

**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, December 22, 2014**

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

**GENERAL PUBLIC INPUT**

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

- |  |                           |                            |
|--|---------------------------|----------------------------|
| 1. Consideration of a request to approve the Accounts Payable for December 16 -22, 2014.   | <b>Purpose:</b><br>Action | <b>By:</b><br>Sharon Bryan |
| 2. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for Additional Building Height for Glanbia Foods, Inc. | Action                    | Mitchel Humble             |
| 3. Consideration of a request to approve Minutes of the City Council for November 17, November 24, December 1, and December 8, 2014.                   | Action                    | Leila A. Sanchez           |

**II. ITEMS FOR CONSIDERATION:**

- |  |                                 |                         |
|--|---------------------------------|-------------------------|
| 1. Presentation for Twin Falls Fire Department Level III Firefighter Certifications to David Owens, Tyrone Prescott, Scott Wyatt, and Joell Miller.  | <b>Purpose:</b><br>Presentation | <b>By:</b><br>Ron Clark |
| 2. Consideration of a request to appoint Kyle Tarbet to the Board of Trustees to serve a full term of office from January 2015 to December 2019.   | Action                          | Susan Ash               |
| 3. Consideration of a request to confirm the appointment of Samantha Kemp to the Historic Preservation Commission to serve a partial term from December 22, 2014 to July 31, 2015.   | Action                          | Mayor Don Hall          |
| 4. Consideration of a request to award the replacement of wooden Dierkes Lake stairs with metal stairs to Morgan Construction in the amount of \$193,853.  | Action                          | Dennis Bowyer           |
| 5. Consideration of a request to adopt an Ordinance for the vacation of property located in the undeveloped portion of the Jayco Subdivision, including platted public rights-of-way and easements on property located at 556 Champlin Way aka 3300 East Road for the Twin Falls Urban Renewal Agency. (Proposed Ordinance 3083) | Action                          | Jonathan Spendlove      |
| 6. Consideration of a request to adopt an Ordinance for the annexation of property located at the southwest corner of Pole Line Road East and Eastland Drive North for Northeast Investments, LLC. (Proposed Ordinance 3084)   | Action                          | Mitchel Humble          |
| 7. Consideration of a request to approve the PUD Agreement between the City of Twin Falls and Northeast Investments, LLC. (Proposed PUD 270)   | Action                          | Mitchel Humble          |
| 8. Consideration of a request to approve the City Council Schedule of Regular Meetings and Public Hearings for 2015.   | Action                          | Travis Rothweiler       |
| 9. Request to adopt a resolution declaring a sole source supplier for purchase of law enforcement electronic control devices.  | Action                          | Matt Hicks              |
| 10. Public input and/or items from the City Manager and City Council.  |                                 |                         |

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

<b>IV. PUBLIC HEARINGS:</b>	<b>6:00 P.M. - None</b>		
<b>V. ADJOURNMENT:</b>			

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

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Deputy City Attorney Shayne Nope, Deputy City Managers Mitchel Humble and Brian Pike, Fire Chief Ron Clark, Parks & Recreation Director Dennis Bowyer, Planner 1 Jonathan Spendlove, Captain Matt Hicks, I/S Tami Lauda, 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 with him. A quorum is present.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA**

City Manager Rothweiler requested the following be added to the Consent Calendar:

Alcohol License for Gups LLC dba Guppies Hot Rod Grille located at 110 Main Avenue North.

**MOTION:**

Councilmember Lanting motioned to add to the Consent Calendar the Alcohol License for Gups LLC dba Guppies Hot Rod Grille located at 110 Main Avenue North. The motion was seconded by Councilmember Mills Sojka. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**PROCLAMATION: None**

**GENERAL PUBLIC INPUT:**

Robin D. Wells, Director of Cade Programs, Idaho Wing – Civic Air Patrol explained the Air Force would like to have recognition for two individuals in the community when they reach the Mitchel Award. Chief Master Sergeant Marshall and Chief Master Sergeant Wheeler have reached and passed requirements to become Second Lieutenants.

Mayor Hall with Councilmember Talkington assisting awarded the officer rank to Chief Master Sergeant Marshall and Chief Master Sergeant Wheeler.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the Corrected Accounts Payable for December 16 -22, 2014, \$2,551,100.45 and December 19, 2014, Payroll, total: \$128,784.08. Prepay 12-22-2014, \$147
2. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for Additional Building Height for Glanbia Foods, Inc.
3. Consideration of a request to approve Minutes of the City Council for November 17, November 24, December 1, and December 8, 2014.
4. Consideration of a request to approve an Alcohol License for Gups LLC dba Guppies Hot Rod Grille located at 110 Main Avenue North.

**MOTION:**

Councilmember Lanting moved to approve the agenda as amended. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation for Twin Falls Fire Department Level III Firefighter Certifications to David Owens, Tyrone Prescott, Scott Wyatt, and Joell Miller.

Fire Chief Clark Chief Clark stated that he would like to take this opportunity to recognize David Owens, Tyrone Prescott, Scott Wyatt, and Joell Miller for completing their Firefighter III certification over the course of the last year. This advanced fire service training includes classes and coursework on various subjects including a three-part series in Managing Company Tactical Operations, Incident Command System, Fire Cause Determination, and obtaining their State Fire Inspector Certification.

Mayor Hall presented the certificates to David Owens, Tyrone Prescott, Scott Wyatt, and Joell Miller.

2. Consideration of a request to appoint Kyle Tarbet to the Board of Trustees to serve a full term of office from January 2015 to December 2019.

Councilmember Barigar recused himself from discussion and vote. Kyle Tarbet is employed by the Twin Falls Chamber of Commerce.

Library Director Susan Ash stated Mr. Tarbet expresses a strong interest in the Library and is prepared to accept the full responsibilities of a working Library Trustee for his term of office.

**MOTION:**

Vice Mayor Hawkins motioned to appoint Kyle Tarbet to the Board of Trustees to serve a full term of office from January 2015 to December 2019. The motion was seconded by Councilmember Munn. Roll call vote showed Suzanne Hawkins, Jim Munn, Chris Talkington, Gregory Lanting, Don Hall and Rebecca Mills Sojka voted in favor of the motion. Councilmember Barigar abstained. Approved 6 to 0. 1 abstained.

3. Consideration of a request to confirm the appointment of Samantha Kemp to the Historic Preservation Commission to serve a partial term from December 22, 2014 to July 31, 2015.

Mayor Hall explained the request.

Randall Watson, Chairman of the HPC, explained Ms. Kemp's credentials.

**MOTION**

Councilmember Munn motioned to confirm the appointment of Samantha Kemp to the Historic Preservation Commission to serve a partial term from December 22, 2014 to July 31, 2015. The motion was seconded by Councilmember Mills Sojka. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a request to award the wooden Dierkes Lake stairs with metal stairs to Morgan Construction in the amount of \$193,853.

Parks & Recreation Director Bowyer explained the request.

Discussion followed.

Mike Trabert, McClure Engineering, explained what materials will be used for the stairs.

**MOTION:**

Councilmember Barigar motioned to award the base bid of \$144,318 and the alternate bid for stairs # 1, #9, and ramp #6 in the amount of \$49,535 for a total bid of \$193,853 to Morgan Construction. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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5. Consideration of a request to adopt an Ordinance for the vacation of property located in the undeveloped portion of the Jayco Subdivision, including platted public rights-of-way and easements on property located at 556 Champlin Way aka 3300 East Road for the Twin Falls Urban Renewal Agency. (*Proposed Ordinance 3083*)

Deputy City Manager Humble stated all conditions placed on the vacation approval have been met. As directed by the Council, staff has prepared an ordinance for consideration. Staff recommends the City Council adopt the ordinance so it can be published and codified.

MOTION:

Councilmember Talkington motioned to suspend the rules and place Ordinance 3083, on third and final reading by title only. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Sanchez read the Ordinance title: AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, and VACATING THE REAL PROPERTY DESCRIBED BELOW AND PROVIDING FOR VESTING OF TITLE TO THE PROPERTY SO VACATED.

MOTION:

Vice Mayor Hawkins motioned to adopt Ordinance 3083. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Manager Humble explained the following two agenda items.

6. Consideration of a request to adopt an Ordinance for the annexation of property located at the southwest corner of Pole Line Road East and Eastland Drive North for Northeast Investments, LLC. (*Proposed Ordinance 3084*)

Deputy City Manager Humble stated that as directed by the Council, staff has prepared an ordinance for consideration. Staff recommends the City Council adopt the ordinance so it can be published and codified.

MOTION:

Councilmember Lanting motioned to suspend the rules and place Ordinance 3084 on third and final reading by title only. The motion was seconded by Councilmember Talkington. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Sanchez read the Ordinance 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 AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

MOTION:

Councilmember Barigar motioned to adopt Ordinance 3084. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

6. Consideration of a request to approve the PUD Agreement between the City of Twin Falls and Northeast Investments, LLC. (*Proposed PUD 270*)

Deputy City Manager Humble stated that the PUD Agreement correctly reflects the PUD as it was approved and recommended by Council.

MOTION:

Councilmember Lanting moved to approve the PUD Agreement between the City of Twin Falls and Northeast Investments, LLC. and authorize the Mayor to sign said agreement. The motion was seconded by Councilmember Barigar.

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MOTION:

Councilmember Talkington motioned to amend the motion to draw reference to the use regulations specifically on Exhibit "C" Uses. Use Regulations: (B) Special Uses: 7. Retail Trade: To Not allows gasoline/fuel or electric recharge stations. The motion was seconded by Councilmember Mills Sojka.

Discussion followed.

Vice Mayor Hawkins stated that the applicant met with the neighbors to review the PUD agreement, of which they were in favor. The developer should be present prior to an amendment being made to the PUD agreement.

Councilmember Talkington stated service stations have their place and he does not believe this is one of them. They are often 24/7 hour operations, employ large canopies for all weather protection, employ strong lighting in night hours, intercom service that would interrupt the somewhat residential neighborhood environment, increase of transient traffic, and would require bearing large tanks which could destabilize some of the surrounding homes that are closer to the canyon rim. He is not in favor of a electrical fuel recharge station.

Discussion followed.

Deputy City Manager Humble stated that as shown in the PUD agreement, gas stations are allowed by a Special Use Permit.

Councilmember Mills Sojka stated a service station is not compatible at the location. The goal is to reduce traffic impact from Pole Line and Eastland.

Councilmember Barigar believes that being a provision under Special Uses, this would have to come forward with a hearing process in which public notification is required. There would be ample participation opportunity by the community and the possibility of placing restrictions on hours of operation and design elements, etc. He is in favor of leaving the PUD as it is.

Mayor Hall stated that gasoline service stations would have to come in through the Special Use process and does not feel comfortable making the restriction at this point.

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

Councilmember Lanting thanked Mr. Taylor for working with the neighbors on the PUD agreement and for his investment in the community.

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

7. Consideration of a request to approve the City Council Schedule of Regular Meetings and Public Hearings for 2015.

City Manager Rothweiler made the presentation and explained the meetings during which no public hearings will be held.

MOTION:

Councilmember Mills Sojka motioned to approve the 2015 City Council meeting Calendar. The motion was seconded by Vice Mayor Hawkins.

AMENDMENT:

Councilmember Lanting motioned to eliminate the 5<sup>th</sup> Monday of every month on the calendar. Vice Mayor Hawkins seconded the motion.

Discussion followed.

Roll call vote showed Councilmembers Hawkins, Lanting and Hall voted in favor of the motion. Councilmembers Munn, Barigar, Talkington and Mills Sojka voted against the motion. Failed 4 to 3.

**MOTION:**

Councilmember Barigar amended the main motion to not conduct a public hearing the week of March 23, 2015. The motion was seconded by Councilmember Mills Sojka. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

9. Request to adopt a resolution declaring a sole source supplier for purchase of law enforcement electronic control devices.

Captain Hicks stated that the Twin Falls Police Department was approved to purchase 24 TASER devices in this year's budget in the amount of \$33,120.00. These devices will replace 24 older models which have been in operation since 2006.

Idaho Code §67-2808(2)(ii) permits sole source expenditures where there is only one source for the acquisition of personal property reasonably available and "where the compatibility of equipment, components, accessories, computer software, replacement parts or service is the paramount consideration." The City has investigated sources for electronic control device equipment and has discovered that the only source for this equipment that will comply with the Twin Falls Police Department's written policy and instructor and operator training curriculum on its use of electronic control devices is TASER International.

**MOTION:**

Councilmember Talkington moved to approve Resolution 1938. The motion was seconded by Councilmember Lanting.

Discussion followed.

Luke Allen stated there is a company called Fasers that makes tasers. The tasers have not been tested and have been marketed primarily for the private sector.

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

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

City Manager Rothweiler stated that Wednesday, December 24, Thursday, December 25, 2014, and Thursday, January 1, 2015, City Hall will be closed. The Monday, December 29, 2014, City Council meeting has been cancelled.

Councilmember Lanting reported on an Urban Renewal Agency Board meeting that was held on December 22, 2014. The Board approved Option A - Replace all public utilities in alleyway.

Discussion followed.

-Budgeting

City Manager Rothweiler explained that the original plan did not contemplate changing out the water line. Without changing out the waterline they estimated the life of the waterline at 10 to 15 years. The Board was concerned that when working in the area it might degrade the line and have a life span of 5 to 10 years. City Manager Rothweiler stated he recommended the completion of the water and sewer lines because of the amount of disruption that could occur in the downtown area. He continued to discuss other URA projects and funding.

Mayor Hall stated that Top Story is going through changes and recommended that Council go on a holding pattern to review the City's media strategy.

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

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

**V. ADJOURNMENT:** The meeting adjourned at 6:21 p.m.

Leila A. Sanchez  
Deputy City Clerk/Recording Clerk