

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  
**August 13, 2012**  
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  
INTRODUCTION OF STAFF  
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
PROCLAMATIONS:       None.

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of a request to approve the accounts payable for August 7 – 13, 2012. 2. Consideration of a request to approve the August 6, 2012, City Council Minutes. 3. Consideration of a request to approve the "Drag in the Canyon" Car Show to be held on August 25, 2012, from 8:00 a.m. to 7:00 p.m. at the Twin Falls City Park.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Dennis Pullin
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Discussion regarding the Fourth of July, noise disturbances, illegal fireworks, and the City's fireworks ordinance. 2. Public input and/or items from the City Manager and City Council. 3. Continued discussion to consider an increase to the sanitation rates. 4. Continued discussion of the Preliminary Budget for Fiscal Year 2012-2013.	Discussion  Discussion Discussion	Anthony Barnhart  Lorie Race Travis Rothweiler
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u>       <b>6:00 - NONE</b></b> 1. Public Hearing of an appeal regarding the Planning and Zoning Commission's decision on June 12, 2012, to approve a Special Use Permit for Victory Home of Idaho, Inc., c/o Pastor Tony Lopez, to operate a shelter home on property located at 570 Shoup Avenue West. <p style="text-align: center;"><b><u>CANCELLED</u></b></p>		
<b>V. <u>ADJOURNMENT:</u></b>		

*\*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, Gregory Lanting, Suzanne Hawkins, 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, Budget Coordinator Patricia Lehmann, Police Chief Brian Pike, Captain Anthony Barnhart, Human Resource Director Susan Harris, Information Services Manager Mick Turner, Fire Chief Ron Clark, Parks & Recreation Director Dennis Bowyer, Tech I Tami Lauda, Assistant to the City Manager Mike Williams, Public Information Officer Josh Palmer, 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 be added to the agenda:

Executive Session 67-2345 (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. The mere presence of legal counsel at an executive session does not satisfy this requirement.

#### **MOTION:**

Vice Mayor Hall made a motion to approve the amendment to the agenda to add an Executive Session 67-2345 (f), as presented. 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.

**PROCLAMATIONS:** None.

#### **AGENDA ITEMS**

##### **I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for August 7 – 13, 2012, total: \$883,521.36
2. Consideration of a request to approve the August 6, 2012, City Council Minutes.
3. Consideration of a request to approve the "Drag in the Canyon" Car Show to be held on August 25, 2012, from 8:00 a.m. to 7:00 p.m. at the Twin Falls City Park.

#### **MOTION:**

Councilperson Talkington made the motion to approve the Consent Calendar 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.

##### **II. ITEMS FOR CONSIDERATION:**

1. Discussion regarding the Fourth of July, noise disturbances, illegal fireworks, and the City's fireworks ordinance.

Captain Barnhart gave a brief historical perspective of the Fourth of July as it relates to the Police Department, strategies to address illegal fireworks and noise disturbances in the future, and a recommendation to amend the current fireworks ordinance.

The Police Department has witnessed an increase of citizens bringing in illegal fireworks. The cause may be a loophole in the state statute which allows the sale of all types of fireworks. Fireworks vendors in other counties sell all types of fireworks, which require the purchaser to sign an acknowledgement that the fireworks purchased will be taken out of state or not used in the state.

The Police Department could, in the future, initiate a broad media campaign educating the public regarding local ordinances. The message could state that the Police Department will take stronger enforcement actions with those people found to be setting off, or in possession of the type of fireworks describe in the ordinance.

Police officers would need to work overtime to take on an enforcement effort.

Staff recommends that the City Council consider amending the current fireworks ordinance in order to more effectively deal with illegal fireworks in our community, provide stronger enforcement, and create an environment for safer Independence Day celebrations.

Council emphasized the need of ticketing and fining those violating the ordinance and educating the public. They also stated concern of fireworks of possibly setting off fires.

Vice Mayor Hall stated that he would participate in approaching neighboring counties and asking them to tighten their ordinances associated with the sale and possession of unsafe fireworks.

Captain Barnhart stated that amendments to the ordinance will specify the hours and days of operation.

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

Councilperson Barigar reported on the auction of parking meters at the following community events:

Saturday, Aug. 18th at 2 p.m. at the Blue Lakes Rotary's Brewfest at City Park.

Wednesday, Aug. 22nd at 8 p.m. at Twin Falls Tonight at the Main Avenue Fountain in Downtown Twin Falls.

Thursday, Aug. 23rd at 6:15 p.m. at the Twin Falls Chamber of Commerce Business After Hours event at Locust Grove, which is located on the northwest corner of Falls Avenue East and Locust Street North.

All meters were functioning prior to being removed from downtown and will be sold "as is."

The gumball machines may be available for auction at a future date.

3. Continued discussion to consider an increase to the sanitation rates.

Chief Financial Officer Race recapped what was heard at the public hearing held on August 6, 2012.

She explained the following using a PowerPoint presentation:

**2013 - No subsidy:**  
Subsidy - \$0  
Rate Increase – 11.8%  
New Rate - \$18.27  
Difference – increase of \$1.93

**2013 - As presented in the budget:**  
Subsidy - \$150,000  
Rate Increase – 6.24%  
New Rate - \$17.36  
Difference – increase of \$1.02

**2013 – Drop incentive program and no subsidy:**  
Subsidy - \$0 (would have to subsidize \$13,200 to meet limit of 6.24%)  
Rate Increase – 6.73% (6.24%)  
New Rate - \$17.44 (\$17.36)  
Difference – increase of \$1.10 (\$1.02)

**Drop incentive program and subsidize:**  
Subsidy - \$150,000  
Rate Increase – 1.16%  
New Rate - \$16.53  
Difference – increase \$1.19

2014 – If we maintain the incentive program, we will need a minimum increase of 5.56% to maintain 2013 cost increases.  
2014 - If we drop the incentive program, we will still need to increase rates .49%, to maintain 2013 cost increases.

Council discussion followed:

City Manager Rothweiler explained that the Council, after providing PSI a written 180 days notice, may amend the contract. Josh Brown stated that he will work with staff on the process. Josh Brown provided a bill showing that Recyclebank assesses PSI \$ .83 for the program and a cost of \$ .17 is paid to PSI for their costs.

Council discussion followed.  
-Subscription based rewards program.

Josh Brown, PSI Site Manager, stated that he spoke with Recyclebank and they do not offer a product that would support a subscription based rewards program.

-Recyclebank program to be funded by 100% by the taxpayer

City Manager Rothweiler stated that if the Council elected to issue a subsidy in 2014, the subsidy amount would be about \$75,000. The Council could logically take a look and say that it will be about half of the 5.56% with a \$75,000 subsidy for 2014, then in 2015 the opportunity, upon current receipts, would be eliminated because the fund would have a reasonable sized level of cash reserves, and would advocate that the full rate be incorporated by FY 2016.

-Blue recycling containers

Josh Brown clarified that the 1 of 7 people are participating in Recyclebank. Many residents currently participate in the recycle program who do not subscribed to Recyclebank and doubted that he would see the blue bins come in to PSI that are not participating. Bins have come in from current residents that have not been participating in either the program or the Recyclebank incentive. As far as the tipping fee, and not speaking for Southern Idaho Solid Waste, he would hope that they continue to come down in costs. Recyclebank provides an advertising vehicle and he does not know how this would affect the tonnages.

Councilperson Barigar stated for clarification that in the Community Survey it stated that 83% of residents recycled; and the Recyclebank Twin Falls Program Review presentation on July 23, 2012, showed 43% residents are subscribed members and 5,700 households are signed up for the program. The program is about education, getting information about recycling, and tracking information. The sanitation increase does not having anything to do with the recycling incentive program but an increase for doing business with PSI.

-Affect on PSI if Recyclebank is eliminated

Josh Brown stated that financially this will have little effect as long as the \$ .17 is left intact.

Councilperson Mills Sojka stated that a government should be efficient and effective and should be responsive to the community. Raising the costs does not justify the amount the public is receiving from the program.

Mayor Lanting stated that when the program was signed up, it was for a five year trial; in addition, a commitment was made to PSI, and they bought equipment for the program.

Councilperson Barigar stated that the City should keep the program, and that this presents a very good opportunity and discuss how to better promote the program and engage the community. Recyclebank is a great mechanism so the City does not have to create their own recycling program and reach out to the citizens without expertise.

Councilperson Munn stated that people's actual use of redemption points is significantly low and being 18 months into the program with 7% of the community have used the redeeming points is not a good use for the people's money.

Vice Mayor Hall stated that Recyclebank program was not on a five year trial, nor was PSI, since PSI is contracted with the City.

Councilperson Hawkins clarified that personally she likes Recyclebank, points, and program, but after receiving public feedback, will not be able to support Recyclebank.

City Manager Rothweiler stated that Josh Brown will accept a 30 day notice, rather than a 180 day notice, from the City terminating service with Recyclebank. The rate resolution will not be effective until October 1, 2012.

Josh Brown confirmed accepting a 30 day notice. In speaking with Recyclebank, the points that people have accumulated will remain as long as their account is active.

**MOTION:**

Councilperson Mills Sojka made the motion to adopt Resolution 1892, to drop the incentive program but subsidize \$150,000 of Sanitation Reserves, moving the rate Increase to 1.16%, for a new rate of \$16.53. The motion was seconded by Vice Mayor Hall. Councilpersons Hawkins, Munn, Mills Sojka and Talkington voted in favor of the motion. Councilpersons Lanting and Barigar voted against the motion. Approved 5 to 2.

4. Continued discussion of the Preliminary Budget for Fiscal Year 2012-2013.

City Manager Rothweiler stated that the budget that was presented on August 6, 2012, is now on the City's website and has been published, but it does not include any of the use of foregone balance. There is \$1,479,400, of foregone amount that was not used in the budget presented. Staff was directed to bring back to the Council recommendations on how the foregone amounts of \$250,000, \$500,000, \$700,000, and \$1,000,000 would be spent. The Management Team presented a spreadsheet with a list of projects for Council's consideration.

Council discussion followed.

-Dog Park for \$100,000

-Parks & Recreation Director Bowyer clarified that the \$100,000 would include improvements and bathrooms at the dog park.

-Roadways for \$200,000

City Engineer Fields stated that she would recommend an overlay project or sealcoat.

Councilperson Barigar asked if the Castlewood PI Station should be a consideration for the foregone amount.

City Manager Rothweiler stated that the list presented are tax supported funds. Discussion was made with City Engineer Fields and it was determined that the Castlewood PI Station could wait one more year. He continued to explain why the following items were removed from the budget from tax supported funds: Performance Measurement - \$5,000, Fountain Plaza Restroom - \$60,000, Evel Knievel Jumpsite - \$25,000, Public Art, Library - \$80,000, Pool Transfer for the Bubble - \$35,000, Equipment Shed in the Street Fund, Dump Truck - \$50,000, ADA Intersection Compliance - \$92,000,

**MOTION:**

Councilperson Talkington made a motion to forego the \$1,000,000 of foregone. 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.

Councilperson Hawkins asked the plans of the Police Station Renovation.

City Manager Rothweiler stated that the City is taking funds from this current year budget and working with an architect to be able to start plans and processes. In the next year's budget there is \$90,000 that is allocated and the idea is to have a project that is fully designed that meets the Police Departments needs. In speaking with the Police Department, the plan is to bid the project in different phases and if the \$90,000 stands the plan is to acquire all improvements possible under the aspect of the budget.

Roll call vote on the motion showed all members present voted in favor of the motion.

**MOTION:**

Vice Mayor Hall made the motion to move to Executive Session 67-2345 (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. The mere presence of legal counsel at an executive session does not satisfy this requirement. 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.

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

**IV. PUBLIC HEARINGS: 6:00 - NONE**

1. Public Hearing of an appeal regarding the Planning and Zoning Commission's decision on June 12, 2012, to approve a Special Use Permit for Victory Home of Idaho, Inc., c/o Pastor Tony Lopez, to operate a shelter home on property located at 570 Shoup Avenue West.

**CANCELLED**

**V. ADJOURNMENT: The meeting adjourned at 6:34 P.M.**

Deputy City Clerk/Recording Secretary Leila A. Sanchez