

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, January 7, 2013**  
 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 accounts payable for December 18 – January 7, 2013. 2. Consideration of the December 3, 2012, December 10, 2012, and December 17, 2012, City Council Minutes. 3. Consideration of the adoption of the amended C-1 PUD Agreement #220 – Poleline Commercial PUD No. 1 & No. 2.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez  Mitch Humble
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a recommendation by the Traffic Safety Commission to establish a painted crosswalk at the intersection of Dierkes Street and 2nd Ave. N. 2. Consideration of adoption of an ordinance vacating the 2000-2190 blocks of Fillmore Street. 3. Update from Dwaine Thomson on activities, roles and responsibilities of the Building Department. 4. Public input and/or items from the City Manager and City Council.	Action  Action Update	Jacqueline Fields  Mitch Humble Dwaine Thomson
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u>      <u>6:00 p.m.</u></b> 1. Request for a Zoning Title Amendment which would amend Twin Falls City Code 10-7-14 by allowing limited outside display of merchandise for sale subject to conditions.		Mitch Humble
<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, Suzanne Hawkins, Greg Lanting, Rebecca Mills Sojka, Jim Munn,

**Absent:** Chris Talkington

**Staff Present:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jacqueline Fields, PIO Josh Palmer, Building Official Dwaine Thomson, 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. Mayor Lanting introduced staff. A quorum is present.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

City Manager Rothweiler stated that the December 3, 2012, Council Minutes, have been amended to reflect a change for Consent Item I.3. Consideration of a request from the Airport Advisory Board to conduct monthly board meetings at the Airport.

Mayor Lanting requested that Consent Calendar Item 3. Consideration of the adoption of the amended C-1 PUD Agreement #220 – Poleline Commercial PUD No. 1 & No. 2, be removed and to be heard separately.

Councilperson Munn stated that he has a conflict of interest in regards to Consent Calendar Item 3. and stated that he would abstain from discussion and voting on the request.

**MOTION:**

Vice Mayor Hall made a motion to approve the amendments to the agenda as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

**PROCLAMATIONS:** None

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for December 18, 2012– January 7, 2013, total: \$846,720.72  
December 18, 2012, Vendor Prepay, total: \$435,000  
December 21, 2012, Vendor Payroll, total: \$117,307.39  
December 27, 2012, Fire Payroll, total: \$50,586.75  
January 4, 2013, Vendor Payroll, total: \$118,684.09  
January 7, 2012, Vendor Prepay, total: \$608.00
2. Consideration of the December 3, 2012, December 10, 2012, and December 17, 2012, City Council Minutes.

**MOTION:**

Vice Mayor Hall made a motion to approve the Consent Calendar, minus Consent Item. 3. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Consideration of the adoption of the amended C-1 PUD Agreement #220 – Poleline Commercial PUD No. 1 & No. 2.

**MOTION:**

Councilperson Barigar made the motion to approve the amended C-1 PUD Agreement #220 – Poleline Commercial PUD No. 1 & No. 2, as presented. The motion was seconded by Vice Mayor Hall.

Discussion followed.

-The revised agreement will allow the project to be developed as approved under separate ownerships.

Roll call vote showed Councilpersons Barigar, Hall, Hawkins, Lanting, and Mills Sojka voted in favor of the motion. Councilperson Munn abstained. Approved 5 to 0.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a recommendation by the Traffic Safety Commission to establish a painted crosswalk at the intersection of Dierkes Street and 2nd Ave. N.

City Engineer Fields explained the request.

The City and the Idaho Transportation Department received a request from Heidi Heil to address safety concerns at the intersection of Dierkes Street and 2<sup>nd</sup> Ave. N. She requested the extension of the school speed zone on 2<sup>nd</sup> Ave. N. and the placement of a crosswalk.

At the December meeting of the Traffic Safety Commission, Ms. Heil and representatives from the Magic Valley High School made presentations to the Commission. During these presentations, students commented that re-establishing the red curb could improve visibility. Staff agreed to look at this with the intent to sign, mark or add enforcement to improve intersection visibility.

The Commission considered the input from all parties and voted to recommend placement of a painted or thermoplastic crosswalk with the appropriate signage and to re-paint the fire zone. The Commission then voted to revisit the intersection at a later date to review the potential need for extending the school zone.

Staff recommends that Council accept the Traffic Safety Commission's recommendation to establish a painted crosswalk with appropriate signs at the intersection of Dierkes Street and 2<sup>nd</sup> Ave N.

Council discussion followed.

- Number of Magic Valley High School Students walking to school.
- Cost of the crosswalk.

City Engineer Fields stated that six students attended from the Magic Valley High School. Two students stated they walk to school and one student stated he is afraid to cross at Dierkes Street and 2nd Ave. N., therefore crosses at Castleford.

The cost of the crosswalk for the width of the street will cost approximately \$300, and the City will be responsible for maintenance.

Councilperson Munn stated in a memo dated October 19, 2012, send to Jackie Fields from Mike Sullivan, that the Engineering Dept. recommends no changes to this intersection at this time.

City Engineer Fields stated that Mike Sullivan, as the Traffic Technician, makes recommendations based on the technical merit. She stated that other factors are taking into consideration for a recommendation.

Randy Watson, Chairman of the Traffic Safety Commission, stated that a low percentage of students walk to school, but due to the fact of the students attended to testify before the Commission, the Commission believes there is a need for a crosswalk, even though 25% of the students walked to school. The Commission stated the needed to further the process.

City Engineer Fields stated that Serenity Chapel visitors may benefit from the crosswalk.

**MOTION:**

Councilperson Barigar made a motion to approve to approve the recommendation of the Traffic Safety Commission to establish a painted crosswalk at the intersection of Dierkes St and 2<sup>nd</sup> Ave N., as presented. The motion was seconded by Councilperson Millis Sojka and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Consideration of adoption of an ordinance vacating the 2000-2190 blocks of Fillmore Street.

Community Development Director Humble explained the request.

The vacation for this section of Fillmore Street has already completed the required public hearing and approval process, receiving City Council approval on April 9, 2012.

Adoption of the attached ordinance will vacate the Fillmore Street right-of-way described above. The roadway will continue to be used as a public roadway via a dedicated public right-of-way easement. The developer will begin construction of an alternate private roadway. Upon completion and City acceptance of the private roadway, the current Fillmore Street roadway will be abandoned and removed by the developer.

Staff recommends that the Council:

1. Modify the vacation approval condition number 4 as follows: "Subject to a recorded Maintenance and Unrestricted Access Easement Agreement along the proposed Fillmore Street (Private) prior to the City releasing the temporary public right-of-way easement for the current location ~~vacation~~ of Fillmore Street (~~Public Right of way~~)."
2. Adopt the attached ordinance as presented.

Council discussion followed.

Councilperson Mills Sojka referred to condition number 6, Subject to Fillmore Street (Private) being constructed and accepted by the City before the existing Fillmore Street (Public Right-of-way) is abandoned. She asked if vacating a street is legally abandoning the street. She stated that Ash Street was vacated for a project that did not happen, and now Ash Street is an alleyway of potholes.

City Attorney Wonderlich explained that Ash Street is vacated and what being is proposed is actually a piece of property that is public right of way, in which the City is giving up, and the owner is granting the City a public right of way easement. The City will not be abandoning Fillmore Street. Fillmore Street will not be abandoned but will be changed from public right of way to a public right of way easement

Community Development Director Humble stated that the term vacation applies to the ownership of the right of way; the term abandoning applies to the improvements of the roadway. The condition states that the City will not abandon the roadway until the new roadway is in place.

City Attorney Wonderlich stated that the Council did not receive a copy of the Public Right of Way Easement in their packet, but the City will not give the property owner the easement until the new road has been constructed, and they have dedicated the easement for the new road. In addition, the City does have a Maintenance Agreement.

Community Development Director Humble stated that the Public Right of Way Easement was discussed in his staff report to the Council.

**MOTION:**

Councilperson Hawkins made the motion to amend the wording as presented by Community Development Director Humble, as presented. The motion was seconded by Vice Mayor Hall.

Councilperson Mills Sojka stated she understands the legal aspect of vacating a road, but is concerned of vacating a road when the alternative road is not complete, therefore; will be voting against the motion.

Roll call vote showed Councilpersons Barigar, Hall, Hawkins, Lanting, and Munn voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 5 to 1.

**MOTION:**

Vice Mayor Hall made a motion to suspend the rules and place Ordinance 3043, entitled:  
**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, VACATING RIGHT OF WAY DESCRIBED BELOW.**

on third and final reading by title only. The motion was seconded by Councilperson Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Deputy City Clerk Sanchez read the ordinance title.

**MOTION:**

Councilperson Hawkins made a motion to adopt Ordinance 3043, as presented. The motion was seconded by Councilperson Munn. Roll call vote showed Councilpersons Barigar, Hall, Hawkins, Lanting and Munn voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 5 to 1.

Councilperson Munn stated that it may be helpful to have contracts in their file in the future.

3. Update from Dwaine Thomson on activities, roles and responsibilities of the Building Department.

Building Official Dwaine Thomson gave a presentation using a PowerPoint presentation.

The following was presented:

- Life Safety-2009 International Building code section 101.3 Intent.
- Where Do Codes Come From?
- Architects and Engineers – Builders, Manufacturers, Suppliers, Code officials, Anyone can submit a code change
- Building Department Introduction of:  
Dwaine Thomson, Building Official  
Inspectors: Jarrod Bordi, Jon Laux, Raub Owens, Stephen Harr  
At the counter: Christi Green, Lisa Strickland
- Working together for a healthy and safe environment  
Building, Electrical, Mechanical, Plumbing
- Working with other Departments  
Planning & Zoning, Engineering, Public Works, Fire and Police, Economic Development, City Attorney
- Working with neighboring jurisdictions
- Up and Coming Projects
- Customer Evaluations
- Fees  
Permit revenue in comparison building department expenditures

City Manager Rothweiler commended the Building Department for work performed on the Chobani project.

Councilperson Mills Sojka asked if other businesses and other building permit applicants will be treated similar to Chobani, or is this reserved for certain projects. Building Official Thompson stated the Building Department treats everyone fairly and with consistency.

Community Development Director Humble stated that the Council approved to waive the permit fees for Chobani and gave Chobani a priority response.

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

City Manager Rothweiler reported that City Officials Day at the Capital will be held at the Capital on Thursday, January 31, 2013. He invited the Council to attend. In addition, on Monday, January 7, 2013, Governor Otter spoke gave the State of the State address and primarily focused on personal property tax.

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

Councilperson Barigar stated that in the State of the State address, Governor Otter spoke in favor of allowing the local option taxing authority to assist counties to offset that loss of revenue. The Chamber of Commerce has been discussing the personal tax issue. The Chamber's public policy committee meetings will start on January 18, 2013, Friday mornings at 7:00 A.M.

City Manager Rothweiler stated that the Citizen Advisory Board on Infrastructure is scheduled to Meeting on Friday, January 18, 2012, at 12:00 P.M. in the Council Chambers.

**IV. PUBLIC HEARINGS: 6:00 p.m.**

1. Request for a Zoning Title Amendment which would amend Twin Falls City Code 10-7-14 by allowing limited outside display of merchandise for sale subject to conditions.

Community Development Director Humble reviewed the request.

The request to amend Twin Falls City Code Title 10; Chapter 7; Section14; Outside Storage and Display. The modification will not remove any portions of the code currently in place. What is being proposed is a provision to allow for a "temporary parking lot sales permit". This amendment, as proposed, will be a temporary permit for the display of merchandise for sale on the parking lot area adjacent to the business. Various provisions have been drafted into the proposed amendment regarding length of each promotional sale; length between each promotional sale, number of sales per calendar year and quarter based on lots or parcels, shared or individually owned, as well as specifications on areas where merchandise cannot be displayed. Permits will be submitted to the Planning Department not less than two (2) weeks in advance of the proposed event and may be permitted subject to Administrative review based upon compliance with City Code Standards.

On November 27, 2012 the Commission unanimously recommended approval of the amendment as presented.

Vice Mayor Hall explained that small business owners are trying to compete with big box stores in regards to advertising. This was one of contributing factors to request the amendment to the City Code.

Council discussion followed:

- Cost of the permit
- Zoning Ordinance Committee Members
- Input of business owners

Community Development Director Humble stated that the ordinance does not establish a permit cost. Vice Mayor Don Hall, Councilperson Talkington, Tom Frank, Jason Derricott, Kevin Dane, and Kevin Mahler serve on the Committee. He stated that he has had conversations with Jim Paxton, owner of Snake River Pool and Spa, Brady's and Sawtooth Vacuum and received their input prior to draft the ordinance.

Vice Mayor Hall stated that business owner's have stated they are in approval of a proposed ordinance.

Mayor Lanting opened the public comment portion of the hearing, receiving none; the Mayor closed the comment portion of the hearing.

Council discussion followed:

Councilperson Mills Sojka asked why the City is regulating sales on private property.

Mayor Lanting stated that he is concerned of the aesthetics of the City. He also stated that the City requires a business to provide customer parking.

Councilperson Mills Sojka stated that she believes that discussion is how the City is to regulate business display outside of inventory. She stated that City Codes do regulate parking.

Councilperson Barigar asked if parking and maintaining adequate parking is addressed in the proposed ordinance.

Community Development Director Humble stated that the structure of the proposed City Code has stayed silent on the parking issue. The Committee's idea is to allow businesses to governing themselves with the limitations of staying out of traffic hazards and landscaping, but did not say stay out of required parking.

Councilperson Hawkins stated that businesses need some type of regulation. It's a benefit for all property owners who share a parking lot to be aware of upcoming lot events.

Mayor Lanting closed the hearing.

Deliberations: None

**MOTION:**

Vice Mayor Hall made a motion to suspend the rules and place Ordinance 3044, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §10-7-14 BY PERMITTING PARKING LOT SALES.

on third and final reading by title only. The motion was seconded by Councilperson Munn. Roll call vote showed Councilpersons Hall, Hawkins, Lanting and Munn voted in favor of the motion. Councilperson Barigar and Mills Sojka voted against the motion. Failed 4 to 2.

City Manager Rothweiler explained that the proposed ordinance will come before the Council on January 14, 2013.

City Attorney Attorney Wonderlich explained Idaho Code 50-902.

Deputy City Clerk Sanchez read the Ordinance 3044, read the title ; **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §10-7-14 BY PERMITTING PARKING LOT SALES.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, THAT TWIN FALLS CITY CODE §10-7-14 IS AMENDED AS FOLLOWS:**

.V. **ADJOURNMENT:** The meeting adjourned at 6:45 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary