

**COUNCIL MEMBERS:**

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



**MINUTES**  
**Meeting of the Twin Falls City Council**  
**Monday, April 8, 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:      The Month of May “Better Hearing Month” –**  
**Child Abuse Prevention Month**  
**National Service Recognition Day**

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of a request to approve the accounts payable for April 2 – April 8, 2013. 2. Consideration of a request to approve an application for an Alcohol License Transfer of Ownership for Albertsons LLC dba Albertsons #139 at 1221 Addison Avenue East. 3. Consideration of a request to approve the Improvement Agreement for Developments for Canyon Park Amended Subdivision.	Action	Staff Report Sharon Bryan Sharon Bryan  Troy Vitek
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Presentation by Lindsey Rinehart from Compassionate Idaho. 2. Presentation by the Twin Falls Police Department’s Juvenile Crime Unit regarding school safety in Twin Falls. 3. Consideration of a request to adopt resolutions that approve participation in three State Local Agreements to design and construct projects in the Local Highway Safety Improvement Program and to authorize the Mayor to sign the agreements. 4. Consideration of a request to amend the Public Right of Way Easement Agreement for Canyon Park Development. 5. Provide an update on the Blue Lakes Generator Project and share with City Council the new infrastructure Zone Maintenance Program that will be implemented this year. 6. Public input and/or items from the City Manager and City Council.	Presentation Presentation  Action  Action  Update	Lindsey Rinehart Matt Hicks  Jacqueline Fields.  Jacqueline Fields  Jon Caton
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u>           6:00 P.M. - None</b>		
<b>V. <u>ADJOURNMENT:</u></b> Executive Session 67-2345(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.		

***\*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, Jim Munn, Rebecca Mills Sojka, Chris Talkington

**Absent:** None

**Staff Present:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, City Engineer Jacqueline Fields, Assistant City Engineer Troy Vitek, Captain Matt Hicks, Public Works Coordinator Jon Caton, Assistant to the City Manager Mike Williams, Information Services Tami Lauda, 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.

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

City Manager Rothweiler requested the addition of the following to the Consent Calendar:

Consideration of a request to approve an Alcohol License for Twin Falls No. 612 Loyal Order of Moose, 835 Falls Avenue.

**MOTION:**

Vice Mayor Hall made a motion to approve the amendment as presented. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion.

**PROCLAMATIONS:**           **The Month of May “Better Hearing Month”**  
  **Child Abuse Prevention Month**  
  **National Service Recognition Day**  
  **AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for April 2 – April 8, 2013, total: \$938,348.78  
April 3, 2013, Payroll Prepay, total: \$254.06
2. Consideration of a request to approve an application for an Alcohol License Transfer of Ownership for Albertsons LLC dba Albertsons #139 at 1221 Addison Avenue East.
3. Consideration of a request to approve the Improvement Agreement for Developments for Canyon Park Amended Subdivision.
4. Consideration of a request to approve an Alcohol License for Twin Falls No. 612 Loyal Order of Moose, 835 Falls Avenue.

Councilperson Mills Sojka requested the following be heard separately:

3. Consideration of a request to approve the Improvement Agreement for Developments for Canyon Park Amended Subdivision.

**MOTION:**

Councilperson Barigar made a motion to approve the Consent Calendar, excluding Item for Consideration I.3. 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.

3. *Consideration of a request to approve the Improvement Agreement for Developments for Canyon Park Amended Subdivision.*

Councilperson Mills Sojka asked for clarification of the following: PUBLIC WAYS (a) Required Improvements (7) “...landscaping will be maintained by the city and funded through a fee added to the water bill of each account within the development.”

City Manager Rothweiler explained that this refers to landscaping in the public rights of ways only.

**MOTION:**

Councilperson Mills Sojka made a motion to approve the Improvement Agreement for Developments for Canyon Park Amended Subdivision. 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:**

**The Month of May “Better Hearing Month”**

Vice Mayor Hall read the proclamation.

**Child Abuse Prevention Month**

Councilperson Barigar read the proclamation.

**National Service Recognition Day**

Councilperson Talkington read the proclamation.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Lindsey Rinehart from Compassionate Idaho.

Lindsey Rinehart, Campaign Manager for Compassionate Idaho, gave a presentation on medicinal marijuana using a PowerPoint presentation. She spoke in favor of medical marijuana.

Council discussion followed.

Lindsey Rinehart stated for clarification that Compassionate Idaho does not advise patients how to ingest or how to use cannabis.

Mayor Lanting stated for clarification that the City Council had been considering a Resolution asking that the federal government to continue to enforce the federal law. The word "ban" was not in the resolution.

Gayle Deboard, Wirshing Avenue, spoke in favor of medical marijuana.

Elisha Figueroa, administrator of the Idaho Office of Drug Policy, spoke against the legalization of medical marijuana.

Dr. Craig Manning, Twin Falls, asked what cannabis legend is and what is the state's position regarding cannabis.

Grant Loeb stated that it is a misdemeanor to possess less than three ounces of marijuana and is prosecuted as a felony. If the prosecutor finds that the intent is to distribute and manufacture marijuana, this is felony conduct.

City Attorney Wonderlich stated that the Council cannot take any action that can legalize marijuana. It is a federal violation to possess marijuana. The Council has authority to enact city laws that the state has not already regulated.

Police Chief Brian Pike stated that the city police do enforce state laws and local laws. Someone who possesses marijuana will receive a citation and/or arrested with a misdemeanor charge.

Vice Mayor Hall stated for clarification that it is not the Council's intent to discuss or make a decision to ban marijuana or legalizing.

Councilperson Mills Sojka stated that the original issue that came to the Council was a resolution that supported the continued federal ban on marijuana, specifically against legalizing medical marijuana. Tonight's meeting is to allow a citizen group who requested to speak on the issue of medical marijuana.

Councilperson Talkington commented that the 13 years he spent in juvenile adjudication with both the Idaho Youth Ranch and as a Twin Falls County administrator for adjudication, it was found that from a voluntary survey that a majority of the juveniles that went before the juvenile courts were more prone to smoke marijuana instead of tobacco. It was found that the harms of tobacco through advertising influenced the usage of tobacco, and virtually nothing was known or advertised of the potential harm or potential good of THC. In reviewing the hundreds of cases from 1994 – 2007, very few cases of kids getting into trouble did not begin with original experimentation with marijuana. He was unsure with the same certainty with alcohol. He stated that he would hesitate to call it a gateway drug but lacking any other substitute to put on it. THC today, for either lack of advertising of pros or cons or social peers, kids that are in trouble today and graduate in the adult system, by and large, have their start smoking marijuana.

Councilperson Hall stated he believes that THC is a gateway drug. He is compassionate for people who need medication for their ailments. He does not believe in the need to inject intoxicants.

Councilperson Hawkins stated that she would be more comfortable if marijuana was in a pharmacy and handled like other prescriptions, and not in a dispensary.

Councilperson Barigar stated that decisions about the legalization of medical marijuana will come to Idaho at some point. Idahoans have to make the best decision that works for Idaho.

Mayor Lanting thanked all those who testified and brought the information to the Council.

MINUTES

April 8, 2013

Page 4 of 5

Recess at 6:24 PM

Reconvened at 6:40 PM

2. Presentation by the Twin Falls Police Department's Juvenile Crime Unit regarding school safety in Twin Falls.

Captain Matt Hicks stated that staff will give an overview of the School Resource Program.

Staff Sergeant Pullin gave a brief history of the School Resource Program, Preventative Program, and the Juvenile Crime Unit. He stated the school district has agreed to pay a portion of the cost of \$95,000 a year for the School Resource Officers. He introduced the School Resource Officers.

Captain Matt Hicks gave an overview of research done by the NYPD. He explained the importance of early detection, constant preparation of training, and emergency response.

Council discussion followed.

- Feasibility of metal detectors at the entrance of schools
- Counselors availability to students
- Upcoming budget
- Placement of School Resource Officers in schools

3. Consideration of a request to adopt resolutions that approve participation in three State Local Agreements to design and construct projects in the Local Highway Safety Improvement Program and to authorize the Mayor to sign the agreements.

City Engineer Fields explained the request. ITD has funding for local safety projects and the following three proposals were approved: Key 13544, placement of new Stop signs on the side streets to Falls Avenue West between Washington Street North and Blue Lakes, Key 13545, illumination around the corner of Poleline and Eastland, and Key 13546, placement of signal at Carriage and Addison.

Council discussion followed:

- LED illumination (Falls Avenue West)
- Warrant for the light at Carriage and Addison
- Accidents between the section between Falls between Washington and Blue Lakes
- Illumination on Pole Line and Eastland – Occurrences of accidents

**MOTION:**

Councilperson Munn made a motion to adopt Resolution 1902, for improvements to Falls Avenue West, 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.

**MOTION:**

Councilperson Talkington made a motion to adopt Resolution 1903, for illumination around the corner of Poleline and Eastland, 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.

**MOTION:**

Councilperson Barigar made a motion to adopt Resolution 1904, for placement of signal at Carriage and Addison, as presented. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a request to amend the Public Right of Way Easement Agreement for Canyon Park Development.

City Engineer Fields reviewed the request.

The request is to approve the amendment allowing the storm water easement to be vacated as part of this agreement.

Council discussion followed.

- Utilities in easement

City Engineer Fields stated that the abandonment of the roadway does not include an abandonment of the utilities.

The cost will be upon the cost of the city.

**MOTION:**

Councilperson Talkington made the motion to authorize the First Amendment to the public right of way easement and authorize the Mayor to sign. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion.

5. Provide an update on the Blue Lakes Generator Project and share with City Council the new infrastructure Zone Maintenance Program that will be implemented this year.

Public Works Coordinator Caton gave an update.

The Blue Lakes Generator Project will begin in approximately two weeks and should be a 10 to 15 day project.

The Zone Maintenance Program was based and developed from a street perspective in which Streets Superintendent Dean Littler was the driver of the program. The City has 625 paved lane miles, over 230 miles of sewer line, and over 200 miles of water line. The City is divided in eight similar sized zones. Each zone has 75 paved lane miles. The program will consist of a plan, budget, engineer and implementation.

Council discussion followed.

Public Works Coordinate Caton stated that the City will continue to work and coordinate with the utility companies on work done on streets. The zones will be evaluated on a yearly basis.

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

City Manager Rothweiler reported that a public open house will be held on the Strategic Plan on April 11, 2013, in the Council Chambers and the State of the City Address will be held at the Magic Valley Arts Council on April 9, 2013, at 12:00 P.M.

City Manager Rothweiler gave an update on the upcoming budget process.

Council directed staff to come back to Council on June 10, 2013, with a pre-budget, in which public input will be allowed.

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

Vice Mayor Hall reported on the Urban Renewal Agency. The Urban Renewal Board is hosting an Open House to invite citizen input into possibly expanding Revenue Allocation Area 4-1 into downtown on April 24, 2103.

For clarification, City Attorney Wonderlich stated that tax increment funds cannot be spent outside the Revenue Allocation Area 4-1.

Councilperson Barigar stated that on April 9, 2013, the Parks & Recreation Commission will listen to a report on the dog off leash site meetings.

Councilperson Hawkins reported on the Youth Council Kite Day that will be held on April 20 and 21, at the Sunway Soccer Field; and, the Youth Council will be involved in placing recycling bins at city parks.

**V. ADJOURNMENT:**

Executive Session 67-2345(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

**MOTION:**

Councilperson Barigar made the motion to adjourn to Executive Session 67-2345(c), as presented. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The meeting adjourned at 7:53 P.M.

Leila A. Sanchez, Deputy City Clerk, Recording Secretary