

**COUNCIL MEMBERS:**

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
					Mayor	



**AMENDED MINUTES**  
**Meeting of the Twin Falls City Council**  
**Monday, November 3, 2014**  
**City Council Chambers**  
**305 3rd Avenue East -Twin Falls, Idaho**

**5:00 P.M.**

**PLEDGE OF ALLEGIANCE TO THE FLAG**  
**CONFIRMATION OF QUORUM**  
**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA**  
**PROCLAMATION: No-Shave November 2014 - Request made by Captain Matt Hicks, Twin Falls Police Department**

<b>GENERAL PUBLIC INPUT</b>		
<b>AGENDA ITEMS</b>		
<p><b>I. <u>CONSENT CALENDAR:</u></b></p> <ol style="list-style-type: none"> <li>1. Consideration of a request to approve the Accounts Payable for October 28 – November 3, 2014.</li> <li>2. Consideration of a request to approve the October 20, 2014, Minutes.</li> <li>3. Consideration of a request to approve the 24<sup>th</sup> Annual Christmas in the Night Time Sky Event sponsored by Kimberly Nurseries to be held at 2862 Addison Avenue East on November 28, 2014.</li> <li>4. Consideration of a request to approve the Annual Festival of Lights Parade sponsored by the Times-News to be held on Friday, December 5, 2014.</li> <li>5. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision: Vacation for Urban Renewal Agency (Jayco Subdivision).</li> </ol>	<p><b><u>Purpose:</u></b></p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p>	<p><b><u>By:</u></b></p> <p>Sharon Bryan</p> <p>Leila A. Sanchez</p> <p>Dennis Pullin</p> <p>Ron Fustos</p> <p>Mitchel Humble</p>
<p><b>II. <u>ITEMS FOR CONSIDERATION:</u></b></p> <ol style="list-style-type: none"> <li>1. Presentation of a Green Product Usage Award to the City Council.</li> <li>2. Presentation to the City Council of two awards from the International Economic Development Council.</li> <li>3. Consideration of a request from Jeff and Candi Hanchey to waive the non-conforming building expansion permit process for a home located at 3211 B Falls Ave E.</li> <li>4. Discussion and possible action on an ordinance of the City Council of the City of Twin Falls, Idaho, providing for local background checks for all personnel serving as officers and/or members of all City of Twin Falls Advisory Commissions.</li> <li>5. Brief update on Public Works projects, specifically on the Hankins Water Tank project, IFAS and Wastewater Treatment Plant Expansion project.</li> <li>6. Public input and/or items from the City Manager and City Council.</li> </ol>	<p><b><u>Purpose:</u></b></p> <p>Presentation</p> <p>Presentation</p> <p>Action</p> <p>Discussion/ Possible Action</p> <p>Update</p>	<p><b><u>By:</u></b></p> <p>Jon Caton</p> <p>Melinda Anderson</p> <p>Mitchel Humble</p> <p>Travis Rothweiler</p> <p>Troy Vitek Lee Glaesemann</p>
<p><b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b></p>		
<p><b>IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. - None</b></p>		
<p><b>V. <u>ADJOURNMENT:</u></b>                      Executive Session 67:2345 (1)                      (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.                      (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.</p>		

Present: Suzanne Hawkins, Jim Munn, Shawn Barigar, Don Hall, Greg Lanting, Chris Talkington, Rebecca Mills Sojka

Absent: **None**

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Deputy City Clerk Shayne Nope, Community Development Director Mitchel Humble, Police Chief Brian Pike, Staff Sergeant Dennis Pullin, Police Officer Ben Hammer, Public Works Director Jon Caton, Economic Development Director Melinda Anderson, Assistant City Engineer Troy Vitek, Staff Engineer Lee Glaesemann, City Engineer Jacqueline Fields, Deputy City Clerk Leila A. Sanchez

Mayor Hall 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 and Boy Scout Troop 161. A quorum was present.

PROCLAMATION: No-Shave November 2014 - Request made by Captain Matt Hicks, Twin Falls Police Department

Mayor Hall read and presented the proclamation to Ben Hammer of the City of Twin Falls Police Department.

#### GENERAL PUBLIC INPUT

Katie Breckenridge and Rob Struthers, Picabo, Idaho, reinforced the fact that she has tremendous trust in the City staff but has lost trust in the system that gives staff information for them to make the appropriate decision. She submitted a letter and agreement regarding the Breckenridge Endowment Farm and a copy of US Fish and Wildlife map of the CSI endowment farms wetlands. CSI President Jeff Fox and Deb Wilson will discuss the Breckenridge Endowment Farm on December 2, 2014.

In addition, she explained that she has information regarding an agreement with the Breckenridges for an easement for the Snake River Canyon Rim Trail. The item went before the Planning & Zoning Commission on June 10, 2004 and before the Council in October 2004. Chris Talkington made the motion and the motion was seconded by Shawn Barigar.

### AGENDA ITEMS

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

1. Consideration of a request to approve the Accounts Payable for October 28 – November 3, 2014, \$488,709.06
2. Consideration of a request to approve the October 20, 2014, Minutes.
3. Consideration of a request to approve the 24<sup>th</sup> Annual Christmas in the Night Time Sky Event sponsored by Kimberly Nurseries to be held at 2862 Addison Avenue East on November 28, 2014.
4. Consideration of a request to approve the Annual Festival of Lights Parade sponsored by the Times-News to be held on Friday, December 5, 2014.
5. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision: Vacation for Urban Renewal Agency (Jayco Subdivision).

#### MOTION:

Councilmember Lanting moved to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

1. Presentation of a Green Product Usage Award to the City Council.

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Public Works Director Caton and Streets Department Supervisor Mark Thomson presented the award to the City Council.

2. Presentation to the City Council of two awards from the International Economic Development Council.

City Manager Rothweiler and Mayor Hall presented the award to Economic Development Director Anderson.

Economic Development Director Anderson and Mayor Hall presented the award to Public Information Officer Joshua Palmer.

Councilmember Barigar stated that SIEDO received a Gold Award for the two week revitalization program, "Operation Facelift."

3. Consideration of a request from Jeff and Candi Hanchey to waive the non-conforming building expansion permit process for a home located at 3211 B Falls Ave E.

Community Development Director Humble explained the request.

Discussion followed.

MOTION

Councilmember Munn moved to approve the request from Jeff and Candi Hanchey to waive the non-conforming building expansion permit process for a home located at 3211 B Falls Ave E. The motion was seconded by Councilmember Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Discussion and possible action on an ordinance of the City Council of the City of Twin Falls, Idaho, providing for local background checks for all personnel serving as officers and/or members of all City of Twin Falls Advisory Commissions.

City Manager Rothweiler explained the request.

Mayor Hall explained that the City of Twin Falls has been performing background checks for all potential members of the standing committees and advisory commissions since May 2012.

At the October 27th regularly scheduled meeting, the members of the City Council instructed staff to develop an ordinance to ensure this practice was codified. The proposed ordinance states that "(a)ll persons proposed for appointment/election to a City advisory commission, as either a board member or officer, shall first be subject to a local criminal background check by the Twin Falls Police Department. The results of these background checks shall be made available to the Mayor and City Council before any such appointment/election."

Discussion followed.

Vice Mayor Hawkins asked how the ordinance will affect the Twin Falls Youth Council.

City Attorney Wonderlich stated that background checks are not performed for anyone under the age of 18.

MOTION:

Councilmember Talkington moved to suspend the rules and place Ordinance 3080 on third and final reading by title only. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Discussion followed.

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Councilmember Mills Sojka asked what disqualifies an applicant from serving as a board member or officer. She does not see any harm in doing a background check and also does not see any benefit either especially from larger committees. The facilities committee is an advisory commission so to speak that has 30 people and she does not see the benefit of a background check or what the Council is looking for. She is in favor of screening members who work with children.

City Attorney Wonderlich stated that staff does not make that call of what will disqualify an applicant. The Council will choose to approve or disapprove a board member or officer.

Councilmember Munn stated that as a former Police Department employee he is in favor background checks for the Youth Council.

Vice Mayor Hawkins explained that a Youth Council member's service is completed when he/she graduates from High School.

Councilmember Munn stated that if the students are not required to have background checks this nullifies and makes the ordinance useless regardless of criminal behaviors.

Vice Mayor Hawkins stated she is not in favor of requiring a background check on a Youth Council member because he/she is now 18 years of age after having served approximately five years on the Youth Council.

Councilmember Lanting stated that he made the decision to have background checks prior to making any appointments. If a background check on a member reveals a sexual charge discussion on this would be taken back to the selection committee recommending an appointment.

Councilmember Talkington explained his work with the juvenile population. If an appointee turns 18 after serving time on the Youth Council he would be in favor of doing a background check. Some of the charges that juveniles have may not be expunged by the age of majority. These are the charges that need to be focused on.

Councilmember Barigar stated that if there is an ordinance, procedure and policy it should be applied consistently. Background checks are conducted at the time prior to appointment.

Vice Mayor Hawkins stated she understands what has been said but at the same time she wants to respect the youths. Prior to allowing membership the applicant must have a certain GPA and applicants must have recommendations from principals, teachers, parents, etc. From past experience the youth council members police one another. They have high integrity and want their group to be well respected.

Mayor Hall stated that he would disqualify an applicant for sex crimes, crimes of violence, felony drug crimes, etc. He explained that he was a Police Officer for 12 years and ran the Boys and Girls Club and serious crimes have been committed by youths as young as 12 years old.

Deputy City Clerk Sanchez read the title to Ordinance 3080. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE TWIN FALLS CITY CODE BY THE ADDITION OF A NEW SECTION 2-1-2, PROVIDING FOR LOCAL BACKGROUND CHECKS FOR ALL PERSONS SERVING AS OFFICERS AND/OR BOARD MEMBERS OF ALL CITY ADVISORY COMMISSIONS.

MOTION:

Councilmember Lanting moved to adopt Ordinance 3080. The motion was seconded by Councilmember Talkington. Roll call vote showed Councilmembers Munn, Barigar, Talkington, Lanting and Hall voted in favor of the motion. Councilmembers Hawkins and Mills Sojka voted against the motion. Approved 5 to 2.

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5. Brief update on Public Works projects, specifically on the Hankins Water Tank project, IFAS and Wastewater Treatment Plant Expansion project.

Assistant City Manager Vitek gave an update on the WWTP.

Package 1

PSI is finishing up the house keeping items of their portion of work at the WWTP receiving the Substantial Completion certificate on September 26, 2014.

Package 2

The preconstruction meeting for Package 2 was held in early August. RSCI immediately began submission of the submittals needed for the commencement of work. Included in these were the site layout and mobilization plans. RSCI began mobilization in late August and will continue into early September. RSCI has requested early access to a portion of the excavation. PSI has worked to accommodate and the plan is to turn it over 10-12 days early.

Staff Engineer Glaesemann gave an update on the Hankins Water Tank project.

The 5 million gallon potable water storage tank is being constructed south of the City's existing tank and pumping station. The tank is being constructed south of the City's existing tank and pumping station. The tank is needed to fulfill the requirements of a development agreement between the City, Urban Renewal Agency, and Clif Bar and will also improve fire flows and allow additional growth on the southeast side of the City.

Construction is scheduled to be completed in June of 2015.

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

City Manager Rothweiler reported on the November 3, 2014, Citizens Committee for Facilities. The next meeting will be held on Thursday, November 13, 2014, at 11:30 a.m.

Council discussion followed on the Citizens Committee for Facilities:

Councilmember Talkington stated per the Transparency Resolution it is a problem when a majority of the Council gets together. He attended the meeting today and felt uncomfortable being at the meeting given the impression Council is trying to direct the conversation. He is not in favor of councilmembers commenting at the meeting. He said he will back out for two weeks and will make sure there are no more than three members of the Council attending the meeting.

Councilmember Mills Sojka stated she attended the meeting today and she believes the Transparency Resolution solves the problem. This is a public meeting that is being broadcast online. The committee was asked if they objected to the Council being in attendance and there was no objection. She agrees with Councilmember Talkington that if the Council is in attendance the Council should not participate.

Councilmember Lanting stated he chose not to attend the meeting. He attended the WWTP Facilities Committee meetings as Mayor but he made certain he did not contribute in any way. If Councilmembers are in attendance it is important that they not participate.

Vice Mayor Hawkins stated that she attended the meeting felt that advisory members were not comfortable opening up because Councilmembers were present. She knows the advisory members stated that they liked having the Council in attendance but believes it may be intimidating for those to speak from the heart when they think they may be judged on what they are saying.

Mayor Hall stated it is important for the committee to work through the issues. The Council has been discussing the issues for quite some time. City staff is capable of bringing information to the committee. It is important for the committee to come to their conclusion without too much input from the Council.

City Manager Rothweiler stated that the READY Team will meet on Tuesday, November 4, 2014, at 6:30 a.m. at St. Luke's Medical Center.

### III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilmember Mills Sojka stated that the Planning & Zoning Commission had a conversation on what is alternative landscaping. The Commission has a few guidelines and stated that written options may be beneficial to the applicant. She asked for Council input and thoughts.

Community Development Director Humble stated that there is an applicant that is going through an alternative landscaping with the Planning and Zoning Commission. His alternative landscaping request is on the Wednesday, November 5, 2014, Planning & Zoning Commission meeting. He stated there is no direction on alternative landscaping in the City Code. He is planning to ask the Planning & Zoning Commission for their thoughts on creating a standard or code. This would be similar to the Historic Overlay District.

Councilmember Talkington gave an update on the Impact Advisory Commission's new fees effective October 1, 2014

Community Development Director Humble stated the fee increases are a direct result of the projects that have been included in the capital improvement plan and it's a math equation at that point. The fees are reasonable compared to other cities' collection impact fees.

Councilmember Talkington stated that the Impact Advisory Commission decided not to take the annual CIP of a 1.6% bump on top of the building fee increases.

Community Development Director Humble stated for clarification that the recommendation will be taken to the City Council.

In addition there are four Impact Fee Commission vacancies.

### IV. PUBLIC HEARINGS: 6:00 P.M. – None

### V. ADJOURNMENT:

Executive Session 67:2345 (1)

(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

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(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

Councilmember Barigar moved to adjourn to Executive Session 67-2345(1)(a) (b). The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The meeting adjourned at 6:36 P.M.

Leila A. Sanchez

Deputy City Clerk/Recording Secretary