. Consideration of a request to appeal the City's decision to disqualify Allstate Construction from bidding on the Waste Water Treatment Plant Improvement Project.	Action	Troy Vitek
6. Consideration of a request to allow a proposed Underwater Park to be installed at Dierkes Lake.	Action	Paul Melni, Master Scuba Diver TrainerEFR Instructor Dennis Bowyer
7. Consideration of a request to approve the Air Magic Valley Air Show "Celebrating Freedom" to be held at the Magic Valley Regional Airport, Joslin Field, on June 20 – June 22, 2014.	Action	Dennis Pullin
8. Consideration of a request to purchase property adjacent to the Waste Water Treatment Plant (WWTP) from David Perrine and Anne Scott in the amount of \$60,356.79.		

<p>9. Discussion and possible action on submitting a letter of support of developing the US-93 corridor into Interstate 11 that is a part of the proposed NAFTA corridor.</p> <p>10. Presentation on the City of Twin Falls finances for the first 6 months of fiscal year 2013-2014. The presentation will include a historical overview of the tax-supported funds and the three major enterprise funds, Water, Wastewater, and Sanitation.</p> <p>11. Public input and/or items from the City Manager and City Council.</p>	<p>Action</p> <p>Discussion/ Possible Action</p> <p>Presentation</p>	<p>Troy Vitek</p> <p>Travis Rothweiler</p> <p>Lorie Race</p>
<p>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></p>		
<p>IV. <u>PUBLIC HEARINGS:</u> <u>6:00 P.M.: None</u></p>		
<p>V. <u>ADJOURNMENT:</u></p> <p>Executive Session 67-2345 (1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.</p>		

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: Suzanne Hawkins, Jim Munn (6:43 p.m.), Chris Talkington, Gregory Lanting, Don Hall, and Rebecca Mills Sojka
Absent: Shawn Barigar

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitchel Humble, Chief Finance Officer Lorie Race, Street Superintendent Dean Littler, Assistant City Engineer Troy Vitek, Staff Sergeant Ryan Howe, Parks & Recreation Director Dennis Bowyer, Staff Sergeant Dennis Pullin, Deputy City Clerk 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.

Boy Scout from Troop 72 was present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

➤ **National Public Works Week - May 18 through the 24th. Request made by Jon Caton, Twin Falls Public Works Director.**

Vice Mayor Hawkins read the proclamation and presented it to Street Superintendent Dean Littler.

➤ **National Police Week - May 11 through May 17, 2014 and Peace Officer's Memorial Day May 15, 2014. Request made by JP O'Donnell, Twin Falls Police Department.**

Mayor Hall read the proclamation and presented it to Captain Matt Hicks.

Vice Mayor Hawkins congratulated Captain Matt Hicks for completing his Masters Degree.

GENERAL INPUT: None

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the Accounts Payable for May 6 – May 12, 2014, total: \$625,566.66
Payroll, May 9, 2014, total: \$119,996.54
Prepays, May 8, 2014, total: \$136.77
2. Consideration of a request to accept a single family zero lot line dwelling Improvement Deferral Agreement for the purpose of constructing certain improvements along Tyler Street on the property located at 371 Tyler Street.
3. Consideration of a request to accept a signal family zero lot line dwelling Improvement Deferral Agreement for the purpose of constructing certain improvements along Tyler Street on the property located at 373 Tyler Street.
4. Consideration of a request to approve the Western Days Special Events Application (May 30–June 1, 2014) and Western Days Parade Application (May 31, 2014).
5. Consideration of a request to approve a Half Marathon sponsored by the Magic Valley Community Fun Run Organization to be held on Saturday, May 31, 2014.

MOTION:

Councilmember Lanting moved to approve the Consent Calendar as presented. The motion was seconded by Councilmember Talkington. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Discussion followed:

- Western Days Event
- Electrical issues at City Park

Parks & Recreation Director Bowyer stated that electrical issues stem from overloading the electrical outlets.

Council directed staff to review the electrical issues at City Park with the Parks & Recreation Commission.

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II. ITEMS FOR CONSIDERATION:

1. Presentation of Certificates of Appreciation to Hannah Bello, Nolan Stroup and Katie Wilkins in recognition of their service on the Twin Falls City Youth Advisory Council.

Vice Mayor Hawkins explained the function of the Youth Council and the various programs they worked on the past year. The projects include a Recycling Program, Anti-Suicide Campaign, and Kite Day.

Mayor Hall presented the service plaques to Hannah Bello and Nolan Stroup. Katie Wilkins was not present

2. Presentation of a service plaque to Craig Manning in recognition of his service on the Parks & Recreation Commission.

Parks & Recreation Director Bowyer gave the presentation.

Mayor Hall presented the service plaque to Craig Manning.

3. Presentation of an Executive Certificate, the highest certificate awarded to peace officers in the State of Idaho, to Chief Brian T. Pike of Twin Falls Police Department.

Mayor Hall thanked Captain Pike for his service on the Police Department.

William L. Flink gave the presentation and presented Chief Brian Pike with the Executive Certificate plaque. Chief Pike has applied for and met the criteria for the Executive Certificate.

City Manager Rothweiler stated that Chief Pike understands what it takes to be true leader and thanked him for his work and dedication to the City of Twin Falls.

Chief Pike introduced his wife Robin Pike and his mother and stated it is an honor to work for the Police Department.

4. Consideration of a request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-6 PRO to C-1; commercial/retail, for a property located on the south side of the 200 block of Shoup Ave West for Cowboy Investments.

Community Development Director Humble explained the request.

MOTION:

Councilmember Talkington moved to suspend the rules and place Ordinance 3070, on third and final reading by title only. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Deputy City Clerk Sanchez read Ordinance 3070 by title only: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

MOTION:

Councilmember Lanting moved to adopt Ordinance 3070. The motion was seconded by Councilmember Mills Sojka. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

5. Consideration of a request to appeal the City's decision to disqualify Allstate Construction from bidding on the Waste Water Treatment Plant Improvement Project.

Assistant City Engineer Vitek explained the request.

CH2M Hill and staff recommend sustaining the decision to disqualify Allstate based on the following:

- The performance requirement is reasonable and failure to meet the requirement represents a risk to the City.
- Allstate has provided documents to provide additional information explaining their safety record but have not provided information that would have changed the decision during review of the applications. Specifically, they are not disputing that EMR was above 1.20 for the period requested.
- All nine applicants had to meet the application requirements. All applicants except Allstate had acceptable EMR ratings. Overall, five of the nine applicants were considered disqualified. Of the qualified firms, only one firm had any EMR above 1.0. An EMR below 1.20 is achievable.

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Council discussion followed.

-EMR rating is based on the last 3 years (2011, 2012, and 2013)

Greg Thompson, CH2M Hill, stated there were five qualified contractors. A total of nine applied. Allstate firm was the only one of the nine applicants that did not meet the EMR rating standards.

MOTION:

Councilmember Talkington moved to sustain the decision to disqualify Allstate based upon the supplied information. The motion was seconded by Councilmember Mills Sojka.

-Ramifications of appeal by Allstate delaying project

Assistant City Engineer Vitek stated that if Allstate appeals Council decision, Allstate will then appeal to the Contractor's Board; the Contractor's Board would have to issue an injunction to stop the bid opening at that time.

Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

6. Consideration of a request to allow a proposed Underwater Park to be installed at Dierkes Lake.

Parks & Recreation Director Bowyer introduced Paul Melni, Master Scuba Diver Trainer/EFR Instructor

He gave a PowerPoint presentation on the following:

-Other successful artificial reefs

-F-4 Phantoms in Reno, Nevada

-Project proposal: Create Artificial Fish Habitats, Enhance Local Diving and Tourism, and Improve Fish Opportunities

-Environmental Benefits: Fish Habitat, All Habitat Structures will be Environmentally Safe, Continued cooperation with Idaho Fish and Game

-Safety: Structures, Environment, Divers/Volunteers

-Cost & Time: Donated Structures, Tanks/Safety Equipment provided by Riverrat, Permanent Safety and Recognition Sign, Support Structures donated by K & T Steel, Limited installation time under Nationwide Permit #4

-Planned Area

-Moving Forward: Art pieces needed, Help with publicity, Endorsement for Application

Paul Melni stated that the apple orchard does not pose any danger to the diver.

The Parks & Recreation Commission unanimously recommended that the Council approve this proposal of an underwater park and fish habitat at Dierkes Lake contingent upon approvals from government agencies. Staff concurs with the recommendation.

Councilmember Lanting explained that Dierkes Lake is a seep lake and did not exist until the Southside Canal Company filled the basin.

-Environmental safety issues

-Possible partnerships with Art Hoag of Magic Valley Arts Council and Parks & Recreation Department

-Liability

-Lake depth variances and silt

-Credentials of the diving group

City Attorney Wonderich explained the State Recreational Immunity Statute for Public Parks.

Paul Melni explained the silt line is normally 18' to 20' deep under the platform and varies from 0' to 5'-6' depth. The scuba area silt line is 8' to 10'. In the deeper areas the maximum depth to the silt line is 45' deep. This is against the north wall. He continued to describe the different areas of rock outcropping. In addition, he gave a history of divers and diving in the area and the Dierkes Lake cleanup done last year. The first free dive day will be Memorial Day.

MOTION:

Councilmember Mills Sojka moved to approve the proposed Underwater Park to be installed at Dierkes Lake contingent upon the relevant approvals from the Corps of Engineers, DEQ, EPA, etc. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

7. Consideration of a request to approve the Air Magic Valley Air Show "Celebrating Freedom" to be held at the Magic Valley Regional Airport, Joslin Field, on June 20 – June 22, 2014.

Staff Sergeant Pullin explained the request. The three day air show will include static displays of aircraft, along with air shows. During the show on Friday evening, along with the VIP dinner, there will be the "Friday Night Spectacular," which will be open to the public. There will also be a 5 K Walk/Run event held on airport property. Alcohol may be provided at the VIP dinner only. Saturday's events include a bicycle race held on airport property. Aircraft will be on display and air performances will be conducted throughout the day. The final day of the show, Sunday, will include the static displays, along with more aircraft performances. The expected crowd size is estimated to be 5,000 people over the three day event. Parking will be on airport property. Barrier fencing will be provided on the show line area to aid in controlling crowd movement. Entry fees for participants will be \$15. The Twin Falls Sherriff's Office will be assisting with road closures and traffic control around the borders of the Magic Valley Regional Airport. In addition, he gave a brief history of Air Magic Valley Air Show, expected crowd size, traffic concerns, alcohol, Twin Falls Fire Department, interest to City of Twin Falls, and budget impact.

The Twin Falls Police Department staff requests that the Twin Falls City Council approve the application as presented.

Council discussion followed.

- Emergency medical
- Safety plan provided by the Sherriff's Dept., City Police Department and Air Show.
- Use of the airport by other organization process
- Flight schedule
- Air Magic Valley (501 3 C)

Staff Sgt. Pullin explained that if an organization requested to use the airport property they would have to go through the special event process. Security and fire assistance would be a concern.

City Manager Rothweiler explained that the air show is a typical activity at the airport. In regards to an organization requesting use of the airport, he would recommend a review by Airport Advisory Board and discussion with the City Council. Staff Sergeant Pullin would work with the applicant on the Special Event Application, which requires a safety plan, and then come before the City Council for approval.

Jim O'Donnell stated that the organization became a non-profit organization to protect the public. A portion of the air show's budget is to provide insurance in which the City and the County are listed as riders. The organization's goal is to promote the airport and support aviation.

The Magic Valley Medical Paramedics will provide emergency services and an emergency plan is in place. Flights will come in before and after the air show. He also gave a financial update.

MOTION:

Vice Mayor Hawkins moved to accept the special use conditions as presented in the staff report to hold the Air Magic Valley Air Show event at the Magic Valley Regional Airport, on June 20, 21, and 22, 2014. The motion was seconded by Councilmember Talkington. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

8. Consideration of a request to purchase property adjacent to the Waste Water Treatment Plant (WWTP) from David Perrine and Anne Scott in the amount of \$60,356.79.

Assistant City Engineer Vitek explained the request.

During the planning phases of the WWTP Expansion project discussion was made regarding additional property for a fifth Secondary Clarifier. With this need and a recommendation from our consultants to purchase the property for access during the construction of the WWTP Expansion Project, staff contacted the owner and began negotiations to purchase the parcel of land. Staff was able to negotiate the sale of the property for \$60,000 plus ½ of closing costs through a Title Company.

Staff recommends approval of this request allowing the mayor to sign the necessary paperwork and a check released to Titlefact for closing on the property.

Council discussion followed.

MOTION:

Councilmember Talkington moved the authorization for the property in question in the amount not to exceed \$60,400. The motion was seconded by Councilmember Mills Sojka. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Discussion followed.

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9. Discussion and possible action on submitting a letter of support of developing the US-93 corridor into Interstate 11 that is a part of the proposed NAFTA corridor.

City Manager Rothweiler explained the Twin Falls County Board of Commissioners received a presentation from representatives from White Pine, Nevada, which he, Vice Mayor Hawkins and Councilmember Mills Sojka attended. Discussion was made on developing the US-93 Corridor into Interstate 11, a part of the proposed NAFTA corridor. Congress has recognized the importance of the portion of the corridor between Phoenix and Las Vegas and designed it as future I-11 in the recent transportation authorization bill, Move Ahead for Progress in the 21st Century Act (MAP-21).

There are three alternatives that are currently being discussed to extend the currently planned I-11 termination point (Las Vegas) to Canada. Those routes include:

- Using US-95 to Fallon and on to Reno, US-395 into California and terminating at I-5 in Eugene.
- Using US-95 to Fallon to I-80 into Winnemucca and then into Oregon per US-20, terminating at I-5 in Eugene
- Using US-93 to I-84 in Twin Falls

(Councilmember Munn took his seat at 6:49 p.m.)

The Twin Falls route is 337 miles shorter than the other routes proposed. Based on an average cost of \$20 million per mile, the project would save approximately \$6.74 billion. Also, the Twin Falls route provides two primary points of access to Canada where the other routes provide only one.

The connectivity could also provide additional economic development opportunities to the City of Twin Falls, as well as the entire Magic Valley and State of Idaho.

The Idaho Department of Transportation (ITD) is concerned of the potential impact of the system to I-84 existing in the Treasure Valley and moving further west. The representatives from White Pine Nevada will make a presentation to the ITD Board in Pocatello. On May 21, 2014, two groups from the Arizona and the Nevada Departments of Transportation will recommend a preferred route and alternative.

Linda Culver, Congressman Mike Simpson's office, made inquiries on the project. She stated that Congressman Simpson is a member of the House Transportation Committee.

Tonight's request is to ask the Council if they would like to draft a letter of inquiry and support to be submitted to Nevada Department of Transportation and Arizona Department of Transportation and carbon copy to ITD Board. The Greater Twin Falls Area Transportation Committee and Twin Falls County have submitted letters of support for the project.

Council discussion followed.

- Clif Bar sending trucks to serve southern & northern California. Phoenix and Nevada markets.
- Potential of a second bridge across the canyon
- Path obstructions and costs
- ITD concerns (funding and impacts on Boise and Ada County area)
- Project out ten to fifteen years
- Request for more information
- Impact to the public
- Public input
- Support of conceptual idea

City Manager Rothweiler stated that the letter, with Council approval, will be submitted to Sandra Rosenberg, Nevada Department of Transportation and Michael Kies, Arizona Department of Transportation. Copies will be sent to Jim Garza with White Pine County, congressional delegation, ITD District and ITD Board.

MOTION:

Councilmember Mills Sojka moved to approve the City Council sign a letter of support for the US 93 Corridor into Interstate 11, the proposed NAFTA Corridor. The motion was seconded by Councilmember Talkington. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

The letter will be drafted from the Mayor on behalf of the Council.

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10. Presentation on the City of Twin Falls finances for the first 6 months of fiscal year 2013-2014. The presentation will include a historical overview of the tax-supported funds and the three major enterprise funds, Water, Wastewater, and Sanitation.

Chief Finance Officer Race gave a PowerPoint presentation (attached) on the financial update on the first six month of the fiscal year.

Council discussion followed.

- Property taxes
- Homeowner's exemption
- Interfund transfers

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

City Manager Rothweiler stated that he and Mayor Hall will attend the City of Kimberly's City Council Meeting on May 13, 2014.

Upcoming events:

- May 17, 2014, Beat the Heat 5 K Run/Walk
- City Council Meeting on July 2, 2014, budget discussion.
- City Council Meeting, May 19, 2014, Municipal Powers Outsource Grant presentations, 4:00 p.m.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilmember Munn stated that the The Historic Preservation Commission will host a Walking Tour May 17, 2014, at 10:00 a.m.

Vice Mayor Hawkins gave an update on Youth Council, Hershey Track meet, and Twin Falls Public Library Story Time.

Councilmember Mills Sojka congratulated Pamela Mills for earning her Doctor of Medicine & Master of Public Health degrees from the University of Minnesota.

Councilmember Lanting gave an update on the CSI Softball Team and Twin Falls Golf Club.

IV. PUBLIC HEARINGS: 6:00 P.M.: None

V. ADJOURNMENT:

Executive Session 67-2345 (1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

City Manager Rothweiler stated that the request is to approve Executive Session 67-2345 (1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need, unless a vacancy in an elective office is being filled.

MOTION:

Councilmember Talkington moved to approve Executive 67-2345 (1) (a). The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

The meeting adjourned at 7:33 p.m.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary