

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
Monday, June 18, 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 June 12 – June 18, 2012. 2. Consideration of a request to approve the June 4, 2012, City Council Minutes. 3. Consideration of a request to approve Liquor, Wine and Beer license renewals for the 2012/2013 year on the condition the applicant receives their State alcohol license.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Sharon Bryan
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to adopt an ordinance repealing Twin Falls City Code 9-9-21: Use of Wireless Communications Devices. The State legislature passed a new statute regarding texting effective July 1, 2012. 2. Consideration of a request to accept a donation of real property located on the north side of Filer Avenue West. 3. Consideration of adoption of an ordinance transferring the City's 1/3 interest in approximately 20 acres of property located on the north side of Addison Avenue West, immediately west of Rock Creek, to the County of Twin Falls. 4. Consideration of a request to adopt an ordinance transferring approximately 0.29 acre of City owned property located at 156 3rd Avenue North to the Urban Renewal Agency. 5. Presentation of the City Pool Financial Report by Gary Ettenger, CEO of the YMCA. 6. Update of the status of the FY 2012-2013 Budget. 7. Public input and/or items from the City Manager and City Council.	Action Action Action Action Presentation Discussion	Anthony Barnhart Mitch Humble Mitch Humble Mitch Humble Dennis Bowyer/ Gary Ettenger Travis Rothweiler
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 - None		
V. <u>ADJOURNMENT:</u>		

****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, Don Hall, Suzanne Hawkins, Gregory Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Chief Financial Officer Lorie Race, Captain Anthony Barnhart, Parks & Recreation Director Dennis Bowyer, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila 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. A quorum is present. Mayor Lanting introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested the following amendments to the agenda:

1. Remove Consent Calendar Item 2. June 4, 2012, City Council Minutes. The minutes will be placed on the June 25, Council agenda.
2. Remove Item for Consideration 5. Presentation of the City Pool Financial Report by Gary Ettenger, CEO of the YMCA. To be heard at a later date.
3. Mayor Lanting named June 17, 2012, as the **BrookLynn Rose Hernandez Day**. BrookLynn Rose is Councilperson's Talkington's first grandchild.

MOTION:

Vice Mayor Hall made the motion to approve the amendments to the agenda as presented. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

PROCLAMATIONS: None

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for June 12 – June 18, 2012, \$182,125.40.
2. Consideration of a request to approve the June 4, 2012, City Council Minutes.
3. Consideration of a request to approve Liquor, Wine and Beer license renewals for the 2012/2013 year on the condition the applicant receives their State alcohol license.

MOTION:

Councilperson Barigar made a motion to approve the Consent Calendar with the exception of Consent Item 2. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. ITEMS FOR CONSIDERATION:

1. Consideration of a request to adopt an ordinance repealing Twin Falls City Code 9-9-21: Use of Wireless Communications Devices. The State legislature passed a new statute regarding texting effective July 1, 2012.

Captain Barnhart explained the request.

Staff and the City Attorney Wonderlich recommend approval of the request.

Council discussion followed.

MOTION:

Councilperson Barigar made the motion to suspend the rules and place Ordinance 3029, on third and final reading by title only, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REPEALING TWIN FALLS CITY CODE §9-9-21.

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.

Deputy City Clerk Sanchez read the ordinance title.

MOTION:

Vice Mayor Hall made a motion to adopt Ordinance 3029, as presented. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request to accept a donation of real property located on the north side of Filer Avenue West.

Community Development Director Humble explained the request.

Gerald Martens owns approximately 3.12 acres of property located on the north side of Filer Avenue West, about 150 feet west of Wendell Street. The property includes a canal running along its entire east and north boundaries. Due to the volume and length of the canal, piping it represents a significant development expense. Mr. Martens approached City staff with the offer to donate the property to the City.

Staff recommends that the Council accept the donation of real property as presented.

Discussion followed.

MOTION:

Vice Mayor Hall made the motion to accept a donation of real property located on the north side of Filer Avenue West from Gerald Martens. The motion was seconded by Councilperson Hawkins.

Discussion followed.

Councilperson Talkington stated his concern of safety of the canal, funding of a park, and maintenance of the vacant property.

Councilperson Munn asked if an accident were to happen on the property would the City be liable.

City Attorney Wonderlich stated that in Idaho, the City has recreational immunity for all park properties. If a fee is not charged to the public for recreational purposes, theoretically there is immunity by State statute.

Discussion followed on:

- Cost to maintain the vacant lot
- In lieu of funds
- Community garden

Parks & Recreation Director Bowyer stated there would be costs for mowing and spraying weeds, and placing a temporary fence. In addition, there may be approximately \$2,000 of in lieu funds.

Community Development Director Humble stated that City ordinance allows the Council to expend "In-Lieu" funds within one mile of the boundaries of a project when the funds originated if no needs or facilities are identified in that square mile.

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

3. Consideration of adoption of an ordinance transferring the City's 1/3 interest in approximately 20 acres of property located on the north side of Addison Avenue West, immediately west of Rock Creek, to the County of Twin Falls.

Community Development Director Humble explained the request.

Approval of this request will transfer ownership of the Addison Avenue West property to Twin Falls County.

Staff recommends that the Council adopt the attached ordinance as presented.

MOTION:

Councilperson Talkington made the motion to suspend the rules and place Ordinance 3030, on third and final reading by title only, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AUTHORIZING THE TRANSFER OR CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY TO A TAX SUPPORTED GOVERNMENTAL UNIT.

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.

Deputy City Clerk Sanchez read the ordinance title.

MOTION:

Councilperson Mills Sojka made a motion to adopt Ordinance 3030, as presented. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a request to adopt an ordinance transferring approximately 0.29 acre of City owned property located at 156 3rd Avenue North to the Urban Renewal Agency.

Councilperson Talkington made a motion to suspend the rules and place Ordinance 3031, on third and final reading by title only, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AUTHORIZING THE TRANSFER OR CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY TO A TAX SUPPORTED GOVERNMENTAL UNIT.

The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Sanchez read the ordinance by title only.

MOTION:

Councilperson Barigar made a motion to adopt Ordinance 3031, as presented. 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.

5. Presentation of the City Pool Financial Report by Gary Ettenger, CEO of the YMCA. To be heard at the June 25, 2012, City Council meeting.
6. Update of the status of the FY 2012-2013 Budget.

City Manager Rothweiler gave an update on the budget. He stated that staff will come back to Council on July 9, with a Preliminary Budget. Staff will request adoption of the budget after the public hearing is held on August 13, 2012.

Council discussion followed:

- Sanitation
- Recycling
- Landfill
- Backup generators

City Engineer Fields explained the cost of the generator depends on storage and backup power and, in addition, is a combination of how much risk the City wants to tolerate.

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

Community Development Director Humble will be serving as acting City Manager from June 20 – 22, 2012.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Mayor Lanting gave an update on a Fire Ops 101 class he attended on June 12, 2012.

Councilperson Mills Sojka stated that the Municipal Band concerts are held on Thursday evenings starting at 8:00 pm at City Park.

Councilperson Barigar reported on the grant application for a Small Community Grant and the Visitor Center – Operation Facelift.

IV. PUBLIC HEARINGS: 6:00 – None

V. ADJOURNMENT: The meeting adjourned at 6:37 P.M.

Deputy City Clerk/Recording Secretary Leila A. Sanchez