



**CORRECTED - MINUTES**  
**Meeting of the Twin Falls City Council**  
**Monday, December 19, 2011**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho**

**PRESENT:** Mayor Don Hall, Vice Mayor Greg Lanting, Councilpersons Trip Craig, Lance Clow, Rebecca Mills Sojka and David E. Johnson

**ABSENT:** William Kezele

**STAFF:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Planning and Zoning Director Mitch Humble, Parks and Recreation Director Dennis Bowyer, City Engineer Jackie Fields and Deputy City Clerk Sharon Bryan

Mayor Hall called the meeting to order at 5:00 PM: He then invited all present who wish, to recite the Pledge of Allegiance to the Flag.

City Manager Travis Rothweiler asked that an additional item be added to the Agenda. Consider Library Trustee's request to reappoint Benjamin L. Cluff to a full term of office, January 1, 2012 to December 31, 2016 to the Twin Falls Public Library Board.

Vice Mayor Lanting moved to amend agenda adding the reappointment of Benjamin L. Cluff to the Twin Falls Public Library Board. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5-0

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for December 13 - 19, 2011.  
Prepaid - \$8,900.78, Regular – \$1,163,693.79
2. Consideration of the December 12, 2011, City Council Minutes

**MOTION:**

Vice Mayor Lanting made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5- 0

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request to have Mayor Don Hall administer the Oath of Office to Shawn Applewhite, the Police Department's newest police officer.

Chief of Police Brian Pike introduced Police Officer Shawn Applewhite.

Mayor Hall with the assistance of Councilperson Johnson swore in Police Officer Shawn Applewhite.

2. Consideration to approve Benjamin Cluff, 2713 Suncrest Circle to serve as a Library Trustee.

Library Director Ash stated that the current Board of Trustees of the Twin Falls Library requests that Benjamin Cluff who resides at 2713 Suncrest Circle, be appointed by the City Council to serve as a Library Trustee for a full term of office from January 1, 2012 through December, 2016.

Councilperson Johnson made the motion to reappoint Benjamin Cluff to serve as a library Trustee for a full term of office from January 1, 2012 through December 2016. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

3. Consideration of a proposed policy for Community Gardens on City owned property.

Parks and Recreation Director Dennis Bowyer explained this policy was presented to the Parks & Recreation Commission on Tuesday December 13th for their review. The Parks & Recreation Commission unanimously recommended to the City Council to adopt the Community Garden Policy.

He went on to explain that currently, City Code does not allow community gardens on private property. In addition to adoption of the policy, the task force also recommends that the Council direct staff to modify the City Code to allow community gardens on private property by special use permit.

Parks and Recreation Director Bowyer explained that the task force members have discussed a proposed community garden on County owned property at the old Immanuel Lutheran school site on Shoup Avenue West, just west of Canyon View Hospital. During the discussion, the County said they would be willing to lease the property to the City for a trial period of one year at \$1 per year and then the City could sublet to a group to operate a garden. There is a high possibility to use PI water from an existing coulee that is directly north of the property. The electrical source to operate a pump for the irrigation is still being worked on.

Discussion ensued on the following:

- Policy looked good
- Make sure it is open to all not just one group
- Termination concern on wording regarding leaving garden.
- Who might the likely users / benefactors be.
- Concerns with favoritism
- Who benefits from the fruits/vegetables
- People who participate benefit from the produce.
- Spots will be given by a lottery or raffle.
- Is this the same rules as CSI garden.
- They do allow retail sales and they have rules for each individual gardener out there.
- Community Garden Policy for only City owned property.
- Lincoln School is participating in green program and is planning to put in a garden
- Vandalism is the responsibility of the gardeners.

**Councilperson Mills-Sojka made the motion to direct staff to come back with a City Code Amendment to allow Community Gardens on private property through a special use permit and approve the Community Garden Policy. The motion was**

**seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5-0.**

4. Consideration of the annual impact fee report from the Development Impact Fee Advisory Committee, including a resolution waiving the inflation adjustment for the 2012 impact fee rates.

Planning and Zoning Director Mitch Humble explained that on August 1, 2009, the City began collecting development impact fees with new building permits. Part of the State requirements for cities that have an impact fee program, is an annual reporting requirement from the Development Impact Fee Advisory Committee to the City Council. This agenda item is the required annual report for the close of Fiscal Year 2011. The Committee met on November 1, 2011 to make their final recommendations for this report.

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)). This agenda item is the required annual report. As mentioned above, one of the Committee’s recommendations is to waive the automatic fee inflation adjustment for 2012. A resolution is attached to that end. A simple majority vote of the Council is required to adopt the resolution.

Councilperson Mills-Sojka Fire and Police might have trouble spending the money. Is it eligible?

Planning and Zoning Director Humble explained that we are not eligible because there is not a capital improvement plan. We cannot use an impact fee to remedy an existing deficiency.

Mayor Hall - what is the downside of not passing the resolution.

Planning and Zoning Director Humble explained MCI is a way of looking at those things that cities typical buy within a year and informing cities those things are going up or down. Our collections fall behind our costs if resolution is not approved.

City Manager Rothweiler explained growth rate plan.

Planning and Zoning Director Humble – We are not talking change. When we do an update to our comprehension plan than we will update those numbers.

Councilperson Clow – cost index 5.1% He felt it was a little high. This is not a wavier if money.

Councilperson Johnson concerned of over collecting.

Mills-Sojka concern would not correct for inflation and then have a boom in growth and not correct for that. Worried about taxpayers having to pay the difference. Would like it equal to need.

Councilperson Lance Clow made the motion to accept the report and pass Resolution #1877, **R -1881**, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, WAIVING THE AUTOMATIC ANNUAL INFLATION ADJUSTMENT FOR IMPACT FEES FOR 2012.

**The motion was seconded by Councilperson David Johnson and roll call voted showed Councilperson Clow, Mayor Hall, Councilperson Johnson and Vice Mayor Lanting voting in favor of the motion. Councilperson Mills-Sojka voted against the motion. Approved 4-1**

5. Consideration of a request from Traffic Safety Commission Chairman Rod Mathis and Co-Chair Kirk Brower for the placement of two informational signs near the top and the bottom of the Canyon Springs Grade. These signs will remind pedestrians, cyclists, and motorists of the proper and safe use of the roadway.

Over the past few years, the number of pedestrians, cyclists, and motorists using the Canyon springs Grade has increased. Due to the large number of citizens in the community using this area, we feel the congestion on the roadway has created a safety hazard for all those who utilize the grade for driving, walking, and riding bicycles. With the narrow width of the roadway from the top of the grade to the bottom of the canyon, we often see pedestrians walking in the lanes of travel and obstructing motorized traffic. Depending on the time of day, the sun also creates a hazard for those on the grade.

The Traffic Commission hopes that placement of the signs will provide guidance to pedestrians to walk on the left side of the roadway, no more than two abreast and in single file, when vehicles are approaching. The signs also advise cyclists to ride as close to the right side of the roadway as possible and no more than two abreast. The signs also list the appropriate Idaho Statutes governing pedestrians, cyclists, and motorists.

Councilperson Craig in attendance at 6:00 PM

Councilperson Johnson – Surface concerns -cleaning of road.

City Engineer Fields – explained that roadways are maintained however she explained that rocks are always falling on the road.

Councilperson Clow – Concerned about bikes riding side by side. He felt that bike coming up the grade single file would be safer.

Vice Mayor Lanting – good idea. Walkers and bikers need to pay attention and share the road. Be careful.

Mayor Hall expressed he feels it is a great idea,

Councilperson Clow -Do not ride more than two replace to say Ride single file uphill and not more than two side by side downhill.

**Councilperson Johnson moved approval of the placement of two informational signs near the top and the bottom of the Canyon Springs Grade with the adjustment of wording regarding riding single file uphill. The motion was seconded by Councilperson Mills-Sojka and roll call vote show all present in favor of the motion.**

**Motion passed 6-0**

6. Consideration of a request for additional height for the Chobani Yogurt facility located on 190 +/- acres at 3450 Kimberly Road East.

Planning and Zoning Director Humble explained request using visuals.

Councilperson Lanting – 85’ is about 7 stories? What about sprinklers?

Planning and Zoning Director Humble indicated that the plans include sprinklers.

Councilperson Mills Sojka – Was this site specific or is this a general M-2

Approval apply to only this property.

**Councilperson Mills-Sojka made the motion to approve the request for additional height for the Chobani Yogurt facility located on 190 +/- acres at 3450 Kimberly Road East. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 5-0.**

7. Consideration of adoption of a PUD Agreement between the City of Twin Falls and Gary Storrer. (app.1916 & 1990)

Planning and Zoning Humble reviewed history of this PUD using visuals.

A discussion ensued on the following:

- Location near Canyon
- Any concerns from staff?
- Does this give us all the rights of way
- Where the trail is and if the trail is visible to the canyon rim.

**Councilperson Johnson moved adoption of a PUD Agreement between the City of Twin Falls and Gary Storrer. (app.1916 & 1990) The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 6-0.**

8. Public input and/or items from the City Manager and City Council
  - City Council gave their appreciation to Ben Botkin, Times News reporter. Ben will be moving to Bend Oregon. Melissa Davlin and Brad Guire will be our new Times News reporters.
  - City Manager Rothweiler announced he will be out of the office December 26-30, 2011. Mitch Humble will be the Acting City Manager.

PUBLIC HEARINGS: NONE

EXECUTIVE SESSION:

67-2345 (1)(a) To consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office: and

67-2345 (1)(F) To communicate with legal counsel for the public agency to discuss the legal ramifications of 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.

**Councilman Johnson moved to adjourn to Executive session 67-2345(1)(a) To consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office and 67-2345 (1)(F) To communicate with legal counsel for the public agency to discuss the legal ramifications of 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. The motion was seconded by Councilperson Mills-Sojka and roll call vote showed all present in favor. Motion passed 6-0**

ADJOURNMENT:

There being no further business the meeting was adjourned at 6:40 PM

Sharon Bryan,  
Deputy City Clerk