

COUNCIL MEMBERS:

SHAWN BARIGAR	DON HALL	SUZANNE HAWKINS	GREGORY LANTING	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
<i>Vice Mayor</i>			<i>Mayor</i>			



Minutes
 Meeting of the Twin Falls City Council
 Tuesday, May 29, 2012
 City Council Chambers
 305 3rd Avenue East - Twin Falls, Idaho

5:00 P.M.

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

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of a request to approve the accounts payable for May 22 - 29, 2012. 2. Consideration of a request to approve the May 14, 2012, City Council Minutes. 3. Consideration of an 8th and Final Extension of the final plat of Americana (formerly Syringa) Subdivision, 2.88(+/-) acres, to develop 12 residential lots and 2 tracts, located at the north side of the 600 block of Falls Ave West.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Mitch Humble
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Presentation of Certificate of Appreciation to Garrett Boylard from Eastern Idaho Railroad for assistance to the Historic Preservation Commission at their historic warehouse district walking tour. 2. Consideration of a request for the appointments of Craig Manning and Tom Reynolds to the Parks & Recreation Commission. 3. Consideration of the request of Gary Nelson/Nelson & Company for Waiver of the Non-Conforming Building Expansion Permit Process to allow the expansion of an existing non-conforming residence at 898 Wendell Street. 4. Consideration of a request to reject all bids received on the Radio Communications Tower Project, to be constructed at the city gun range, and to rebid the project. 5. Consideration of a request to award the 2012 Seal Coat Project to Emery, Inc., for \$353,598.62. 6. Consideration of a request to award the 2012 Slurry Seal Project to Kloepper, Inc., for \$409,921.67. 7. Consideration of a request to amend Twin Falls City Code 6-2-6(C) by prohibiting possession of inhalants with the intent to inhale, possession of paraphernalia for the inhalation of inhalants, being present at a place where inhalants are used or held for use, and amending the definition of inhalants. 8. Consideration of a request to hire a grant writer to assist with developing and submitting an application to the U.S. Department of Transportation for a Small Community Air Service Development Program Grant. 9. Public input and/or items from the City Manager and City Council.	Presentation Action Action Action Action Action Action	Mitch Humble Dennis Bowyer Mitch Humble Craig Stotts Jacqueline Fields Jacqueline Fields Fritz Wonderlich Travis Rothweiler/ Bill Carberry
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 1. A public hearing to consider the City's intent to dispose of approximately 0.29 acres of underutilized City owned property located at 156 3rd Avenue North. 2. A public hearing to consider the City's intent to dispose of the City's 1/3 interest in approximately 20 acres of land located on the north side of Addison Avenue West at Rock Creek.	Public Hearing Public Hearing	Mitch Humble Dennis Bowyer
V. <u>ADJOURNMENT:</u>		

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****Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.***

Present: Shawn Barigar, Gregory Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington

Absent: Suzanne Hawkins, Don Hall

Staff Present: City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jacqueline Fields, Parks & Recreation Director Dennis Bowyer, Lieutenant Craig Stotts, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Lella A. Sanchez

Mayor Lanting 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. Mayor Lanting introduced staff. A quorum is present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATIONS: None

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for May 22 - 29, 2012, May 23, 2012, total \$696,593.39
Prepaid total: May 23, 2012, \$12,500.
Payroll total, May 25, 2012
2. Consideration of a request to approve the May 14, 2012, City Council Minutes.
3. Consideration of an 8th and Final Extension of the final plat of Americana (formerly Syringa) Subdivision, 2.88(+/-) acres, to develop 12 residential lots and 2 tracts, located at the north side of the 600 block of Falls Ave West.

MOTION:

Councilperson Munn made the motion to approve the Consent Calendar with the exception of the May 14, 2012, Minutes. The motion was seconded by Councilperson Talkington.

Councilperson Mills Sojka requested Consent Calendar Agenda Item 3. be discussed separately.

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

Item 3.

Consideration of an 8th and Final Extension of the final plat of Americana (formerly Syringa) Subdivision, 2.88(+/-) acres, to develop 12 residential lots and 2 tracts, located at the north side of the 600 block of Falls Ave West.

Councilperson Mill Sojka asked for the location of accesses to lots 1 – 8, zoning, and lot size.

Community Development Director Humble stated there will be driveway easements across the cul de sac to the south side of the property to down the street. The property is zoned R-2 and the minimum lot size is 6, 0000 ft.

MOTION:

Councilperson Mills Sojka made a motion to approve Consent Calendar Item 3. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

II. ITEMS FOR CONSIDERATION:

1. Presentation of Certificate of Appreciation to Garrett Boylard from Eastern Idaho Railroad for assistance to the Historic Preservation Commission at their historic warehouse district walking tour.

Darrell Buffaloe gave a brief update on the walking tour and thanked the Council for their support. He explained that Garrett Boylard from Eastern Idaho Railroad assisted the Historic Preservation Commission by displaying a locomotive on the tracks across from Red's Trading Post and gave a short presentation

Mayor Lanting presented the Certificate of Appreciation to Garrett Boylard.

2. Consideration of a request for the appointments of Craig Manning and Tom Reynolds to the Parks & Recreation.

Parks & Recreation Director Bowyer explained the request

The interview committee recommends that the City Council confirms the Mayor's appointments of Craig Manning and Tom Reynolds to the Parks & Recreation Commission. Craig Manning's term will be from June 2012 to April 2014 and Tom Reynolds' term will be from June 2012 to April 2015.

Staff concurs with the Mayor's recommendation.

MOTION:

Councilperson Barigar made the motion to appoint Craig Manning (term June 2012 to April 2014) and Tom Reynolds (term June 2012 to April 2015) to the Parks & Recreation Commission. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

3. Consideration of the request of Gary Nelson/Nelson & Company for Waiver of the Non-Conforming Building Expansion Permit Process to allow the expansion of an existing non-conforming residence at 898 Wendell Street.

Community Development Director Humble explained the request.

If the City Council grants this request, as presented, staff recommends approval is subject to the following condition:

1. Subject to complete review by Building, Engineering, Fire, and Zoning Departments to ensure compliance with all applicable City Code requirements and Standards for existing and proposed buildings on the site.

MOTION:

Councilperson Mills Sojka made a motion to approve the Waiver of the Non-Conforming Building Expansion Permit Process for Gary Nelson/Nelson & Company at 898 Wendell Street, as presented, with the following condition:

1. Subject to complete review by Building, Engineering, Fire, and Zoning Departments to ensure compliance with all applicable City Code requirements and Standards for existing and proposed buildings on the site.

The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

4. Consideration of a request to reject all bids received on the Radio Communications Tower Project, to be constructed at the city gun range, and to rebid the project.

Lt. Craig Stotts explained the request.

On May 24, 2012, all bids received were unresponsive and staff is recommending rejecting the bids. If bids are rejected staff will come back to Council to ask adoption of a resolution declaring a sole source supplier for purchase of the goods and services on the open market.

Council discussion followed.

City Attorney Wonderlich explained the process.

MOTION:

Councilperson Barigar made a motion to reject all bids submitted on the Radio Communications Tower Project. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

5. Consideration of a request to award the 2012 Seal Coat Project to Emery, Inc., for \$353,598.62.

City Engineer Fields explained the request.

On May 17, 2012, bids were opened for the 2012 Seal Coat Project. Two bids were received and the low bidder was Emery, Inc. of Filer, Idaho, in the amount of \$353,598.62.

Staff recommends that the City Council authorize the Mayor to sign the contract for 2012 Seal Coat Project with Emery, Inc. in the amount of \$353,598.62.

Council discussion followed.

-Councilperson Talkington asked what the City's recourse is if the bidder fails to meet deadline or standards of the slurry seal.

City Engineer Fields stated that the project does not have a warranty on it. There have been some differences in slurry seals and chip seals in the past but the City's recourse was to modify some of inspection work and define expectations earlier in the project.

-Concern of proper notification to residents.

MOTION:

Councilperson Mills Sojka made the motion to award the 2012 Seal Coat Project to Emery, Inc., for \$353,598.62. The motion was seconded by Councilperson Barigar.

Councilperson Talkington stated that he will be voting against the motion because the City will have no recourse.

City Attorney Wonderlich stated there is a performance bond and a payment bond, but not a warranty.

City Engineer Fields stated that staff will investigate the cost and the opportunity in requiring a warranty.

Roll call vote showed Councilpersons Barigar, Lanting, Munn, and Mills Sojka voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 4 to 1.

6. Consideration of a request to award the 2012 Slurry Seal Project to Kloepper, Inc., for \$409,921.67.

City Engineer Fields explained the request.

On May 17, 2012, bids were opened for the 2012 Slurry Seal Project. Two bids were received and the low bidder was Kloepper, Inc. of Paul, ID, in the amount of \$409,921.67.

MOTION:

Councilperson Munn made the motion to award the 2012 Slurry Seal Project to Kloepper, Inc., for \$409,921.67. The motion was seconded by Councilperson Mills Sojka. Roll call vote showed Councilpersons Barigar, Lanting, Munn, and Mills Sojka voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 4 to 1.

7. Consideration of a request to amend Twin Falls City Code 6-2-6(C) by prohibiting possession of inhalants with the intent to inhale, possession of paraphernalia for the inhalation of inhalants, being present at a place where inhalants are used or held for use, and amending the definition of inhalants.

City Attorney Wonderlich explained the request.

The proposed amendments to City Code Ordinance 6-2-6 (C) will address issues associated with synthetic marijuana commonly referred to as Spice, Hayze, or K2. The amendments will bring clarity to the ordinance and possibly avert suppression issues in court. The amendments will also help with overall enforcement efforts associated to the public safety issue.

Council discussion followed.

-Possession/intent/knowledge of controlled substance

-Impact on the shops selling products. Shops put on the packaging not for human consumption.

City Attorney Wonderlich stated that the language presented in the ordinance is nearly identical to the language in the Substances Control Act. For example, possession of a marijuana pipe is not illegal, but possession of a marijuana pipe with the intent to use for the inhalation of controlled substances is a violation. Similarly, there will be people who buy gasoline, spray paint, and dust off who will not be in violation because they have no intent of huffing or inhaling; it is only when the intent is to use it as an inhalant that it becomes unlawful.

MOTION:

Councilperson Munn made the motion to suspend the rules and place Ordinance ~~1886~~ 3027, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §6-2-6(C) BY PROHIBITING POSSESSION OF INHALANTS WITH THE INTENT TO INHALE, POSSESSION OF PARAPHERNALIA, BEING PRESENT AT A PLACE WHERE INHALANTS ARE USED OR HELD FOR USE, AND AMENDING THE DEFINITION OF "INHALANTS".

on third and final reading by title only. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Deputy City Clerk Sanchez read the ordinance by title only.

MOTION:

Councilperson Munn made the motion to adopt Ordinance ~~1886~~ 3027. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

8. Consideration of a request to hire a grant writer to assist with developing and submitting an application to the U.S. Department of Transportation for a Small Community Air Service Development Program Grant.

Airport Manager Carberry explained the request.

Staff recommends the Council to authorize the Mayor to sign a Professional Service Agreement with Mead and Hunt to develop and submit a grant application for The Small Community Air Service Development Program Grant (SCASPD) to the Department of Transportation, in the amount of \$14,950. Partnering with the business community will help to strengthen and expand service to Salt Lake City's large-hub airport and is a reasonable and valuable approach to additional service, particularly during these difficult times in the air service industry.

John Gibson, representing the Chamber of Commerce, explained his support and the need for the program. He stated that the Chamber will make the pledge and work towards contributing \$55,000, from the business community, for a marketing program to highlight the additional service.

Council discussion followed.

-Feasibility of a west coast connection.

Ruth Pierce, representing SIEDO, stated and explained her support for the request.

-Funding of \$55,000.

Airport Manager Carberry stated that he would discuss with the grant writer what would happen in the event that the Chamber cannot contribute the \$55,000, and will provide to the Council in the future.

Councilperson Barigar understood from Mr. Gibson that there is \$55,000 someplace from the business community. The intent is to get the contribution from the broad community and if that doesn't happen, the commitment will be made from some organizations such as the Chamber, SIEDO, and Business Plus.

Mr. Gibson stated that the Chamber has made a commitment to build the economic base and to bring business to Twin Falls.

MOTION:

Councilperson Barigar made the motion to approve hiring a grant writer to assist with developing and submitting an application to the US Department of Transportation Small Community Air Service Development Program Grant in the amount of \$14,950 with the application to be submitted by the deadline date of June 11, 2012, as presented. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

9. Public input and/or items from the City Manager and City Council. None.

Recess: 6:20 P.M.

Reconvened: 6:25 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00

1. A public hearing to consider the City's intent to dispose of approximately 0.29 acres of underutilized City owned property located at 156 3rd Avenue North.

Community Development Director Humble explained the request.

Staff recommends that the Council direct staff to prepare an ordinance transferring ownership of approximately 0.29 acres of underutilized City owned property located at 156 3rd Avenue North to the Urban Renewal Agency.

Council discussion followed.

-Public Easements

-Contaminants on the ground.

Community Development Director Humble stated that public utilities are not to be located on the property but in alleys and streets right of way. Title work would need to be done to clarify if there are electrical or gas lines on the property. In regards to contaminants, a Level 1 Environmental Identify has not been done on the property, nor is the agency requesting one. If that becomes part of the RFP process it could be an issue.

Opened the public comment portion of the hearing:

Clark Parrish, 39 Canyon View Road, Jerome, Idaho, part owner of World Radio Link and the Historic Ballroom, who also served on the Parking Committee, stated that the businesses downtown don't have their own parking. Businesses have invested in downtown and have built up the tax base by developing it beyond what could have been developed if each business had the ability to have their own parking. Businesses have had shared parking downtown. The Parking Committee's plan was to use the Brown Lot for businesses and to move the leased parking out of the heavily used Orange Lot, for customers parking. The Historic Ballroom had contacted the City about using the lot for daytime events. Rental spaces are not being used. If the Council goes forward with the request he asked that the Brown Lot be replaced for the betterment of downtown. He submitted a letter for the record and a copy of the deed to the lot.

Sarah Taylor stated that since taking ownership of the Historic Ballroom in 2012, she has continued to work directly with the City as well as her fellow neighbors. She donated her space for a public parking forum, time, and opinions in an effort to bring resolution. In March, she put in a formal request for use of the Brown Lot for daytime and Magic Valley events and was told the lot was termed as excess so it could be sold. Both the Parking Forum and the Parking Committee proposed use of the lot as stated by Clark Parrish. She requested that prior to the Brown Lot being surrendered, could the City find a replacement and secure parking. She requested that the City and the Council move forward to look for more solutions to fix the issue of downtown parking.

Shane Cook, 128 Main Avenue North, stated the Orange Lot is directly behind his business and is 90% full most of the day. He requested that the Orange Lot leased parking be moved to the Brown Lot.

Closed the public comment portion of the hearing.

Deliberations: None.

Council discussion followed.

Councilperson Mills Sojka asked staff to discuss the use of the Orange Lot and the possibility of moving leased parking to the perimeters.

Community Development Director Humble stated that the Orange Lot has 52 parking spaces. One-half of the spaces are open to the public as free parking, which are spaces closest to the alley. The other one-half spaces along the street are being fully leased out and leasing has been consistent. The City has a waiting list for the Orange Lot.

The Parking Committee had discussions on the perimeter lot spaces. Generally the City had more than enough parking spaces in the downtown area. The Orange Lot leased spaces are utilized 60% to 80% according to survey results. He explained the utilization of the surrounding lots.

The intent would be use revenues for the lot to buy another parking lot in a good location.

Closed the public hearing.

MOTION:

Councilperson Mills Sojka made a motion to dispose of the Brown Lot located at 156 Third Avenue North in order to turn over to the URA and reserve the \$55,000 in an account to find replacement for increased accessibility for parking in the Downtown Twin Falls. The motion was seconded by Councilperson Talkington.

Councilperson Munn stated he will be voting no on the motion because he needs to understand the parking issue.

Roll call vote showed Councilpersons Barigar, Lanting, Mills Sojka, and Talkington voted in favor of the motion. Councilperson Munn voted against the motion. Approved 4 to 1.

Councilperson Barigar formally requested that the following to be placed on an upcoming Twin Falls City agenda:

1. To reconsider the recommendation of the Downtown Parking Task Force related to the removal of parking meters in downtown.
2. To consider a more efficient and effective management and enforcement for both the leased parking and free parking lots.
3. A prioritization of the need for public agencies, like the City and the Twin Falls Urban Renewal Agency, to develop appropriate parking strategies in downtown.

Mayor Lanting stated that the request will be placed on the June 11, 2012, City Council agenda.

2. A public hearing to consider the City's intent to dispose of the City's 1/3 interest in approximately 20 acres of land located on the north side of Addison Avenue West at Rock Creek.

Parks & Recreation Director Bowyer explained the request.

Staff recommends that the City Council discuss and provide direction to staff regarding the proposed land exchange with the County.

Community Development Director Humble stated for clarification that the appraisal of \$565,000 is for the entire property, of which the City owns one-third share.

Council discussion followed.

- Exchange of public property
- Timeline of the development of a dog park and/or community garden

Community Development Director Humble stated the exchange for public property to dispose to another public agency would be by ordinance.

Parks & Recreation Director Bowyer stated that the Twin Falls Community Foundation have been receiving donations for the dog park. The fencing would be a major cost for a dog park and estimated at \$30,000 if contracted out. A bathroom would not happen this year but would be something similar to Drury Park restrooms at an estimated cost of \$40,000. Cost for a sprinkler system/irrigation is estimated at \$15,000. Cost of curb, gutter, and sidewalk is estimated at \$14,000, unless a deferral is requested for the Blake portion of a street. Discussion has not been made on the cost of a parking lot. He continued to explain where a community garden could be placed.

Community Development Director Humble stated that the costs do not begin to incur until a building permit is requested.

The public comment portion of the hearing was opened.

County Commissioner Leon Mills spoke in favor of the request. He stated that he would donate his time to build a fence at no cost to the City.

The public comment portion of the hearing was closed.

Deliberations: None

The public hearing was closed.

MOTION:

Minutes

Tuesday, May 29, 2012

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Councilperson Talkington made the motion to approve the equal disposal of the City's property at Addison West in exchange for the property in question on Shoup and Blake, owned by the County. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

V. **ADJOURNMENT:** Adjourned at 7:12 P.M.

Leila A. Sanchez

Deputy City Clerk/Recording Secretary