

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING

Mayor *Vice Mayor*



Minutes
Meeting of the Twin Falls City Council
January 4, 2010
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
INTRODUCTION OF STAFF

CALL MEETING TO ORDER: 5:00 P.M.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATIONS: None.

AGENDA ITEMS

OLD BUSINESS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for December 15, 2009 – January 4, 2010.
2. Consideration of the Minutes for December 14, 2009.

Approved the Consent Calendar as presented.

Reorganization of the City Council.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a settlement with Twin Falls Highway District.
2. Consideration of Supplemental Agreement #5 with Riedesel Engineers, in the amount of \$56,622.66, for design to modify the Washington Street North, Phase III, (Key 08469) plan set.
3. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. – None

V. ADJOURNMENT:

COUNCIL MEMBERS PRESENT: Lance W. Clow, Trip Craig, Don Hall, Lee Heider, David Johnson, Gregory Lanting, and Will Kezele

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila Sanchez.

Mayor Clow called the meeting to order at 5:07 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Clow introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: None.

AGENDA ITEMS

OLD BUSINESS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for December 15, 2009 – January 4, 2010.
2. Consideration of the Minutes for December 14, 2009.

MOTION:

Councilperson Hall made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Reorganization of the City Council.

Deputy City Clerk Sharon Bryan swore in newly elected Councilpersons Lance Clow, Don Hall and Greg Lanting to the City Council.

Mayor Clow entertained nominations for the Mayor position.

MOTION:

Councilperson Kezele made a motion to appoint Don Hall to the Mayor position. The motion was seconded by Councilperson Heider and roll call vote showed all members present voted in favor of the nomination. Approved 7 to 0.

Mayor Hall requested Council approval to appoint Councilperson Lee Heider as Vice Mayor.

MOTION:

Councilperson Lanting made the motion to appoint Lee Heider as Vice Mayor. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a settlement with Twin Falls Highway District.

City Attorney Wonderlich reviewed the request.

The request is for approval and authorization of the Mayor to execute the Settlement Agreement for the amount of \$175,629.83 as presented.

Discussion followed:

MINUTES

January 4, 2010

Page 3 of 4

City Attorney Wonderlich explained that the Idaho State Tax Commission stated that the software it had provided to Idaho counties to administer the collection and distribution of property tax revenues had been determined to be defective.

The entire City of Twin Falls lies within the Twin Falls Highway District and every taxpayer pays the same percent and the same levy to the Twin Falls Highway District as anybody that lives outside the City and fifty percent of that by statute is a portion of the City of Twin Falls.

MOTION:

Councilperson Johnson made the motion to approve the request authorizing the Mayor to execute the settlement agreement for Twin Falls Highway District. The motion was seconded by Councilperson Kezele.

Discussion followed:

Councilperson Heider stated that because the City of Twin Falls went to arbitration the City saved one-half of the amount that the City was actually asked to spend. He stated that he appreciated the fact that City Attorney Wonderlich, former Mayor Clow and others took this to arbitration.

Roll call vote on the motion showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of Supplemental Agreement #5 with Riedesel Engineers, in the amount of \$56,622.66, for design to the Washington Street North, Phase III, (Key 08469) plan set.

Assistant City Manager Rothweiler reviewed the request.

The request is to essentially do an amendment to the current scope. The first is to require some plan set changes associated with some ADA Compliance issues. Right now the City and Riedesel Engineering designed a set of plans based upon current State standards for ADA access issues. The Federal Highway Administration stated that they are in the process of changing the standards thus the State has to follow the FHA standards. As a result of that, there is a set of plans that have been developed of Washington Street that have to be modified to reflect the new FHA access grants at intersections for pedestrian crossings to be in compliance. Secondly, this is going to cause a time delay for Riedesel Engineering to be able to revise the plans and forward them on to the State for review and ultimate approval from the FHA. As a result there are concerns that the redesign of lateral 42 will not be completed prior to spring and the irrigation waters in. The result is cutting new asphalt and this is something the City would like to avoid. By pulling the structure out and bidding it separately, the City will have the time to change plan sets and complete the larger project this year. City Engineer Fields stated that the risk is that the City may end up paying for the structure without reimbursement. It is important to recognize that if the City fails to incorporate the crosswalk standards into the plan set this project is in jeopardy and may be deemed non-participating which means that the City would be responsible for the total cost of the project. The cost of the project is approximately 7.5 million dollars. The other option may be not to elect to go forward with the Washington Street improvements and then the City would be responsible to reimburse the federal government with all the reimbursements received to date.

Discussion followed:

- Payroll, fringe benefit costs & overhead – total raw labor cost and approved rate.
- Net fee – total raw labor & overhead and net fee.
- Handicap ramps.
- Design of intersections on the plan set.

Aaron Wert, Riedesel Engineering, explained that the State of Idaho has approved the audited overhead rate formula in regards to payroll, fringe benefit costs & overhead. He also stated that the net fee for total raw labor & overhead costs are for profit margin. The handicap ramps are a new guideline after the City submitted plans and is mandated by the FHA. Riedesel Engineering will replace the plan set pages that have bid items listed.

City Manager Courtney stated that there is some custom work that is required for some of the intersections depending what utilities are in the area.

MINUTES

January 4, 2010

Page 4 of 4

MOTION:

Councilperson Lanting made the motion to approve Supplement – 5 from Riedesel Engineering in the amount of \$56,622.66 to modify the design to the Washington Street North Phase III Key No. 08469 plan set as presented. The motion was seconded by Vice Mayor Heider. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Clow stated that the Capital Restoration grand opening is Saturday, January 9, 2009 in Boise.

Councilperson Kezele stated that the URA will be holding a Strategic Planning Committee meeting on January 6, 2010, at 7:00 P.M. in the Council Chambers

IV. PUBLIC HEARINGS: 6:00 P.M. – None

V. ADJOURNMENT: The meeting adjourned at 5:40 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
Meeting of the Twin Falls City Council
January 11, 2010
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
INTRODUCTION OF STAFF
CALL MEETING TO ORDER: 5:00 P.M.

PROCLAMATIONS:

AGENDA ITEMS		Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for January 5 – 11, 2010. 2. Consideration of the January 4, 2010, Minutes. 3. Consideration of a request to approve the Improvement Agreement for Fieldstone 1 st Amended Subdivision (\$507,344.00). 4. Consideration of a request to accept a Deferral Agreement for curb, gutter on property located at 261 Locust Street South c/o Gretchen Scott. 5. Consideration of a request to accept a Deferral Agreement for curb, gutter on property located at 4144 Crestview c/o Joshua Hall. 6. Consideration of a request to accept a Deferral Agreement for curb, gutter and sidewalk on property located at 1703 Third Avenue East c/o Kevin Renalli. 7. Consideration of a request to accept a three year Staged Agreement for installation of curb, gutter, sidewalk, blacktop and landscaping on property located at 556 Main Avenue North for the Magic Valley High School remodel c/o Forest LeBaron.		Action	Staff Report
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Presentation by Scott Andrus to discuss dissolving the Business Improvement District. 2. Consideration of a request to approve the Animal Control Agreement for Fiscal Year 2009-2010 between the City of Twin Falls and Twin Falls County/Twin Falls County Sheriff. 3. Consideration of a request to terminate the Dell Lease Agreement and approve a Transfer Deed returning ownership of the Dell property back to the Urban Renewal Agency. 4. Consideration of a request of a one year extension on the approval of the Final Plat for Pioneer Estates Subdivision, consisting of 13.84(+/-) acres with 44 single family residential lots on property located at the northwest corner of Filer Avenue and Meadowview Lane North, c/o The Land Group. 5. Consideration of a request to approve a Trust Agreement for Calistoga Springs Subdivision, Phase 1, only. 6. Public input and/or items from the City Manager and City Council.		Presentation Action Action Action Action	Craig Stotts Melinda Anderson Mitch Humble Troy Vitek
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>			
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – None.			
V. <u>ADJOURNMENT:</u>			

MINUTES

January 11, 2010

Page 3 of 6

COUNCIL MEMBERS PRESENT: Lance W. Clow, Trip Craig, Don Hall, Lee Heider, David Johnson, Gregory Lanting

COUNCIL MEMBERS ABSENT: Will Kezele

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Economic Development Director Melinda Anderson, Community Development Director Mitch Humble, Police Chief Jim Munn, Lt. Craig Stotts, City Clerk/Recording Secretary Leila Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Courtney requested the following:

Consideration to adopt Resolution 1832 authorizing the Mayor and/or the City Manager to sign all applications, grant agreements and other documents relating to drinking water planning grants; and, to adopt Resolution 1833 authorizing the Mayor and/or City Manager to sign all applications, loan agreements and amendments, and other documents relating to drinking water facility state revolving loan fund construction loans.

MOTION:

Councilperson Clow made the motion to amend the agenda and take into consideration Resolution 1832 and Resolution 1833, following Item for Consideration II.6. The motion was seconded by Vice Mayor Heider 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 January 5 – 11, 2010, \$257,321.23
2. Consideration of the January 4, 2010, Minutes.
3. Consideration of a request to approve the Improvement Agreement for Fieldstone 1st Amended Subdivision (\$507,344.00).
4. Consideration of a request to accept a Deferral Agreement for curb, gutter on property located at 261 Locust Street South c/o Gretchen Scott.
5. Consideration of a request to accept a Deferral Agreement for curb, gutter on property located at 4144 Crestview c/o Joshua Hall.
6. Consideration of a request to accept a Deferral Agreement for curb, gutter and sidewalk on property located at 1703 Third Avenue East c/o Kevin Renalli.
7. Consideration of a request to accept a three year Staged Agreement for installation of curb, gutter, sidewalk, blacktop and landscaping on property located at 556 Main Avenue North for the Magic Valley High School remodel c/o Forest LeBaron.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Presentation by Scott Andrus to discuss dissolving the Business Improvement District.

Scott Andrus, 7008 English Mist Circle, Las Vegas, Nevada, and owner of the Escape Salon, explained the request. He stated that he co-chairs a committee to disestablish the Historic Downtown Business Improvement District. Other representatives on the committee are co-chairs Virginia and Calvin Wilcox, Scott Featherson, Jim Wageman, and Shannon Gnesa. Each representative owns real property and operates a business within the designated boundaries of the BID organization. Under State of Idaho Code the committee may petition the Council to disband, dissolve, or as statute provides disestablish the district that has unduly bound the property owners for nearly three decades. According to code, "The legislative authority shall disestablish a district if the businesses in the district which pay a majority of the assessments petition in writing for such

MINUTES

January 11, 2010

Page 4 of 6

disestablishment." The total valuations of signatures are some \$85,000." The committee on January 12, 2010, at 1:00 P.M. will formally record its petition with City Hall.

Mayor Hall stated that he spoke with City Attorney Wonderlich regarding the procedure. Signatures will need to be verified along with the legality of the vote. If it meets the requirement to disestablish the BID a public hearing will be held in the future.

2. Consideration of a request to approve the Animal Control Agreement for Fiscal Year 2009-2010 between the City of Twin Falls and Twin Falls County/Twin Falls County Sheriff.

Lt. Stotts reviewed the City staff report and the proposed Animal Control Agreement. He highlighted the following: Citations, animal shelter, impound fees, chemical capture requirements, animal control call in county, and comparison of costs summary.

Staff recommends approval of the Animal Control Agreement as presented.

Discussion followed:

Councilperson Clow asked if all calls to SIRCOMM are treated as a 911 call and if several calls that are called into SIRCOMM regarding the same incident are counted as one call. Lt. Stotts stated that all calls are treated as a 911 call and dispatchers are trained to treat several calls as one call.

Councilperson Clow stated that he estimated that the total cost between the City and County to the Animal Shelter is \$275,000 between the two and 30% of that would be about \$80,000 and if the formula is to be followed staff should talk to the County to pay a bigger piece of the animal shelter costs.

Lt. Stotts stated that based on the research done the percentages seemed right on line.

MOTION:

Councilperson Johnson made the motion to approve the Animal Control Agreement for Fiscal Year 2009-2010 as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Consideration of a request to terminate the Dell Lease Agreement and approve a Transfer Deed returning ownership of the Dell property back to the Urban Renewal Agency.

Economic Development Director Anderson reviewed the Council staff report. The Lease Termination Agreement and Memo of Lease Termination approval is required of City Council and Lease Termination Agreement and Bill of Sale approval is required of the URA. Approval of the deed transferring the Dell property back to the URA by the City is also necessary.

The URA will be conducting a meeting on January 19, 2010, to discuss approval of the agreements.

City Attorney Wonderlich stated that in 2002 when the City, URA and Dell reached an agreement and as part of the agreement, even though URA was acquiring the property to be financed by Dell, it was also provided that it would pass through the City, and the City would be the lessor. The City has been the owner and lessor of the property since 2002. The lease also provided that upon termination the City would cause the title to be transferred back to the URA and that is whether or not the URA acquires the property or whether it in turn passes it on back to Dell who financed the purchase of the property. Even though URA has not made a decision on acquiring the property, the City of Twin Falls is obligated to transfer the property back to the URA. Staff recommends that Council approve the Lease Termination and Deed as presented.

Discussion followed:

Councilperson Clow asked for a cost estimate value of the building.

Economic Development Director Anderson stated that a rough estimate of the building and tenant improvements is \$3,000,000 minus the depreciation over the past 8 years.

MOTION:

MINUTES

January 11, 2010

Page 5 of 6

Councilperson Craig made the motion to terminate the Dell Lease Agreement and approve a Transfer Deed returning ownership of the Dell property back to the Urban Renewal Agency as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion.

4. Consideration of a request of a one year extension on the approval of the Final Plat for Pioneer Estates Subdivision, consisting of 13.84(+/-) acres with 44 single family residential lots on property located at the northwest corner of Filer Avenue and Meadowview Lane North, c/o The Land Group.

Community Development Director Humble reviewed the request. Approval of the request will allow the applicant to record the final plat without going back through the process. If approved the final plat would expire on February 2, 2011.

MOTION:

Vice Mayor Heider made a motion to approve a one year extension on the approval of the Final Plat for Pioneer Estates Subdivision, consisting of 13.84(+/-) acres with 44 single family residential lots on property located at the northwest corner of Filer Avenue and Meadowview Lane North, c/o The Land Group as presented with the following conditions:

1. Subject to technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to Department of Parks and Recreation approval of the landscaping plans and open fencing required for lots located adjacent to the proposed walking paths.
4. Subject to compliance with minimum lot sizes as per City Code 10-4-3.3(B).

The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Community Development Director Humble stated that it is common for plats to expire and for developers to request to extend than start anew. He recommended that the City continue the process as it is.

5. Consideration of a request to approve a Trust Agreement for Calistoga Springs Subdivision, Phase 1, only.

Assistant City Engineer Vitek reviewed the request.

Staff recommends that the Council accept the agreement and authorize the Mayor to sign in order to place the lots in trust.

Discussion followed:

Councilperson Craig asked the location of property and right of way dedication.

Community Development Director Humble explained the location of the property and the right of way dedication that has been required by staff.

MOTION:

Councilperson Lanting made the motion to approve the Trust Agreement for Calistoga Springs Subdivision, Phase 1, only, as presented. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

6. Consideration to adopt Resolution 1832 authorizing the Mayor and/or the City Manager to sign all applications, grant agreements and other documents relating to drinking water planning grants; and, to adopt Resolution 1833 authorizing the Mayor and/or City Manager to sign all applications, loan agreements and amendments, and other documents relating to drinking water facility state revolving loan fund construction loans.
Assistant City Manager Rothweiler reviewed the request.

Staff recommends adoption of Resolution 1832 and 1833, as presented.

MINUTES

January 11, 2010

Page 6 of 6

MOTION:

Councilperson Johnson made the motion to adopt Resolution 1832, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS AUTHORIZING THE MAYOR AND/OR THE CITY MANAGER TO SIGN ALL APPLICATIONS, GRANT AGREEMENTS AND OTHER DOCUMENTS RELATING TO DRINKING WATER PLANNING GRANTS. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MOTION:

Councilperson Johnson made the motion to adopt Resolution 1833; entitled: A RESOLUTION BY THE CITY COUNCIL OF CITY COUNCIL, IDAHO, AUTHORIZING MAYOR AND/OR THE CITY MANAGER TO SIGN ALL APPLICATIONS, LOAN AGREEMENTS AND AMENDMENTS, AND OTHER DOCUMENTS RELATING TO DRINKING WATER FACILITIES STATE REVOLVING LOAN FUND CONSTRUCTION LOANS. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

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

Councilperson Johnson asked City Attorney Wonderlich for clarification in regards to the presentation made by Scott Andrus.

City Attorney Wonderlich stated that Mr. Andrus read the portion of the statutes that allows disestablishment and is permitted that those businesses that pay a majority of the assessments in the district petition Council or the legislative body for disestablishment. The operative languages are those that pay a majority of the assessments. The City will count those who pay the majority of the assessment and will not count those who don't pay.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Clow updated Council on the Youth Council's meeting held on January 11, 2010.

Councilperson Lanting updated Council on the improvements made to the City of Twin Falls Golf Club.

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

V. ADJOURNMENT: The meeting adjourned at 6:06 p.m.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



CITY OF TWIN FALLS, IDAHO

CITY COUNCIL

CITY COUNCIL CHAMBERS

305 THIRD AVENUE EAST

CANCELATION NOTICE

* * * *

The regularly scheduled Council Meeting of January 19, 2010,
has been canceled.

Leila A. Sanchez
Deputy City Clerk

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
Meeting of the Twin Falls City Council
January 25, 2010
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
INTRODUCTION OF STAFF

CALL MEETING TO ORDER: 5:00 P.M.

PROCLAMATIONS: None.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for January 12 – 25, 2010. 2. Consideration of the January 11, 2010, Minutes.	Action	Staff Report
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration to adopt a resolution declaring public support for the Crisis Center of Magic Valley, Inc. Deborah Gabardi, Executive Director. Crisis Center of Magic Valley, Inc. 2. Consideration of an Agreement for Engineering Services with Riedesel Engineering for an FAA AIP Slurry Seal Construction Project. 3. Consideration of a request from Historic Preservation (HPC) to establish a citizen development committee to determine interest and feasibility of a historic museum in Twin Falls. 4. Consideration of a resolution for the sole source designation on the Elgin three wheeled street sweeper. 5. Consideration of implementing the recommendations of the Municipal Powers Outsource Grants committee. 6. Public input and/or items from the City Manager and City Council.	Action Action Action Action Action	Deborah Gabardi Bill Carberry Melinda Anderson Jon Caton Darren Huber
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 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.*

COUNCIL MEMBERS PRESENT: Lance W. Clow, Trip Craig, Don Hall, Lee Heider, David Johnson, Will Kezele, Gregory Lanting

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Budget Coordinator Darren Huber, Airport Manager Bill Carberry, Public Works Director Jon Caton, Deputy City Clerk/Recording Secretary Leila Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for January 12 – 25, 2010, \$785,917.17.
2. Consideration of the January 11, 2010, Minutes.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration to adopt a resolution declaring public support for the Crisis Center of Magic Valley, Inc. Deborah Gabardi, Executive Director. Crisis Center of Magic Valley, Inc.

Deborah Gabardi presented the proposed resolution. The goal of the Crisis Center of Magic Valley is to rebuild lives by providing resources and tools to establish independence and freedom from abuse.

Vice Mayor Heider made a motion to adopt Resolution 1835, entitled: A RESOLUTION TO PUBLICLY SUPPORT THE MISSION AND OBJECTIVES OF THE CRISIS CENTER OF MAGIC VALLEY, INC. AND TO ALLOW THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY THE CRISIS CENTER OF MAGIC VALLEY, INC. TO SATISFY AN APPLICATION REQUIREMENT FOR FEDERAL FUNDING AND TO SUPPORT HOUSING FOR LOW-INCOME HOMELESS PERSONS IN THE CITY OF TWIN FALLS; AUTHORIZING THE MAYOR AND CITY CLERK TO MAKE SUCH DECLARATION FOR, AND ON BEHALF OF THE CITY OF TWIN FALLS AND ITS OFFICERS.

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

2. Consideration of an Agreement for Engineering Services with Riedesel Engineering for an FAA AIP Slurry Seal Construction Project.

Airport Manager Carberry reviewed the request. Staff recommends approval of the agreement as presented.

Discussion followed:

- Scheduling of the Slurry Seal.
- Budget.
- Construction costs.

MINUTES

January 25, 2010

Page 3 of 5

Airport Manager Carberry stated that the Airport routinely schedules large slurry seal pavement maintenance projects with the FAA every 4 – 5 years as part of the airport's pavement maintenance program. The last slurry seal was done five years ago.

The 2010 airport construction fund includes anticipated FAA funds for the project plus the locally required City and County 5% matching dollars for FAA grants.

City Engineer Fields stated that after reviewing the scope of services and man hour estimates staff felt the fees associated with engineering services for the project were reasonable and an optional independent fee estimate was not needed.

Councilperson Clow stated that the project is a federal project and requires Davis Bacon wages for the contract.

MOTION:

Councilperson Johnson made the motion to approve the engineering services agreement with Reidesel Engineering for an FAA 2010 AIP slurry seal construction project in the amount of \$86,242.00, contingent upon FAA concurrence and available funding, as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Consideration of a request from Historic Preservation (HPC) to establish a citizen development committee to determine interest and feasibility of a historic museum in Twin Falls.

Darrell Buffaloe, Historic Preservation Commission member, explained the request and gave a PowerPoint presentation.

He reviewed the following key points in the Proposed Action Plan for a Twin Falls City Museum:

- Introduction and Background

- Imperatives

- Recommended Museum Development Team Appointed by the Twin Falls and City Council.

- Recommended Organization (Fourteen (14) members initially.)

Paul Smith, HPC member, explained the request.

Discussion followed:

- Councilperson Clow stated that he was unclear why the forming of a committee would need to be formalized. The HPC could look into working with the Library, Library Foundation, Magic Valley Arts Council, and County museum.

Darrell Buffaloe stated that informal meetings typically fall apart and are not as effective if support is not received from the Mayor and the City Council.

Councilperson Kezele asked what involvement the City would have in the museum.

Paul Smith stated that he believes that the City Council would like to oversee the proposed committee. He requested that the City Manager oversee the process and the City provide moral leadership of the proposed idea.

MOTION:

Councilperson Clow made the motion to authorize the HPC to establish an exploratory committee to investigate the feasibility of a virtual city historic museum, including development of their membership and determine what community partners might be available to support the organization. The motion was seconded by Councilperson Johnson.

Discussion followed:

- Councilperson Kezele stated that he is concerned that the historic museum has not been financially planned. He stated that he understands that this approval does not obligate staff and man-hours of City staff.

- Councilperson Clow stated that the request is for an exploratory committee of volunteers and Melinda Anderson would be hearing comments.

MINUTES

January 25, 2010

Page 4 of 5

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a resolution for the sole source designation on the Elgin three wheeled street sweeper.

Public Works Coordinator Caton reviewed the request. The resolution will allow the award of a contract for a specific three wheeled sweeper that will meet current city specifications, as well as ensure continuity of the current city system, minimize training time and costs of both Streets and Shop personnel, and provide uniformity of stocked spare parts. Metroquip is the only Idaho vendor selling the Elgin 3 wheeled sweepers.

Approval of the request will allow the City to proceed in procuring the Elgin 3 wheeled sweepers. Staff recommends that the Council authorize the Mayor sign the Resolution.

Discussion followed:

- City Attorney Wonderlich stated that State Law requires a preference to Idaho and explained that the proposed Resolution will be published in the Times News and then staff would come back to the Council for approval.
- Councilperson Craig stated that the City has been using the sole source with Elgin since 1990.

MOTION:

Councilperson Johnson made the motion to Adopt Resolution 1836, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING A SOLE SOURCE SUPPLIER FOR PURCHASE OF A STREET SWEEPER. The motion was seconded by Councilperson Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Consideration of implementing the recommendations of the Municipal Powers Outsource Grants committee.

Budget Coordinator Huber reviewed the request. Community organizations request grants and submit applications during the beginning of the new fiscal year. This year's committee was comprised of 3 Council members and 1 City staff. The committee met on January 8, 2010 and approved the following recommendations of the Municipal Powers Outsource Grants committee:

Municipal Band	\$ 21,161
Trans IV	\$ 31,500
Boys & Girls Club	\$ 23,500
Magic Valley Arts Council	\$ 9,000
Southern Idaho Tourism	\$ 2,500 *plus additional \$1,500 reserve for BID Quilt Walk.
Crisis Center of Magic Valley	\$ 10,839

Discussion followed:

- Southern Idaho Tourism

Councilperson Clow understood he heard comments that Southern Idaho Tourism was not supporting the BID Quilt Walk.

Debbie Dane stated that SIT would support the Quilt Walk, but because of the uncertainties of BID, the Board of Directors has chosen to table any action until March.

MOTION:

Councilperson Kezele made the motion to implement the MPOG as presented by staff. The motion was seconded by Councilperson Johnson.

MOTION:

Councilperson Johnson made an amendment to the main motion to approve to advance the \$1,500 reserved for BID Quilt Walk to SIT and approving a total of \$4,000 to SIT. The motion was seconded by Vice Mayor Heider.

Discussion followed:

Councilperson Clow stated that he was unsure if the amendment is necessary. Southern Idaho Tourism has stated that they will support the Quilt Walk and did not see the reason for advancing the \$1,500.

Councilperson Kezele stated that if the BID is disestablished the \$1,500 should be given to Southern Idaho Tourism.

Councilperson Lanting stated that he is agreeable to the amendment as long as the \$1,500 goes towards the Quilt Walk.

Councilperson Clow read a letter from Debbie Dane and Board of Directors.

Roll call vote on the amendment to the motion showed Mayor Hall, Vice Mayor Heider, Councilperson Johnson, Kezele and Lanting voted in favor of the motion. Councilperson Clow and Craig voted against the motion. The motion passed. Approved 5 to 2.

Roll call on the main motion to approve the Municipal Powers Outsource Grants as follows:

Municipal Band	\$21,161
Trans IV	\$31,500
Boys & Girls Club	\$23,500
Magic Valley Arts Council	\$ 9,000
Crisis Center of Magic Valley	\$10,839
Southern Idaho Tourism	\$ 4,000

Roll call vote showed Councilperson Clow, Mayor Hall, Vice Mayor Heider, Councilperson Johnson, Kezele and Lanting voted in favor of the motion. Councilperson Craig voted against the motion. The motion passed. Approved 6 to 1.

6. Public input and/or items from the City Manager and City Council. None.

II. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

V. ADJOURNMENT: 6:42 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



Minutes
 Meeting of the Twin Falls City Council
 February 1, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF

CALL MEETING TO ORDER: 5:00 P.M.

PROCLAMATIONS: None.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

AGENDA ITEMS	Purpose	By:
I. CONSENT CALENDAR: 1. Consideration of accounts payable for January 25 – February 1, 2010. 2. Consideration of an Alcohol License Application (Beer & Wine) for the Magic Bowl, located at 340 2 nd Avenue East c/o Michael & Ruth Weems.	Action	Staff Report
II. ITEMS FOR CONSIDERATION: 1. Consideration of a plan to finance the arsenic compliance project with a bond issue through the Idaho State Bond Bank. 2. Consideration of a Resolution to express support of making Idaho the home base for the F-35 missions. 3. Consideration of a Resolution declaring the intent of the City to exchange property with The Urban Renewal Agency of the City of Twin Falls and setting Monday, February 22, 2010 as the date for a public hearing regarding the exchange. 4. Consideration of the recommendation from the Twin Falls Golf Advisory Commission to reject the proposal to manage and market tee box signs at the Twin Falls Golf Club. 5. Consideration of a request from the Golf Advisory Commission to adopt a logo for the Twin Falls Golf Club. 6. Public input and/or items from the City Manager and City Council.	Action Action Action Action Action	Tom Courtney/ Jim Wrigley Don Hall Mitch Humble Dennis Bowyer Dennis Bowyer
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 P.M. 1. Public Hearing on a proposed Ordinance prohibiting smoking in bars and clubs.	Presentation	Shauneen Grange Smoke Free ID Campaign Coordinator
V. ADJOURNMENT:		

**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.*

COUNCIL MEMBERS PRESENT: Lance W. Clow, Trip Craig, Don Hall, Lee Heider, David Johnson, Will Kezele arrived at 5:07 P.M., Gregory Lanting

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Assistant City Manager Travis Rothweiler, City Engineer Jackie Fields, Public Works Coordinator Jon Caton, Community Development Director Mitch Humble, Parks & Recreation Director Dennis Bowyer, Deputy City Clerk/Recording Secretary Leila Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for January 25 – February 1, 2010, \$508,269.34.
2. Consideration of an Alcohol License Application (Beer & Wine) for the Magic Bowl, located at 340 2nd Avenue East c/o Michael & Ruth Weems.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a plan to finance the arsenic compliance project with a bond issue through the Idaho State Bond Bank.

City Manager Courtney reviewed the request.

On Monday, January 26, 2010, the City Council Finance Committee unanimously recommended that the City Council approve using the Idaho State Bond Bank to finance the project.

Discussion followed:

MOTION:

Councilperson Johnson made the motion to approve using the Idaho State Bond Bank to finance the arsenic compliance project as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of a Resolution to express support of making Idaho the home base for the F-35 missions.

Mayor Hall reviewed the request to adopt a resolution to officially express support of making Idaho the home base for the F-35 missions. Mountain Home Air Force Base and Gowen Field have made the short list of locations for major training and operations missions for this new fighter.

Discussion followed:

Vice Mayor Heider stated that if Idaho becomes the home base for the F-35 missions, this would make an impact in the range of \$2 billion to the economy annually.

Councilperson Clow stated that the F-35's would be stationed at Mt. Home Air Force Base and Gowen Field.

MOTION:

Vice Mayor Heider made the motion to adopt Resolution 1837, entitled: A RESOLUTION TO THE SECRETARY OF THE AIR FORCE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Consideration of a Resolution declaring the intent of the City to exchange property with The Urban Renewal Agency of the City of Twin Falls and setting Monday, February 22, 2010 as the date for a public hearing regarding the exchange.

Community Development Director Humble reviewed the request.

Staff recommends that the Council adopt a resolution declaring the City's intent to exchange property and set a public hearing date of Monday, February 22, 2010, for the consideration of a property exchange.

MOTION:

Councilperson Kezele made the motion to adopt Resolution 1838, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING THE INTENTION OF THE CITY TO EXCHANGE REAL PROPERTY, AND SETTING A DATE FOR A PUBLIC HEARING. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilperson Craig, liaison to the Parks & Recreation Commission, explained the exchange of property.

4. Consideration of the recommendation from the Twin Falls Golf Advisory Commission to reject the proposal to manage and market tee box signs at the Twin Falls Golf Club.

Parks & Recreation Director Bowyer reviewed.

The City recently requested proposals for management and marketing of Tee Box Signs at the Twin Falls Golf Club. The City only received one proposal. The proposal met all of the conditions set forth by the RFP except providing income to the golf course.

At the January 13, 2010, Golf Advisory Commission meeting, staff recommended that the Commission reject the one bid and allow staff to manage and market the selling of tee box signs internally. Staff believes that revenue from these sponsorships could be used to replace some of the old kitchen equipment, as agreed to with Mike Hamblin during contract negotiations, and make other improvements to the golf course, subject to budget approval by the City Council.

The Golf Advisory Commission recommends for the City Council to reject the bid from Bench Craft Company and allow staff to manage and market the tee box signs internally. Staff concurs with the recommendation.

Discussion followed:

- Replacement and ownership of signs.
- Previous advertising & sponsorship of the signs.

Parks & Recreation Director Bowyer stated that the plan is to paint the frame portion of the Tee Box Signs and replace the signs. He stated that the Men's Golf Association solicited sponsors previously for Tee Box Signs and a portion of the money received improvements went to the golf course.

Councilperson Clow stated his concern of using city staff in a sales capacity and would prefer to allow the Men's Association and Women's Association to handle this, even if some revenue went to the Association as a commission. He also asked why not place benches first and signs second.

MINUTES

February 1, 2010

Page 4 of 7

Parks & Recreation Director Bowyer stated that benches are not used often. The existing Tee Box Signs are faded and are in need to be replaced and he feels they are a higher need than the benches.

Councilperson Kezele also stated his concern of using city staff in a sales capacity.

Parks & Recreation Director Bowyer stated that he contacted a company in town to submit a proposal but the company chose not to do so. He also stated that he has names of the previous sponsors and would begin making phone calls and sending letters.

Councilperson Craig stated that benches should be a priority with signs second.

MOTION:

Councilperson Kezele made the motion to reject the bid proposal from Bench Craft Company and allow staff to manage and market the tee box signs internally. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Consideration of a request from the Golf Advisory Commission to adopt a logo for the Twin Falls Golf Club.

Parks and Recreation Director Bowyer reviewed the request.

In 2009 the City Council approved the contest to rename and design a new logo for the Twin Falls Golf Club. Staff did not receive any entries. Therefore, staff and the Commission developed a logo utilizing the City's logo and adding the name of the course and including some golf clubs on the side. On January 13, 2010, the Golf Advisory Commission unanimously recommended approval of the logo as the official logo for the Twin Falls Golf Club.

MOTION:

Councilperson Lanting made the motion to adopt the Twin Falls Golf Club logo as presented. The motion was seconded by Vice Mayor Heider.

Discussion followed:

Councilperson Clow asked if it would be appropriate to add City of Twin Falls along the bottom half of the logo.

Parks & Recreation Director Bowyer stated that the logo is a duplicate of the existing City of Twin Falls logo.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

John Ulrich, 3642 N. 3200 E., stated his concern of where to dispose of mercury based products. Mayor Hall stated that PSI Waste Systems would be making a City Council presentation in the future and he would ask them to address the issue.

Vice Mayor Heider stated that a resident had concerns regarding the stored cart fee at the Twin Falls Golf Club. Parks & Recreation Director Bowyer stated that a public hearing is scheduled to be held on February 8, 2010, City Council meeting.

Mayor Hall stated that the Idaho Capitol Commission presented the City of Twin Falls a plaque and key to commemorate the restoration, dedication and reopening of the Idaho Capitol. The plaque was made by Representative Max Black of wood from the historic Harrison Tree – an oak tree planted on the Capital grounds in 1891, by President Benjamin Harrison.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Vice Mayor Heider stated on January 30, 2010, the Twin Falls Area Chamber of Commerce awarded the 2009 Volunteer of the year to Matt Hicks and Persons of the Year & Lifetime Achievement to Leslie Jones, Michelle Wyatt, Arnold Morgado, and Tracy Perreira.

MINUTES

February 1, 2010

Page 5 of 7

City Manager Courtney introduced Jim Wrigley to review the plan to finance the arsenic compliance project with a bond issued through the Idaho State Bond Bank.

Jim Wrigley, using overhead projections, gave an analysis of an optimum way to finance the project and reviewed the details of using the Idaho State Bond Bank to finance the project.

6:04 P.M. Recess

6:18 P.M. Reconvened

Mayor Hall explained the Public Hearing Procedures.

IV. PUBLIC HEARINGS: 6:00 P.M.

1. Public Hearing on a proposed Ordinance prohibiting smoking in bars and clubs.

Heidi Lowe, representative of the Smoke Free Coalition, reviewed the request. She asked for revisions to be made to the proposed ordinance to read as follows:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ENACTING A NEW CHAPTER 10 OF TITLE 7 OF THE TWIN FALLS CITY CODE, PROHIBITING SMOKING IN ~~AND NEAR BARS AND CLUBS.~~ **PUBLIC PLACES AND PLACES OF EMPLOYMENT.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

That Twin Falls City Code is amended by the addition of a new Chapter 10, of Title 7 of the Twin Falls City Code, prohibiting smoking in ~~bars and clubs,~~ **public places and places of employment**, as follows:

“CHAPTER 10
SMOKING

7-10-1: PURPOSE:

To provide breathable, clean, and smoke-free indoor air to protect the health of residents, visitors, employees, non-smokers, and patrons of ~~a bar or a private club~~ **all businesses** within the City by prohibiting smoking ~~in a bar or a private club~~ **in public places or places of employment** or within twenty feet (20') of entrances or exits of ~~a bar or a private club~~ **public places or places of employment.**

7-10-2: OFFENSE:

(A) It shall be unlawful for any person to smoke, or for an owner, manager, bartender, server, or employee to allow another to smoke within ~~a bar or private club~~ **any work place** or within twenty feet (20') of entrances or exits of ~~a bar or private club~~ **any public places or places of employment** within the City, except in a Contiguous or Adjacent Outdoor Area.

(B) It shall be unlawful for any person to smoke within twenty feet (20') of entrances or exits of any public place where smoking is prohibited by the Idaho Indoor Clean Air Act.

7-10-3: DEFINITIONS:

(A) Bar: Any indoor area open to the public operated primarily for the sale and service of alcoholic beverages for on-premises consumption and where the service of food is incidental to the consumption of such alcoholic beverages or no person under the age of twenty-one (21) years is permitted, except as otherwise provided by Idaho Code. Bar may include, but is not limited to, any part of a tavern, a restaurant, nightclub, cocktail lounge, and cabaret.

(B) Contiguous or Adjacent Outdoor Area: An unenclosed, outdoor area, owned, leased, occupied, and/or controlled by a bar or private club which is contiguous with or adjacent to such bar or private club and used for outdoor dining, gathering, or recreation and which does not allow smoke to enter into entrances, exits, windows or ventilation intakes of the bar or private club with which it is contiguous or adjacent and which can be entered only from an interior bar or private club entrance or exit and not from the main public entrance or exit of such bar or private club.

(C) E-cigarette: **Any electronic device composed of a mouthpiece, heating element, battery, and electronic circuits that provides a vapor of liquid nicotine and/or other substances mixed with propylene glycol to the user as he or she simulates smoking. The term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.**

(D) Places of Employment: **An area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a “place of employment” unless it is used as a child care, adult day care, or health care facility.**

~~(C)~~(E) Private Club: An organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for such organization's purposes at all times; is operated primarily for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose; and for the exclusive use of such organization's members and guests.

(F) Public Place: **An enclosed area to which the public is invited or in which the public is permitted. Including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, Laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private club is a “public**

MINUTES

February 1, 2010

Page 6 of 7

place” when being used for a function to which the general public is invited. A private residence is not a “public place” unless it is used as a child care, adult day care, or health care facility.

~~(D)~~**(G) Restaurant:** An eating establishment including, but not limited to, a coffee shop, cafe, cafeteria, and private and public school cafeteria, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

~~(E)~~ **(H) Smoking:** The inhaling, exhaling or burning of tobacco or the carrying or possession of any lighted or heated cigar, cigarette, e-cigarette or pipe of any kind.

7-10-4: ADMINISTRATIVE PROCEDURE:

In order to eliminate over-burdening the court system and as a convenience to the public, a person named on a notice of violation may pay the administrative fine of fifty dollars (\$50) to the City within fourteen (14) days of the date of issuance of the notice of such violation.

7-10-5: PENALTY:

(A) In the event an administrative fine is not paid within fourteen (14) days of the issuance of notice of the violation, a uniform citation alleging an ordinance violation shall be filed in the Magistrate Division.

(B) Any person found in violation of this Chapter shall pay an infraction penalty of one hundred dollars (\$100), up to and including such person’s third offense. Upon conviction for a fourth offense under this Section, any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

The public comment portion of the hearing was opened:

Roger Ursenback, 271 Tyler Street, spoke against the request.

Curtis Kemp, 966 South Park Avenue West, spoke against the request.

Mark Pierce, 1519 Kimberly Road, spoke against the request.

Shauneen Grange, 204 Ledin, Boise, Idaho, spoke in favor of the request.

Kati Pierce, 2128 Kimberly Road, spoke against the request.

Dan Guthrie, 1129 6th Ave. East, spoke against the request.

Samuel Lee Armas, 212 7th Avenue South, Buhl, Idaho, spoke against the request.

Theresa Borlase, 171 Blue Lakes Blvd. #7, spoke against the request.

Henry Champlin, 3775 N. 3300 E., spoke against the request.

Earl Mitchell, 330 6th Avenue, spoke against the request.

Ernest Johnson, Box, 242, Buhl, Idaho, spoke against the request.

David Woodhead, 251 5th Avenue East, spoke against the request.

Debbie Urrutia, 496 Addison Avenue West, spoke against the request.

Cal Colter, 401 4th Avenue West, spoke against the request.

Derek Novotny, 417 13th Avenue North, Buhl, Idaho, spoke against the request.

Tom Bartlett, 1749 Kimberly Road, spoke against the request.

Roy Greybil, 1930 Poplar, spoke against the request.

Letters were received from: Erin Hill, Nerissa Schmechel, Bill DeBruin, Patricia D. Mai, Stan Mai, Jordan Carr, Vickie DeBruin, David Beach, Brent Jussel, Mel Quale, Tyiany Montoya, Jeremy SasserCollins, Thomas Gittins, Lee Nelson, Ann Rowan, Steve Hailstone, Marge Ward, John Jonik, Rick Carr, Doug Freeman, and Dan Willie.

MINUTES

February 1, 2010

Page 7 of 7

The public portion of the hearing was closed.

Deliberations:

-Number of bars affected by the proposed smoking ban.

Vice Mayor Heider commented on the Clean Air Act of Idaho.

Councilperson Clow stated for clarification that the AIC is not taking any position on the proposed non-smoking ban.

The public hearing was closed.

MOTION:

Councilperson Clow made a motion to suspend the rules and place Ordinance #2983, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ENACTING A NEW CHAPTER 10 OF TITLE 7 OF THE TWIN FALLS CITY CODE, PROHIBITING SMOKING IN AND NEAR BARS AND CLUBS.

on third and final reading by title only. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion.

Deputy City Clerk Sanchez read the ordinance title.

MOTION:

Councilperson Clow made the motion to adopt Ordinance #2983 as presented. The motion was seconded by Councilperson Clow. Roll call vote showed Vice Mayor Heider in favor of the request. Councilpersons Clow, Craig, Mayor Hall, Councilpersons Johnson, Kezele, and Lanting voted against the request. Failed 1 to 6.

V. **ADJOURNMENT:** The meeting adjourned at 7:21 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



Minutes
 Meeting of the Twin Falls City Council
 February 8, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG CONFIRMATION OF QUORUM INTRODUCTION OF STAFF CALL MEETING TO ORDER: 5:00 P.M. PROCLAMATIONS: None. CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:		
AGENDA ITEMS	Purpose	By:
I. CONSENT CALENDAR: 1. Consideration of accounts payable for February 2 – 8, 2010. 2. Consideration of the January 25, 2010 and February 01, 2010, Minutes. 3. Consideration of a request to approve the application for the Saint Patrick's Day Parade and Celebration sponsored by Bev and Steve O'Conner. 4. Consideration of a request to approve a Trust Agreement for Lots 8, 9,10, 11, 12, 13, 14, 15, and 16 Block 2, Laurelwood Subdivision No. 2.	Action	Staff Report L. Sanchez Dennis Pullin Troy Vitek
II. ITEMS FOR CONSIDERATION: 1. Recognition of Snake River Council Boy Scout Troop 200 for assistance to the City and BID by managing the holiday 'meter-bagging'. 2. Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: Communications Specialist Jaime Burgess; Officer Josh Morrow; Detective Jonathan Wilson and Officers Tim Arredondo and Isaiah Day. 3. Consideration of request to approve the 2010 Waterworks Supplies purchases. Amended agenda to add: Consideration of a request to approve the contract for construction of Lateral 42 in advance of the Washington N Phase III project. 4. Presentation from the Twin Falls Community Foundation Board on a proposal for redevelopment of the downtown plaza area. 5. Presentation from the Parks & Recreation Commission regarding their 2009-2010 Long Range Plan. 6. Consideration of a resolution declaring the intent of the City to exchange property with Cornerstone Industries, LLC and setting Monday, March 1, 2010, as the date for a public hearing regarding the exchange. 7. Request by the Twin Falls Police Department to hold a firearms auction scheduled for February 27, 2010. 8. Consideration of a request by PSI Environmental Systems, Inc., to extend the current contract for residential solid waste collection services in the City of Twin Falls. 9. Consideration of proposed bid specifications and documents for residential solid waste collection services in the City of Twin Falls. 10. Public input and/or items from the City Manager and City Council.	Presentation Presentation Action Action Presentation /Input Presentation /Input Action Action Action Action	Melinda Anderson Jim Munn/ Brian Pike Mike Schroeder Jackie Fields Dennis Bowyer Dennis Bowyer Mitch Humble Mark Marvin Travis Rothweiler Travis Rothweiler
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 P.M. – 1. A public hearing for consideration of a request to establish a small work permit fee and to amend the penalty fee for performing work without a required permit. 2. A public hearing for consideration of a request from the Twin Falls Golf Advisory Commission to raise the Stored Cart Fee and to consider a plan to convert one of the stored private cart sheds into a storage shed for golf course equipment.	Action Action	Mitch Humble Dennis Bowyer
V. ADJOURNMENT:		

COUNCIL MEMBERS PRESENT: Trip Craig, Don Hall, Lee Heider, David Johnson, Will Kezele arrived at 5:07 P.M., Gregory Lanting

COUNCIL MEMBERS ABSENT: Lance W. Clow,

STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Assistant City Manager Travis Rothweiler, Police Chief Jim Munn, Captain Brian Pike, Staff Sergeant Dennis Pullin, Economic Development Director Melinda Anderson, Community Development Director Mitch Humble, City Engineer Jackie Fields, Water Superintendent Mike Schroeder, Public Works Director Jon Caton, Parks & Recreation Director Dennis Bowyer, Sergeant Mark Marvin, Assistant City Manager Troy Vitek, Building Inspector Dwaine Thomsen, Utility Services Director Sherry Jeff, Deputy City Clerk/Recording Secretary Leila Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him.

Mayor Hall introduced Troop 165 sponsored by the Bethel Temple Church Weebos.

A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for February 2 – 8, 2010, \$236,910.31.
2. Consideration of the January 25, 2010 and February 01, 2010, Minutes.
3. Consideration of a request to approve the application for the Saint Patrick's Day Parade and Celebration sponsored by Bev and Steve O'Conner.
4. Consideration of a request to approve a Trust Agreement for Lots 8, 9,10, 11, 12, 13, 14, 15, and 16 Block 2, Laurelwood Subdivision No. 2.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Recognition of Snake River Council Boy Scout Troop 200 for assistance to the City and BID by managing the holiday 'meter-bagging'.

Economic Development Director Anderson reviewed the request. A Boy Scouts of America Commissioner and a Boy Scout of Troop 200 spent six weekends in November and December bagging all the meters on Friday afternoons and taking them off each Sunday. The BID and staff recommends Council provide this commendation and approval of a check to be presented to Troop 200.

Mayor Hall presented the award and check to Brendon Belnap.

2. Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: Communications Specialist Jaime Burgess; Officer Josh Morrow; Detective Jonathan Wilson and Officers Tim Arredondo and Isaiah Day.

Captain Pike reviewed the request.
Police Chief Munn, Mayor Hall and Vice Mayor Heider presented the awards to Communications Specialist Jamie Burgess, Officers Tim Arredondo and Isaiah Day.

Mayor Hall introduced Boy Scouts Troop 163 sponsored by the St. Edwards Catholic Church and Boy Scouts Troop 130 sponsored by the Jerome LDS 5th Ward Church.

3. Consideration of request to approve the 2010 Waterworks Supplies purchases.

Water Superintendent Schroeder reviewed the request.

Staff recommends that the Council approve the request as presented.

MOTION:

Councilperson Craig made the motion to approve the bid proposal for the 2010 Waterworks Supplies purchases bid proposals to Ferguson, HD Supply and United Pipe & Supply as presented. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Amended agenda to add:

Consideration of a request to approve the contract for construction of Lateral 42 in advance of the Washington N Phase III project.

City Engineer Fields reviewed the request.

Staff recommends that the Council award the contract for construction of Lateral 42 to McCoy Construction in the amount of \$132,490.

Discussion followed.

MOTION:

Vice Mayor Heider made the motion to award the contract for construction of Lateral 42 to McCoy Construction, Inc., in the amount of \$132,490. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

4. Presentation from the Twin Falls Community Foundation Board on a proposal for redevelopment of the downtown plaza area.

Parks & Recreation Director Bowyer introduced Chairman Terry McCurdy.

Terry McCurdy introduced Paula Brown Sinclair and Leonard Anderson, members of the Board. He stated that the Board received donations designed for redevelopment along the Main Avenue corridor of the downtown area. The funds could be used to build a pocket park and/or to develop existing amenities downtown. The Board decided that their focus for the redevelopment of downtown would be the fountain plaza area. Staff contacted The Land Group to put together a proposal for the Community Foundation for Landscape Architectural Services. The Foundation is requesting support from the Council to move ahead with the hiring of the Land Group for their services and presenting the Council with a check of \$3,285.

Discussion followed:

-Fountain area

Terry McCurdy stated that after the design the Board will have some funds available for reconstruction and development. The Foundation would be one of the funding sources but will not be making the decisions in what the improvements will be.

Scott Allen stated that the architectural services are primarily for the fountain and plaza area. At this specific time no designs have been made in regards to the Fountain.

Councilperson Johnson asked if the City is ready to take this on.

City Manager Courtney stated that at some point in the future the Parks & Recreation Commission will come back with ideas. The Foundation may help fund improvements.

MOTION:

Councilperson Kezele made the motion to support the Twin Falls Community Foundation Board to move ahead with the hiring of The Land Group for their services and accepting \$3,285. The motion was seconded by Councilperson Johnson and roll call vote showed all members voted in favor of the motion. Approved 6 to 0.

5. Presentation from the Parks & Recreation Commission regarding their 2009-2010 Long Range Plan.

Parks & Recreation Director Bowyer introduced Chairperson John Bonnett to the Council.

John Bonnett reviewed the Twin Falls Parks & Recreation Commission 2009-10 Long Range Plan, adopted January 12, 2010.

Discussion followed:

Vice Mayor Heider asked that the Youth Council BMX project be added to the plan.

Mayor Clow referred to Special Parks/Projects 3. He stated that the Traffic Safety Committee has been looking at the current bike routes. He asked what usage is there for bicyclists.

John Bonnett stated that a presentation by the Bike Safety Sub-Committee will have recommendations at the Parks & Recreation Commission meeting on Tuesday, February 9, 2010.

Councilperson Craig, Liaison to the Parks & Recreation and to the Swimming Pool, referred to the Special Parks/Projects 4. The Pool Committee is moving towards their own long range plan to include replacing the bubble. The estimate to replace the bubble is at \$300,000.

-Recreation Center.

John Bonnett stated that the recreation center could be a 30 million dollar project. There could be groups that might want to participate in these kinds of things. The intent is to put together a sub-committee of the Parks & Recreation Commission to work on exploring the idea of a recreation center and the commission could work with other commissions.

Councilperson Kezele stated that he spoke to the CEO of the YMCA regarding a recreation center. He discussed a partnership with other groups.

John Bonnett stated the recreation center is going to need outside input and assistance.

Presentation. No action taken.

6. Consideration of a resolution declaring the intent of the City to exchange property with Cornerstone Industries, LLC and setting Monday, March 1, 2010, as the date for a public hearing regarding the exchange.

Community Development Director Humble reviewed the request.

Staff recommends that the Council adopt the attached resolution declaring the City's intent to exchange property and set a public hearing date of Monday, March 1, 2010, for the consideration of that property exchange.

Discussion followed:

Mayor Hall stated that some Council toured the property several months ago and the stairway did not meet City code.

Community Development Director Humble confirmed that the City cannot accept the stairway as it is. The exchange would require the developer to remove the stairway and have it replaced with a trail way.

MOTION:

Councilperson Johnson made the motion to adopt Resolution 1839, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING THE INTENTION OF THE CITY TO EXCHANGE PROPERTY, AND SETTING A DATE FOR A PUBLIC HEARING. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

7. Request by the Twin Falls Police Department to hold a firearms auction scheduled for February 27, 2010.

Sergeant Marvin reviewed the request using overhead projections showing photos of illegal firearms.

Staff requests to hold a firearms auction scheduled for February 27, 2010.

Discussion followed:

- Auction procedures were explained.
- Stolen firearms

Sergeant Marvin stated that some of these firearms were used in crimes, found property, asset forfeiture, donated/surrender, and/or held for safekeeping or donated.

Councilperson Craig pointed out that the last auction was in 2005 and asked if the City is required to have an auction yearly.

Sergeant Marvin stated that Resolution 1711 does not indicate a specific date.

Councilperson Johnson asked if the City would be held liable after the gun was released.

Sergeant Marvin stated that the buyer would sign a release agreement that the City Attorney has prepared. He also stated that revenue received for the guns would be put into the general fund.

MOTION:

Councilperson Craig made a motion authorizing the Twin Falls Police Department to hold a firearms auction scheduled for February 27, 2010. The motion was seconded by Councilperson Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

8. Consideration of a request by PSI Environmental Systems, Inc., to extend the current contract for residential solid waste collection services in the City of Twin Falls.

Mayor Hall disclosed for the record that Councilmember's and the City Manager Courtney individually toured the facility and were given a short presentation.

Mayor Hall disclosed that he had spoken with Rick Parks with Western Wastes, and Rick Parks would like to comment on the request.

Assistant City Manager Rothweiler reviewed the request.

Chris Carey, District Manager for PSI Environmental Systems, Inc., reviewed the letter submitted to the Council to extend the current contract for an additional five-year term. Mr. Carey reviewed the following on the letter:

- Increased Cost.
- Extension Locks In Rate
- Living wage
- Community Partner
- Economic Impact

-Customer Satisfaction

Rick Parks of Western Waste Systems gave a presentation on the history of PSI and Western Waste Systems.

Scott Parks gave a presentation on the organization. He urged the Council to go through the bid process.

Discussion followed:

Vice Mayor Heider asked Western Waste to explain the cost billed to the City of Kimberly.

Scott Parks stated that the City of Kimberly is much smaller than the City of Twin Falls. The City of Kimberly decided to award to Western Waste, even though PSI was lower.

Councilperson Kezele stated that few complaints have been received in regards to PSI and he is disturbed that if the contract is put out to bid the rates will increase.

Scott Parks stated Western Waste did not have a problem matching PSI's costs.

City Attorney Wonderlich explained the bidding process and request for proposals.

Vice Mayor Heider asked Western Waste if they are prepared to to invest in the project.

Scott Parks answered in the affirmative.

Vice Mayor Heider asked about Western Waste recycling program.

Scott Parks stated that a number of receptacles and systems can be used and he will be ready to present more than one option.

Councilperson Heider asked what type of agreement was in place when Rick Parks sold the business.

Scott Parks explained an agreement was made with Republican that he would not compete against them for seven years. He stated that the original company has changed hands three to four times.

MOTION:

Councilperson Lanting made the motion to extend the current contract for residential solid waste collection services in the City of Twin Falls to PSI Environmental Systems, Inc. The motion was seconded by Councilperson Heider. Roll call vote showed Councilperson Craig, Vice Mayor Heider, and Councilperson Lanting voted in favor of the motion. Mayor Hall, Councilpersons Kezele and Johnson voted against the motion. Failed 3 to 3.

9. Consideration of proposed bid specifications and documents for residential solid waste collection services in the City of Twin Falls.

Assistant City Manager Rothweiler reviewed the Specifications for Solid Waste Collection and Base-Bid Price Proposal and selection process. The proposal is to include the following:

2010 Base-Bid Prices – All prices shall be in "unit price" format.

Unlimited Residential Solid Waste Collection Services

Residential Recycling Program

2010 Total Proposed Base Bid Price for Residential Solid Waste Collection & Recycling Program.

2010 Unit Price of "One Can" Garbage Receptacles.

Bid Alternate #1

2010 Unit Price of Additional 95-Gallon Garbage Receptacles

Bid Alternate #2

2010 Unit Price of Providing a Single-Stream Curbside Recycling Program

Discussion followed:

Councilperson Johnson stated that he would like to see more options for recycling on the Bid Proposal.

MOTION:

Councilperson Kezele made the motion to approve the proposed bid specifications and documents for residential solid waste collection services in the City of Twin Falls. The motion was seconded by Councilperson Johnson.

Discussion followed.

MOTION:

Councilperson Craig made the motion to table the proposed bid specifications and documents for residential solid waste collection services in the City of Twin Falls. The motion was seconded by Councilperson Lanting.

Roll call vote showed Councilperson Craig and Lanting voted in favor of the motion. Mayor Hall, Vice Mayor Heider, Councilperson Johnson and Kezele voted against the motion. Failed 2 to 4.

Roll call vote on the main motion showed Mayor Hall, Vice Mayor Heider, Councilperson Johnson, and Kezele voted in favor of the motion. Councilperson Craig and Lanting voted against the motion. Passed 4 to 2.

10. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Animal Shelter to meet on February 17, 2010, at 12:00 P.M. in the Council Chambers.

F-35 Public Scoping Open House to be held on February 18, 2010, at the College of Southern Idaho, Taylor Building, 6:00 P.M. – 8:00 P.M.

Parks & Recreation Commission to meet February 9, 2010, at 11:30 A.M. in the Council Chambers.

Library Board to meet February 10, 2010, at 4:30 P.M. in the Library's Board Room.

Urban Renewal Agency to meet February 8, 2010, at 12:00 P.M. in the Council Chambers.

Golf Advisory Commission to meet on February 10, 2010, at 11:00 P.M. in the Council Chambers.

Magic Valley Arts Council to meet on February 17, 2010 at 5:15 P.M. at the Arts Council.

Traffic Safety Commission to meet on February 11, 2010, at 9:00 A.M. in the Council Chambers.

Recessed at 7:08 P.M.

Reconvened at 7:18 P.M.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. A public hearing for consideration of a request to establish a small work permit fee and to amend the penalty fee for performing work without a required permit.

Community Development Director Humble reviewed the request. The resolution first establishes a "small work permit" and sets a fee of \$10 for the permit. A small work permit is defined as: "a job with a total cost that does not exceed five hundred (\$500), but excludes a change of electrical service. Small work also includes, regardless of total cost, the installation of:

- a. Water heaters up to 100 gallons,
- b. Water softeners and other single unit appliances,
- c. Bath fans,
- d. Dryer ducts, and/or

- e. Extension of forced supply and return ducts up to 25 feet."

Secondly, the resolution amends the current penalty fee for performing work without a required permit. The current penalty is a double fee. For the larger permit fees, the provision is still effective. For small jobs, the resolution establishes an escalating penalty of \$100 for the first violation, \$250 for the second, \$500 for the third, and \$1,000 for all violations thereafter. Staff believes that this provision, along with the small work permit fee will increase code compliance and help the City to ensure that work is being performed to minimum code standards.

Staff recommends that the Council approve the request as presented and adopt the resolution establishing a small work permit fee and amending the penalty fee for performing work without a required permit.

Building Inspector Thomson reviewed the request.

Discussion followed:

Community Development Director Humble stated that the plan is to educate the public on permit requirements and also posting the new information on the Twin Falls website.

Vice Mayor Heider asked why the resolution is excluding a change of electrical service.

Building Inspector Thomson stated that electrical service is typically more detailed. Also, the State of Idaho excludes a change of electrical service. However, staff would support the Council in the decision to include a change of electrical service as a small work permit if the value of the work is under \$500.

Community Development Director Humble clarified that a permit is already required for these plumbing jobs. If this request is approved, the cost of that permit will be reduced.

Building Inspector Thomson explained that customers who encounter an emergency on the weekends will be allowed to apply for a permit the following working day.

The public comment portion of the hearing was opened:

Jim Schouten; 229 Tyler Street, spoke in favor of the request.

The public comment portion of the hearing was closed.

Deliberations:

MOTION:

Councilperson Lanting made the motion to adopt Resolution 1840, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ESTABLISHING SMALL WORK PERMIT FEES, AND ESTABLISHING ESCALATING PENALTIES FOR PERFORMING WORK WITHOUT A REQUIRED PERMIT, as presented. The motion was seconded by Councilperson Kezele.

MOTION:

Vice Mayor Heider made the motion to exclude the following language from the Resolution 1840: "but excludes a change of electrical service." The motion was seconded by Councilperson Johnson.

Roll call vote on the amendment showed Mayor Hall, Vice Mayor Heider, Councilpersons Johnson and Kezele voted in favor of the motion. Councilperson Craig and Lanting voted against the motion. Passed 4 to 2.

Roll call vote on the main motion as amended showed all members present voted in favor of the motion. Approved 6 to 0. Passed.

2. A public hearing for consideration of a request from the Twin Falls Golf Advisory Commission to raise the Stored Cart Fee and to consider a plan to convert one of the stored private cart sheds into a storage shed for golf course equipment.

Parks & Recreation Director Bowyer reviewed the request.

The Golf Advisory Commission recommends for the City Council to pass Resolution 1841, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ESTABLISHING GOLF COURSE FEES, increasing the Stored Cart Fees to \$300 in 2010, \$325 in 2011, \$350 in 2012, \$375 in 2013, and \$400 in 2014. Staff concurs with the recommendation for the increase in the stored cart fee, but would like to have more time to review all options to provide storage space for the golf course's equipment.

Discussion followed:

-Increase in stored cart rate

-Equipment storage

Councilperson Johnson stated that he is not comfortable raising rates to free up storage space for the City.

Parks & Recreation Director Bowyer stated that the Golf Advisory Commission is recommending no new stored carts be allowed in the storage sheds in the future. He also stated that monies have not been allocated for a new storage shed. The old maintenance shop is currently being used for storage.

Golf Pro Mike Hamblin stated that golf cart storage shed is in terrible shape and cart storage has been in issue with Golf Advisory Board for 25 years. He stated that he receives revenue from rental carts.

City Manager Courtney stated that the City recognizes that the old maintenance shop needs to come down. The idea is to free space in one of the cart storage sheds to store the City's expensive equipment being held in the old maintenance shop.

The public comment portion of the hearing was opened:

Steve O'Conner; 102 Main Avenue North, spoke against raising the rates of the cart fee.

The public comment portion of the hearing was closed.

Deliberations:

Councilperson Lanting stated that the cart fees charged are relatively cheap to rent, less than \$7 per month to store carts. Getting rid of one of the storage sheds will allow Mike Hamblin to receive additional income from cart rental.

Vice Mayor Heider stated that senior citizens are on a fixed income and not in favor of raising fees at the golf course.

MOTION:

Councilperson Craig made the motion to table the request from the Twin Falls Golf Advisory Commission to raise the Stored Cart Fee and to consider a plan to convert one of the stored private cart sheds into a storage shed for golf course equipment. The motion was seconded by Councilperson Kezele. Roll call vote showed Councilperson Craig, Mayor Hall, Vice Mayor Heider, Councilpersons Johnson and Lanting voted in favor of the motion. Councilperson Lanting voted against the motion. Passed 5 to 1.

Council directed staff to get costs for a new storage shed.

V. **ADJOURNMENT:** at 8:17 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
 February 16, 2010, Tuesday
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF

CALL MEETING TO ORDER: 5:00 P.M.

PROCLAMATIONS: None.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA

AGENDA ITEMS		Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for February 9 – 16, 2010, \$273,216.87. 2. Consideration of the February 8, 2010, Minutes. 3. Consideration of an Alcohol License Application for Europe LLC located at 677 Filer Avenue % Rudi Lerh. 4. Reconsideration of the request for a donation of a park bench with a plaque from the Red Hat Society, Magic Valley Chapter.		Action	Staff Report
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to appoint one new member to the Historic Downtown Business Improvement District (BID) Board. 2. Consideration of the Final Plat of the West Park Commercial Subdivision No. 5, a PUD, consisting of 4.98 acres and 3 commercial lots located on the east side of the 1800 block of Canyon Crest Drive, c/o EHM Engineers, Inc., on behalf of Center Pointe, LLC. 3. Public input and/or items from the City Manager and City Council.		Action Action	Melinda Anderson Mitch Humble
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>			
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – None.			
V. <u>ADJOURNMENT:</u>			

COUNCIL MEMBERS PRESENT: Lance W. Clow, Trip Craig, Don Hall, Lee Heider, David Johnson, Will Kezele, Gregory Lanting

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Parks & Recreation Director Dennis Bowyer, Economic Development Director Melinda Anderson, Assistant City Engineer Troy Vitek, Deputy City Clerk/Recording Secretary Leila Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff.

PROCLAMATIONS: None

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for February 9 – 16, 2010, \$273,216.87.
2. Consideration of the February 8, 2010, Minutes.
3. Consideration of an Alcohol License Application for Europe LLC located at 677 Filer Avenue c/o Rudi Lerh.
4. Reconsideration of the request for a donation of a park bench with a plaque from the Red Hat Society, Magic Valley Chapter.

MOTION:

Councilperson Kezele made the motion to approve the Consent Calendar with the following changes:

-Removal of 1. 2. Consideration of February 8, 2010, Minutes

-Item 1.4. to read Consideration of the request for a donation of a park bench with a plaque from the Red Hat Society, Magic Valley Chapter.

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

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to appoint one new member to the Historic Downtown Business Improvement District (BID) Board.

Economic Development Director Anderson reviewed the request.

The interview panel consisting of Mayor Hall, Councilmember Lance Clow, Vice Chairman Greg Edson, and Trudi Nutile interviewed three candidates. The panel recommends that the Council approve Gail Ater, owner of Gail S. Ater Counseling Services, L.L.C., located at 219 Shoshone Street North is appointed to the BID board.

Gail Ater was present and stated he appreciated being recommended for appointment.

L. Scott Andrus emailed a letter in support of the appointment to the Council for the record.

MOTION:

Councilperson Johnson made the motion to appoint Gail Ater to the BID Board and to serve a term until June, 2011. The motion was seconded by Councilperson Lanting.

MINUTES

February 16, 2010, Tuesday

Page 3 of 5

Councilperson Clow stated that the other two candidates, Kathy Reese and Tom Gilbertson are very well qualified and thanked them for applying.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of the Final Plat of the West Park Commercial Subdivision No. 5, a PUD, consisting of 4.98 acres and 3 commercial lots located on the east side of the 1800 block of Canyon Crest Drive, c/o EHM Engineers, Inc., on behalf of Center Pointe, LLC.

Community Development Director Humble reviewed the request using overhead projections.

On February 8, 2010, the Commission unanimously approved the preliminary plat of West Park Commercial Subdivision No. 5, a PUD, with the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with the Northbridge #2 PUD Agreement.
3. Subject to a detached sidewalk being built or rebuilt along Canyon Crest Drive to current City standards upon development of the property.
4. Subject to recorded permanent easements or deeding of the portions of the Canyon Rim Trail that may be on this property.

Staff recommends approval of the final plat of West Park Commercial Subdivision No. 5, a PUD, as presented, subject to the four conditions placed on the preliminary plat. He stated that the applicant is present to answer any questions the Council may have.

Discussion followed:

Councilperson Kezele stated that he has been out at the Canyon Crest facility on several occasions and the dirt pad is parked full of cars and asked what the plan was for that area.

Community Development Director Humble stated that the Canyon Crest property does meet their parking requirement. He stated that the owner could better answer his question.

Gerald Martens, EHM Engineers, Inc., stated that Canyon Crest is zoned commercial PUD and no provisions in the transaction for cross-use parking, however, as in any commercial development that has mixture of hours, it is almost always beneficial for both parties to cooperate on cross-use parking, and believes that the types of uses will compliment and not compete with Canyon Crest.

Councilperson Kezele asked if there are any safety concerns with increased use of the trail with the waterfalls and the river area.

Gerald Martens stated that the trail is not being moved but it might be enhanced and improved. The trail bends south crosses on a footbridge and comes back and there will be an increase in foot traffic. The trail is one of the amenities that add value to this property. There is a certain amount of guard rail that the city has installed and would expect that there may be placed additional railing such as Canyon Crest did when they developed the property. A majority of the trail is on City property that is immediately adjacent to the three lots. He stated that the standard conditions placed on the Final Plat are acceptable.

Councilperson Clow suggested that something should be done with the parking issues on the property. Perhaps a cross-use agreement and/or have conditions placed in the PUD agreement.

Gerald Martens stated that there could be requirements in the PUD agreement to cross-use the parking. He said that typically barriers end up on the property when you got a line between uses, usually if you are up against residential or a different use or parking becomes proprietary to an individual. He stated that he would hope that all parties would see the benefit of working together on the parking issues. There is nothing in the PUD that requires or encourages cross-use parking. Each parcel,

MINUTES

February 16, 2010, Tuesday

Page 4 of 5

unless they develop a parking agreement, will have to stand on its own; will have to provide the required parking on each individual lot.

Councilperson Clow stated that there were issues with power lines and fire access at the Canyon Crest.

Gerald Martens stated that in the development the fire access has been addressed and in all probability the power lines will be moved in the development of the project.

MOTION:

Councilperson Johnson made the motion to approve the **Final Plat** of the West Park Commercial Subdivision No. 5, a PUD, consisting of 4.98 acres and 3 commercial lots located on the east side of the 1800 block of Canyon Crest Drive, c/o EHM Engineers, Inc., on behalf of Center Pointe, LLC. as presented with the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
 2. Subject to compliance with the Northbridge #2 PUD Agreement.
 3. Subject to a detached sidewalk being built or rebuilt along Canyon Crest Drive to current City standards upon development of the property.
 4. Subject to recorded permanent easements or deeding of the portions of the Canyon Rim Trail that may be on this property.
- The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

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

Assistant City Engineer Vitek stated that Mary McGowan, State Flood Plain Coordinator, presented a plaque to the City of Twin Falls for successfully participating in the National Flood Insurance Program.

Vice Mayor Heider announced his intentions to file on March 8, 2010, for the Republican Senate Seat District 24, and intends to serve on the Council and serve 100% on his liaison positions at this time.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

F-35 Public Scoping Open House will be held at the College of Southern Idaho Taylor Building on February 18, 2010, 6:00 P.M. – 8:00 P.M.

A SIEDO meeting will be held at the College of Southern Idaho at 2:00 pm on February 19, 2010.

The Health Sciences and Human Services Building ribbon cutting will be held at the College of Southern Idaho, 4:00 P.M.

Councilperson Craig stated that the Twin Falls Public Library HVAC's system will be going out to bid.

Councilperson Craig stated that the Parks & Recreation Commission is planning to form a subcommittee to discuss a recreation center. The Pool Commission is considering forming a subcommittee to discuss the need of replacing the pool cover or building a retractable ceiling for the pool. He asked for Council input as to whether or not the two committees should be combined. He also discussed the idea of forming a recreation district should come into play.

Mayor Hall suggested that discussions of a recreation center should be held during the Strategic Planning session. He also said the City would not construct a center by themselves, other community partners would need to join with the City.

The March 15, 2010, Council Meeting has been cancelled.

MINUTES
February 16, 2010, Tuesday
Page 5 of 5

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

V. ADJOURNMENT: 5:38 P.M.

Leila A .Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
Meeting of the Twin Falls City Council
February 22, 2010, Tuesday
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG CONFIRMATION OF QUORUM INTRODUCTION OF STAFF CALL MEETING TO ORDER: 5:00 P.M. PROCLAMATION: None CONSIDERATION OF THE AMENDMENTS TO THE AGENDA			
AGENDA ITEMS		Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for February 17 – 22, 2010, \$975,408.55 2. Consideration of the February 8 and 16, 2010, Minutes. 3. Consideration of a request to accept approximately 0.4 acre piece of property donated by Gerald Martens, Morning Sun #4. 4. Consideration of a request to approve the Improvement Agreement for Westpark Commercial Subdivision Number 5.		Action	Staff Report
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Presentation of O & M Rebate from CH2M Hill-OMI for 2008-2009. 2. Consideration of request to adopt a Fair Housing <i>Resolution</i> . Submitted by Region IV Development. 3. Consideration of a request to reappoint Cleota Backus as a board member of the Twin Falls Housing Authority. 4. Consideration of a request to appoint members of the Twin Falls Building Inspection Department Advisory Committee. 5. Consideration of a request to re-appoint members of the Twin Falls Development Impact Fee Advisory Committee. 6. Consideration of a request for the re-appointments of Gary Roland and Ray Wight to the Golf Advisory Commission. 7. Consideration of a request to rename View Drive to Julie Lane. 8. Consideration of a request to approve JUB Engineers, Inc Professional Service Agreement to provide surveying and staking for the reconstruction of Falls Avenue West from Washington Street to Grandview Drive in the amount not to exceed \$65,000. 9. Consideration of a request from the BID Board to hold a public hearing to consider an increase to the parking rate of certain downtown meters and to consider changes to the downtown parking regulations found in City Codes 9-7-5, 9-7-6(C), 9-7-9, 9-7-10, 9-8-5, 9-8-6, 9-8-8. 10. Public input and/or items from the City Manager and City Council.		Presentation Action Action Action Action Action Action Action Action	John Keady Carleen Herring/ Region IV Penny Earl/TF Housing Authority Mitch Humble Mitch Humble Dennis Bowyer Jacqueline Fields Mike J. Trabert Melinda Anderson
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>			
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 1. A public hearing to consider a request to exchange property with The Urban Renewal Agency of the City of Twin Falls to acquire property needed for an expansion to the Parks & Recreation equipment yard.		Action	Mitch Humble
V. <u>ADJOURNMENT:</u>			

COUNCIL MEMBERS PRESENT: Lance W. Clow, Trip Craig, Don Hall, Lee Heider, David Johnson, Will Kezele called in at 5:09 P.M., Gregory Lanting

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Parks & Recreation Director Dennis Bowyer, Economic Development Director Melinda Anderson, City Engineer Jackie Fields, Staff Engineer Mike Trabert, Building Official Dwaine Thomson, Deputy City Clerk/Recording Secretary Leila Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff.

PROCLAMATIONS: None

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for February 17 – 22, 2010, \$975,408.55
2. Consideration of the February 8 and 16, 2010, Minutes.
3. Consideration of a request to accept approximately 0.4 acre piece of property donated by Gerald Martens, Morning Sun #4.
4. Consideration of a request to approve the Improvement Agreement for Westpark Commercial Subdivision Number 5.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Councilperson Clow asked if the placements of street lights in subdivisions are identified on the final plat. City Engineer Fields stated that the City does not identify luminaries on the final plat or the construction plans. The final plat basically shows boundary work. The locations are set by the code.

II. ITEMS FOR CONSIDERATION:

1. Presentation of O & M Rebate from CH2M Hill-OMI for 2008-2009.

John Keady, CH2M Hill, OMI, presented a rebate check to the City of Twin Falls in the amount of \$5,434. He also reviewed the Direct Costs, Repairs Rebates and Utility rate adjustments for Contract Year October 1, 2008 through September 30, 2009.

2. Consideration of request to adopt a Fair Housing *Resolution*. Submitted by Region IV Development.

Carleen Herring explained the request.

In November 2009, the City applied for an Idaho Community Development Block Grant to partially finance the construction of infrastructure improvements that will support the redevelopment of the 133 Block of downtown. The City's application has made the first cut and additional information documentation have been requested by the Idaho Department of Commerce.

If the City wishes to continue to request/receive Idaho Community Development Block Grant funds for the partial financing of public infrastructure improvements, then it must adopt and publish the attached Fair Housing Resolution, entitled: *LET IT BE KNOWN TO ALL PERSONS OF the City of Twin Falls that discrimination on the basis of color, religion, gender or national origin in the sale, rental, leasing or financing of housing or land to be used for construction of housing or in the provision of brokerage services is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).*

MOTION:

Vice Mayor Heider made the motion to adopt Resolution 1851, entitled: *LET IT BE KNOWN TO ALL PERSONS OF the City of Twin Falls that discrimination on the basis of color, religion, gender or national origin in the sale, rental, leasing or financing of housing or land to be used for construction of housing or in the provision of brokerage services is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).* The motion was seconded by Councilperson Lanting and roll call vote showed all members voted in favor of the motion. Approved 6 to 0. Councilperson Kezele abstained from voting. He was not present (phone) for the entire presentation.

- 3. Consideration of a request to reappoint Cleota Backus as a board member of the Twin Falls Housing Authority.

Penny Earl, Executive Director, reviewed the request. The Twin Falls Housing Authority is required to have a resident member unless there are no residents that are willing to serve after having been provided reasonable notice.

Cleota Backus has resided in Twin Falls since 1950, a resident of the Twin Falls Housing Authority since March, 1997 and lives in one of the developments. She has completed a full five year term and has expressed her desire to complete another full five year term.

MOTION:

Councilperson Lanting made the motion to reappoint Cleota Backus to serve a five year term as a board member of the Twin Falls Housing Authority. The motion was seconded by Vice Mayor Heider and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

- 4. Consideration of a request to appoint members of the Twin Falls Building Inspection Department Advisory Committee.

Community Development Director Humble reviewed the request.

The Building Inspections Department Advisory Committee has been established to hear appeals to the Building Official's enforcement of the building codes and to act as an advisor to the Building Official on matters that impact the building community.

An interview panel made up of Mayor Hall, Vice Mayor Heider, and Building Official Dwaine Thomson interviewed each of the applicants.

The interview panel recommends that the Council make the appointments and assign term lengths of three one-year terms, three with two-year terms, and three with three-year terms:

- | | |
|----------------------------|---------------------------|
| Gary Bond – Residential | Scott McClure – Engineer |
| Dan Brizee – Mechanical | James Ray – Residential |
| Darren Hall – Commercial | Jay Reis – Plumbing |
| Sean Kuntz – Electrical | Scott Standley – At Large |
| Roger Laughlin – Architect | |

Discussion followed:

Vice Mayor Heider suggested appointing the first three names on the list to one year terms, the second set of three names to two year terms, and the third set of names to three year terms.

MOTION:

Councilperson Clow made the motion to appoint the following to serve on the Twin Falls Building Inspection Department Advisory Committee as follows:

	<u>Term</u>		
Gary Bond – Residential	One year term	Darren Hall – Commercial	One year term
Dan Brizee – Mechanical	One year term	Sean Kuntz – Electrical	Two year term

MINUTES

February 22, 2010

Page 4 of 8

Roger Laughlin – Architect	Two year term	Jay Reis – Plumbing	Three year term
Scott McClure – Engineer	Two year term	Scott Standley – At Large	Three year term
James Ray – Residential	Three year term		

The motion was seconded by Vice Mayor Heider and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

Councilperson Clow stated that an electrician in Twin Falls had a question regarding the appeal process. The electrician commented that when he is out on the job on a Saturday and the electrical inspector disagrees with what he is doing is there a way this can be solved quickly.

Building Official Thomson stated that the City has one state electrical inspector. However, when there is an issue, the City Electrical Inspector will share the information with the Building Department and usually the determination lands on the Building Official. The City does enforce minimal code requirements. Emergency repairs can be made.

Community Development Director Humble stated that the City has another electrician that is available to give a second opinion.

5. Consideration of a request to re-appoint members of the Twin Falls Development Impact Fee Advisory Committee.

Community Development Director Humble reviewed the request.

Mayor Hall and Community Development Director Humble reviewed the requests for re-appointment of John Bonnet, Gary Burkett, and Tony Hughes, and recommend the reappointments of all three previous members.

MOTION:

Councilperson Johnson made the motion to reappoint John Bonnett, Gary Burkett, and Tony Hughes to serve a three year term on the Development Impact Fee Advisory Committee. The motion was seconded by Councilperson Lanting and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

6. Consideration of a request for the re-appointments of Gary Roland and Ray Wight to the Golf Advisory Commission.

Parks & Recreation Director Bowyer reviewed the request.

On February 10, 2010, the Golf Advisory Commission unanimously recommended to the City Council to appoint Gary Roland and Ray Wight to serve a three year term on the Commission.

MOTION:

Councilperson Lanting made the motion to appoint Gary Roland and Ray Wight to the Golf Advisory Commission to serve a three term from March 2010 to February 2013. The motion was seconded by Councilperson Johnson and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

7. Consideration of a request to rename View Drive to Julie Lane.

City Engineer Fields reviewed the request.

View Drive was established from 1975 to 1989 through a series of four subdivision plats. In 2000, Eastridge Professional Subdivision and Eastridge Subdivision were platted directly to the west of View Drive. These subdivisions extended Julie Lane in an easterly direction and with its alignment ultimately meeting with the existing alignment of View Drive creating a situation where the last 750 feet of the street is technically View Drive. Presently, the street is signed as Julie Lane its entire length and properties addressed in this area are identified with Julie Lane addresses. Impacts to the property owners should be minimal to non-existent. View Drive is currently referred to as View Drive, commonly known as Julie Lane.

Staff recommends that the Council approve the request to rename View Drive to Julie Lane.

Discussion followed.

MINUTES

February 22, 2010

Page 5 of 8

-Location of View Drive

MOTION:

Councilperson Johnson made the motion to rename View Drive to Julie Lane. The motion was seconded by Councilperson Craig and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

8. Consideration of a request to approve JUB Engineers, Inc Professional Service Agreement to provide surveying and staking for the reconstruction of Falls Avenue West from Washington Street to Grandview Drive in the amount not to exceed \$65,000.

Staff Engineer Trabert reviewed the request.

The J-U-B Engineers, Inc. Professional Service Agreement is to provide surveying and staking for the reconstruction of Falls Avenue West from Washington Street to Grandview Drive in the amount not to exceed \$65,000.

Staff recommends that the Council approve the contract.

Discussion followed:

-QA/QC – Quality Control

-Councilperson Clow asked for clarification in regards to the Wendell Street Addition; Wendell Street would be an add-on to the bidding process not an automatic conclusion in case the City went over budget. Staff Engineer Trabert answered in the affirmative and stated that the following would be add-ons on the Falls Avenue Project: Wendell Street Addition, sewer section, and a 12" water main.

-Vice Mayor Heider asked if at Grandview the road will align with Falls Avenue heading west to Grandview. Staff Engineer Trabert stated there will be a shift and not a total full alignment.

-Vice Mayor Heider asked if the subdivisions, when they begin construction, located west of Grandview, will align with the current Falls Avenue. Staff Engineer Trabert answered in the affirmative.

-Councilperson Johnson asked what the stakes represent on Washington Street. City Engineer Fields stated that the stakes with the orange tops on Washington Street are right of way and spaced approximately 100' and provide a guide so Idaho Power can move their transmission lines within the right of way. Staff will keep the public informed by using the City website and the media.

MOTION:

Councilperson Lanting made the motion to approve the J-U-B Engineers, Inc., Agreement for Professional Services to complete reconstruction of Falls Avenue West – Roadway Construction Staking in the amount not to exceed \$65,000. The motion was seconded by Vice Mayor Heider and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

9. Consideration of a request from the BID Board to hold a public hearing date to consider an increase to the parking rate of certain downtown meters and to consider changes to the downtown parking regulations found in City Codes 9-7-5, 9-7-6(C), 9-7-9, 9-7-10, 9-8-5, 9-8-6, 9-8-8.

Economic Development Director Anderson reviewed the request.

In 2009, a BID sub-committee was formed to review the effectiveness of downtown parking. That committee came up with various change recommendations that were forwarded to the BID board. The BID board reviewed these changes over several public meetings at which various merchants and other BID members spoke. Based on the committee work and public testimony the BID board approved nine recommendations.

A public hearing will be required to hear testimony on raising the meter rates on Main Avenue between Hansen and Gooding Streets. The other recommended changes do not require a public hearing, but can be included in the same discussion should the Council desire to take public input on those changes as well.

MINUTES

February 22, 2010

Page 6 of 8

For clarification Economic Development Director Anderson stated that there is a correction to the staff report that the meter revenues are down 9% not 19%. The early estimate showed a \$2,000 net gain between increase of the meter rates and loss of Saturday parking revenue, but it is more like a \$1,800 net gain.

BID board recommends that the Council hold a public hearing to consider the parking meter rate increase and to consider changes to the downtown parking regulations found in City Codes 9-7-5, 9-7-6(C), 9-7-9, 9-7-10, 9-8-5, 9-8-6, and 9-8-8.

Discussion followed:

-Councilperson Heider asked for clarification on Item 6 of the summary. He understood that parking meters are to prohibit employers and employees from parking in the spots designated for customers, and yet is being deleted from the City Code. Economic Development Director Anderson stated that the ordinance prohibits employers and employees from parking on Main Avenue and at certain blocks. The City does not know each vehicle a downtown employee/employer drives and does not have a way to enforce that particular ordinance. The recommendation of the BID Board is to delete that particular ordinance so that particular action would go away. One of the suggestions from the BID board is to put up time limit signs at various parts of Main Avenue. The demand is great for the parking spaces. Currently anyone can park at the meters all day long as long as the meters are being fed.

Councilperson Clow commented on the ordinance:

-9-7-9; OPERATING HOURS. He suggested listing the City holidays.

-Reserved and open parking is confusing and suggested coming up with a different process to identify parking spaces that are reserved.

-9-7-10: ENFORCEMENT AND FINES: He suggested not eliminating the envelope for payment and to extend the time period to pay the fine.

Councilperson Johnson stated that the whole issue of metering is disturbing as a retailer. Discussion has been made that the BID is unable to compete with the mall, but at the same time, downtown is the only area where one has to pay for parking as a consumer. He stated that he believes metering is not friendly or welcoming and would like to see a whole new approach on this issue.

Councilperson Kezele stated he is concerned about the wording "doubling the rate" on the weekday and giving free parking on Saturday.

Mayor Hall stated that the public did have the opportunity to comment on the issues.

Councilperson Lanting encouraged the BID Board members to attend the public hearing, if the public hearing is approved by the Council.

MOTION:

Councilperson Lanting made the motion to hold a public hearing to consider the parking meter rate increase and to consider changes to the downtown parking regulations found in City Codes 9-7-5, 9-7-6(C), 9-7-9, 9-7-10, 9-8-5, 9-8-6, and 9-8-8. The motion was seconded by Vice Mayor Heider and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

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

Vice Mayor Heider asked the status of dissolving of the BID. Economic Development Director Anderson stated that the committee to disestablish the BID submitted petitions on February 18, 2010, and staff is in the process of reviewing the petitions to determine if they meet the minimum standards to move forward or not.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Lanting asked for an update on the golf course. City Manager Rothweiler stated that it appears that operations are much more in line with revenues. Through the month of January twenty-one (21%) was expended on the budget, which is \$336,000 this year, and collected about 19% of the revenue.

MINUTES

February 22, 2010

Page 7 of 8

Mayor Hall stated that the State of the City address will be held on April 6, 2010, at 12:00 P.M. at the Canyon Crest Dining & Event Center.

Councilperson Johnson stated that the group that is looking at the Public Finance Committee formation will be meeting on March 4, 2010, at St. Luke's Regional Medical Center.

Recess at 6:12 P.M.

Councilperson Kezele left the meeting at 6:12 P.M.

Reconvened at 6:20 P.M.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. A public hearing to consider a request to exchange property with The Urban Renewal Agency of the City of Twin Falls to acquire property needed for an expansion to the Parks & Recreation equipment yard.

Community Development Director Humble reviewed the request.

The City owns real property known as Twin Falls Townsite, Block 119, Lots 9 and 10, located on the south side of Second Avenue South, approximately 150 feet west of Idaho Street South. The Urban Renewal Agency owns real property located on the south side of Maxwell Avenue, approximately 420 feet east of Shoshone Street South. The City and URA staff has discussed the possibility of exchanging these two properties. Closing costs are involved and the City will split the costs with URA.

Approval of the request will allow the exchange of the properties to occur. This exchange will secure additional property necessary for the expansion of the Parks equipment yard, and it will provide dedicated parking to the URA building, making the building more marketable.

Staff recommends approval of the proposed exchange and authorizes the City Manager to execute the exchange.

Discussion followed:

Councilperson Johnson asked that if the property exchange is approved with the URA, who is responsible for the parking that exists as for metering and maintaining the lot. Community Development Director Humble stated that the lot is not metered but leased. Currently the City has six parking leases, but will move the leases across the street where there is vacant lease parking. It is the URA responsibility to maintain the parking and maintain the lot. The City will maintain the parking leases.

Councilperson Craig stated that the Parks & Recreation Board and the URA have reviewed and approve the trade.

Community Development Director Humble stated that the URA has approved the trade in concept and will take it back to the URA for final approval.

The public hearing portion was opened.

The public hearing portion of the meeting was opened and closed with no input.

MOTION:

Councilperson Clow made the motion to instruct staff to begin negotiations with URA and work out the details and bring back to the City Council with a more finalized agreement. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Councilperson Johnson asked for clarification as to how the City benefits from owning the parking lots downtown. City Manager Courtney stated that this issue has gone full cycle. At one time years ago the City owned and operated all the lots. Businesses were concerned they weren't being managed in a way that was beneficial to customers and turnover. Gradually the downtown business community took over operating the lots and at one time the BID actually operated and managed the lots. Now it is back to the City. The issue is providing parking for business activity downtown and parking lots are there to serve the businesses and customers of the business and not the City. It has defaulted to the City over the years. Some of the lots were purchased with HUD money, purchased privately and donated to the City, but the City was seen as the one common entity that had the ability to actually oversee and manage the parking facilities, which is why the City ended up with the lots.

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

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
 March 1, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

3:30 – 4:30 P.M.

Joint Meeting of Library Board of Trustees, Library Foundation Board, and City Council

Location: Program Room at the Library

PLEDGE OF ALLEGIANCE TO THE FLAG CONFIRMATION OF QUORUM INTRODUCTION OF STAFF CALL MEETING TO ORDER: 5:00 P.M. PROCLAMATIONS: None. CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

AGENDA ITEMS	Purpose	By:
I. CONSENT CALENDAR: 1. Consideration of accounts payable for February 23 – March 1, 2010. 2. Consideration of the February 22, 2010, Minutes. 3. Findings of Fact, Conclusions of Law, and Decision: a. Annexation - City of Twin Falls b. Final Plat - Riverhawk Plaza PUD Subdivision c/o Osprey, LLC and EHM Engineering, Inc. c. Comprehensive Plan Amendment - Osprey, LLC c/o EHM Engineering, Inc. d. PUD Modification with Rezone -Osprey, LLC c/o EHM Engineering, Inc. e. Final Plat -Magic Valley Marketplace Subdivision c/o Hawkins Companies, LLC f. Final Plat -West Park Commercial PUD Subd #5 Subdivision c/o EHM Engineering, Inc., on behalf of Center Point, LLC g. PUD Modification–Clinton & Anne Dille'	Action	Staff Report
II. ITEMS FOR CONSIDERATION: 1. Consideration of a request to secure Bond Counsel services with Michael C. Moore and Stephanie Bonney of Moore, Smith, Buxton & Turcke, Chartered, for the issuance of water revenue bonds. 2. Consideration of a request to adopt Resolution 1842, a Resolution of the Mayor and Council of the City of Twin Falls authorizing the reimbursement of engineering and other related expenses associated with a City's arsenic project with proceeds from the sale of Revenue Bonds. 3. Consideration of a request to adopt Resolution 1843, a Resolution to destroy semi-permanent and temporary records. 4. Consideration of a request to authorize the Mayor to execute the State/Local Agreement for Construction of STP7072(101) Washington St North, Key 08469 and to authorize payment of \$3,302,941.00 to the Idaho Transportation Department (ITD). 5. Public input and/or items from the City Manager and City Council.	Action	Tom Courtney
	Action	Tom Courtney
	Action	Sharon Bryan
	Action	Jackie Fields
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 P.M. – 1. A public hearing to consider a request to exchange property with Cornerstone Industries, LLC to acquire additional park property adjacent to the Dierkes Lake Park.	Action	Mitch Humble
V. ADJOURNMENT:		

**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.*

3:30 – 4:30 P.M.

Joint Meeting of Library Board of Trustees, Library Foundation Board, and City Council
Location: Program Room at the Library

COUNCIL MEMBERS PRESENT: Lance W. Clow, Trip Craig, Don Hall, Lee Heider, David Johnson, Will Kezele, Gregory Lanting arrived at 5:03 P.M.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff.

PROCLAMATIONS: None

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable:
February 23 – March 1, 2010, total: \$349,936.61
March 1, 2010, total: \$3,302,941.00
March 1, 2010, total: \$ 50,986.53
2. Consideration of the February 22, 2010, Minutes.
3. Findings of Fact, Conclusions of Law, and Decision:
 - a. Annexation - City of Twin Falls
 - b. Final Plat - Riverhawk Plaza PUD Subdivision c/o Osprey, LLC and EHM Engineering, Inc.
 - c. Comprehensive Plan Amendment - Osprey, LLC c/o EHM Engineering, Inc.
 - d. PUD Modification with Rezone -Osprey, LLC c/o EHM Engineering, Inc.
 - e. Final Plat -Magic Valley Marketplace Subdivision c/o Hawkins Companies, LLC
 - f. Final Plat -West Park Commercial PUD Subd #5 Subdivision c/o EHM Engineering, Inc., on behalf of Center Point, LLC
 - g. PUD Modification–Clinton & Anne Dille'

MOTION:

Councilperson Kezele made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Councilperson Lanting arrived at 5:03 P.M.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to secure Bond Counsel services with Michael C. Moore and Stephanie Bonney of Moore, Smith, Buxton & Turcke, Chartered, for the issuance of water revenue bonds.

City Manager Courtney reviewed the request. The City of Twin Falls s working with the Idaho Bond Bank Authority for the issuance of revenue Bonds that will be paid back with revenues from the City's water fund. The City needs to have the assistance of Bond Counsel

MINUTES

March 1, 2010

Page 3 of 6

Last year, the City of Twin Falls employed Michael C. Moore and Stephanie Bonny of Moore, Smith, Buxton & Turcke, Chartered, when the City issued revenue bonds for the acquisition of the Pristine Springs water rights. City staff recommends this firm to the City Council for consideration.

Discussion followed:

-Contract fee and out of pocket expenses.

City Manager Courtney stated that \$9,500 is a flat fee for work creating the documents and out-of-pocket expenses include costs coming to Twin Falls to approve the documents.

Councilperson Clow stated that in the past the City used Rick Skinner for bond counsel. City Manager Courtney stated that Rick Skinner represents the bond bank and retaining Rick Skinner would create a conflict of interest.

MOTION:

Councilperson Johnson made the motion to authorize the Mayor to sign the Engagement Letter for Bond Counsel Services with the firm of Moore, Smith, Buxton & Turcke, and Chartered as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request to adopt Resolution 1842, a Resolution of the Mayor and Council of the City of Twin Falls authorizing the reimbursement of engineering and other related expenses associated with a City's arsenic project with proceeds from the sale of Revenue Bonds.

City Manager Courtney stated that the purpose of Resolution 1842 is to express official intent to the City Council to reimburse the City from loan proceeds for any expenses of the project advanced by the City prior to receipt of loan proceeds. The Reimbursement Resolution is required by federal tax laws and regulations to be adopted by the City Council either before making any expenditures or not later than 90 days after the City makes any project payment if the City intends to reimburse itself from loan proceeds.

MOTION:

Councilperson Johnson made a motion to adopt Resolution 1842, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, EXPRESSING OFFICIAL INTENT, PURSUANT TO SECTION 1.150-2 OF THE FEDERAL INCOME TAX REGULATIONS, TO REIMBURSE THE CITY, FROM PROCEEDS OF THE CITY'S PROMISSORY NOTE AND LOAN AGREEMENT WITH THE IDAHO BOND BANK AUTHORITY, CERTAIN EXPENSES TO BE PAID FROM FUNDS OF THE CITY; AND PROVIDING AN EFFECTIVE DATE. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Consideration of a request to adopt Resolution 1843, a Resolution to destroy semi-permanent and temporary records.

Deputy City Clerk Bryan reviewed the request. State Code requires that before the City can destroy any semi-permanent or temporary records the City receive approval from the City Attorney, the Idaho State Historical Society, and City Council.

Staff recommends approval to destroy semi-permanent and temporary records.

MOTION:

Councilperson Johnson made the motion to adopt Resolution 1843, entitled: Authorizing Destruction of Records. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Discussion followed:

Councilperson Clow asked if the destruction of records include email. City Attorney Wonderlich stated that email is not listed as temporary records and can be destroyed at any time.

MINUTES

March 1, 2010

Page 4 of 6

4. Consideration of a request to authorize the Mayor to execute the State/Local Agreement for Construction of STP7072(101) Washington St North, Key 08469 and to authorize payment of \$3,302,941.00 to the Idaho Transportation Department (ITD).

City Engineer Fields reviewed the request. When a federal aid road construction project is ready to advertise for construction, the City enters into an agreement with ITD regarding funding and issues a check to ITD.

Staff proposes to pay for the advance construction portion by utilizing a loan from the general Fund reserves. Staff proposes to pay for the remainder from Street Funds reserves. When the reimbursement from ITD occurs, next year, the Street Funds will pay back the General Funds. The Streets budget for next year will also include funds to reimburse the General Fund for the City match portion of the \$1,512,000 that will not be reimbursed.

Approval of the request will allow the City to proceed with both Washington Street North project generally concurrently in an effort to minimize the duration of traffic disruption to that arterial.

Discussion followed:

Councilperson Johnson asked if there was any risk involved in paying the State in advance. City Engineer Fields answered in the affirmative. Councilperson Johnson asked if there was a plan B for reimbursement for this project. City Engineer Fields stated that the streets payback would come out of the general fund.

City Manager Courtney stated that there is far more risk in waiting and seeing inflated project costs. The history with the State is that we will be reimbursed. If the State did not reimburse the City, the City would use \$3,000,000 in reserves.

Councilperson Clow stated that the financing of the funds is the appropriation of congress. The monies are already appropriated.

City Engineer Fields stated the federal government reserves the right to withdraw, but the risk is very small.

MOTION:

Councilperson Lanting made the motion to authorize the Mayor to execute the State/Local Agreement for Construction of STP7072(101) Washington St North, Key 08469 and to authorize payment of \$3,302,941.00 to the Idaho Transportation Department (ITD). The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

Vaughn Phelps requested permission to affix a cross at City Park for at least three hours on April 2, 2010. City Attorney Wonderlich stated for clarification that Mr. Phelps would have to stay with the cross at the time it is placed at City Park.

Councilperson Clow stated that he noticed water retention areas that are frozen over. He asked if there are procedures to check to see if a French drain exists and asked if the retention areas are checked by staff. City Engineer Fields stated that the City does not have a formal process, however, the design of retention areas have been changed to prevent frozen areas. CSI will host a Safety Fest March 18 and 19th at the Taylor building.

Recess at 5:33 P.M.

Reconvened at 6:00 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Mayor Hall reviewed the rules of the public hearing.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. A public hearing to consider a request to exchange property with Cornerstone Industries, LLC to acquire additional park property adjacent to the Dierkes Lake Park.

Frannie Florence, representing the applicant, explained the request. The Quail Ridge subdivision is located on the west side of 3400 North, at the extreme north end of that road along the Snake River Canyon. A portion of the subdivision actually lies within the canyon and includes one of the Hidden Lakes that are located at the back end of the Dierkes Lake Park. This lake is the only one of the Hidden Lakes not owned by the City. The City owns a strip of property along the canyon rim between the Quail Ridge subdivision and the canyon, a little west of the Hidden Lake owned by the applicant. The applicant is proposing that the City trade some of the rim land for the Hidden Lake and its surrounding property within the Canyon. The land trade agreement looks toward modification of the PUD language. Approval would require modification of the agreement between the City and the developer. The applicant's property totals about 1 acre. The proposal would be to trade for an equal acreage along the rim. The City would still maintain a strip of land along the rim that could be used to develop a canyon rim trail in the future.

Community Development Director Humble reviewed the request. The two properties are proposed to be exchanged at equal value. However, one condition included in the attached exchange agreement is that the City will begin constructing a trail connection from Dierkes Lake trail to meet the trail that is being constructed by the applicant from Quail Ridge subdivision. The estimated cost for the trail will be less than \$18,000.

If construction of the trail is received now the City would receive a favorable bid due to the weather. From a process standpoint the following conditions in the agreement have to take place: 1. Commitments were made in parks in lieu request in June 2006, with the stairway, trail and parking area. The Park In-Lieu application and PUD agreement would have to be amended.

Discussion followed:

-Impact Fees. Community Development Director Humble stated that if a building permit is pulled for a house it would be subject to impact fees.

-Parking area. Frannie Florence stated that in preliminary meetings with staff, the staff was open to the idea of vacating the right of way, because it serves no purpose.

-Highway District Vacation of Right of Way.

-Hours of Operation.

-Paving the NE Trail Connection.

-Removal of stairway.

-Hold Harmless agreement.

The public comment portion of the hearing was opened.

Jim Wageman, 135 Main Ave East, spoke against the request. He suggested that the City sell the property.

The public comment portion if the hearing was closed.

Deliberations:

MOTION:

Councilperson Clow made a motion to authorize staff to enter negotiations with the developer to bring back to council an agreement that reflects the issues that were brought up in the public hearing to deliberate. The motion was seconded by Councilperson Craig.

Discussion followed:

-Maintenance of trail.

-Removal of stairs.

MINUTES

March 1, 2010

Page 6 of 6

-Asphalt trail.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

V. **ADJOURNMENT**: The meeting adjourned at 6:53 P.M.

Leila A. Sanchez

Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
 March 8, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG CONFIRMATION OF QUORUM INTRODUCTION OF STAFF CALL MEETING TO ORDER: 5:00 P.M. PROCLAMATIONS: Girl Scout Week Child Abuse Prevention Month CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:			
AGENDA ITEMS		Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for March 2 – 8, 2010. 2. Consideration of a request from Patrick Scheidt, owner of Von Scheidt Brewing Company, to host a St. Patrick's Day celebration in their parking lot, located at 157 2 nd Avenue West.		Action	Staff Report
II. <u>ITEMS FOR CONSIDERATION:</u> 1. A presentation of the City of Twin Falls' 2009 Financial Statements. The presentation will be made by Scott Hunsaker of HCM Holmstead. 2. Consideration of a request to appoint the following to the Planning & Zoning Commission: 1) Re-Appoint Wayne Bohrn to his 2nd 3-year term on the Commission. 2) Appoint Jason Derricott and Lane Jacobson to their first 3-year full term on the Commission. 3. Consideration of an FAA Grant Offer for a Wildlife Hazard Assessment (WHA) Project. 4. Consideration of an Agreement with Ricondo & Associate to conduct an FAA Airport Wildlife Hazard Assessment. 5. Consideration of a request to approve a property exchange agreement with Cornerstone Industries, LLC to acquire additional park property adjacent to the Dierkes Lake Park. 6. Consideration of the re-adoption of an ordinance annexing 37.2 (+/-) acres located on the north side of Falls Avenue East, in an area beginning approximately 1,300 feet east of Eastland Drive North, with a zoning designation of R-2. Proposed Ordinance No. 2980-A 7. Consideration of a request to award the contract for construction of the Falls Ave West project to Gordon Paving, Co., Inc., in the amount of \$2,102,141.22. 8. Consideration of a request by Timothy J. Stover, Worst, Fitzgerald & Stover, P.L.L.C., to hold a public hearing regarding the disestablishment of the Building Improvement District. 9. Public input and/or items from the City Manager and City Council.		Presentation Action Action Action Action Action Action	Lorie Race Mitch Humble Bill Carberry Bill Carberry Mitch Humble Mitch Humble Jackie Fields Request by Timothy Stover
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>			
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – None.			
V. <u>ADJOURNMENT:</u> To move to Executive Session pursuant to provisions of Idaho Code 67-2345, subsection 1 (a) to consider hiring a public officer, employee, staff member or individual agent. (not applicable to filling a vacancy in an elective office)		Action	Tom Courtney

**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.*

COUNCIL MEMBERS PRESENT: Lance W. Clow, Don Hall, Lee Heider, David Johnson, Will Kezele, Gregory Lanting

COUNCIL MEMBERS ABSENT: Trip Craig,

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Airport Manager Bill Carberry, Economic Development Director Melinda Anderson, Staff Engineer Mike Trabert, Recording Secretary Tracy Reed.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. The Brownie Troop/Girl Scout Troop led the Pledge. A quorum was present. Mayor Hall introduced City staff.

PROCLAMATIONS: Girl Scout Week
Child Abuse Prevention Month

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

I. CONSENT CALENDAR:

1. Consideration of accounts payable for March 2 – 8, 2010, totals: \$453,406.32.
2. Consideration of a request from Patrick Scheidt, owner of Von Scheidt Brewing Company, to host a St. Patrick's Day celebration in their parking lot, located at 157 2nd Avenue West.

MOTION:

Councilperson Kezele made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to appoint the following to the Planning & Zoning Commission: 1) Re-Appoint Wayne Bohrn to his 2nd 3-year term on the Commission. 2) Appoint Jason Derricott and Lane Jacobson to their first 3-year full term on the Commission.

Community Development Director Humble reviewed the request.

The selection committee recommends the appointments to the commission as presented.

MOTION:

Councilperson Heider made the motion to appoint the following to the Planning & Zoning Commission: 1) Re-Appoint Wayne Bohrn to his 2nd 3-year term on the Commission. 2) Appoint Jason Derricott and Lane Jacobson to their first 3-year full term on the Commission. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Consideration of an FAA Grant Offer for a Wildlife Hazard Assessment (WHA) Project.

Airport Manager Carberry reviewed the request.

Staff recommends acceptance of the FAA Grant offer for the amount of \$100,000 and authorize the Mayor to sign.

MINUTES

March 8, 2010

Page 3 of 4

MOTION:

Councilperson Johnson made the motion to approve the FAA Grant offer for the amount of \$100,000 and authorize the Mayor to sign. The motion was seconded by Councilperson Heider and roll call vote showed all members present except Councilperson Clow voted in favor of the motion. Approved 5 to 1.

3. Consideration of an Agreement with Ricondo & Associates to conduct an FAA Airport Wildlife Hazard Assessment.

Airport Manager Carberry reviewed the request.

Staff recommends approval of the request as presented.

MOTION:

Councilperson Lanting made the motion to approve an agreement with Ricondo & Associates to conduct an FAA Airport Wildlife Hazard Assessment in the amount of \$92,274.00, contingent upon FAA concurrence and funding. The motion was seconded by Councilperson Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

4. Consideration of a request to approve a property exchange agreement with Cornerstone Industries, LLC to acquire additional park property adjacent to the Dierkes Lake Park.

Community Development Director Humble reviewed the request.

Staff recommends that the Council approve the land exchange agreement and authorize the Mayor to execute it.

Councilperson Clow asked what stage the plat was in at this time. The plat has been recorded already per Mitch Humble. There would have to be an amended PUD, amended Plat and collected In-Lieu fees.

MOTION:

Councilperson Johnson made the motion to approve a property exchange agreement, Land Trade Agreement, with Cornerstone Industries, LLC to acquire additional park property adjacent to the Dierkes Lake Park and to pave the trail within three years of the re-recording of the final plat. The motion was seconded by Councilperson Heider. A roll call vote showed all members voted in favor of the motion. Approved 6 to 0.

5. Consideration of the re-adoption of an ordinance annexing 37.2 (+/-) acres located on the north side of Falls Avenue East, in an area beginning approximately 1,300 feet east of Eastland Drive North, with a zoning designation of R-2. Proposed Ordinance No. 2980-A.

Community Development Director Humble reviewed the request.

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

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinance No. 2980-A, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ANNEXING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFOR, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

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

Recording Secretary Reed read the ordinance title.

MOTION:

Councilperson Johnson made the motion to adopt Ordinance No. 2980A as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MINUTES

March 8, 2010

Page 4 of 4

6. Consideration of a request to award the contract for construction of the Falls Avenue West project to Gordon Paving, Co., Inc., in the amount of \$2,102,141.22.

Staff Engineer Trabert reviewed the request.

Staff recommends that the Council approve the request as presented.

MOTION:

Councilperson Clow made the motion to award the contract for construction of the Falls Avenue West project to Gordon Paving, Co., Inc., in the amount of \$2,102,141.22. The motion was seconded by Councilperson Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

7. Consideration of a request by Timothy J. Stover, Worst, Fitzgerald & Stover, P.L.L.C., to hold a public hearing regarding the disestablishment of the Building Improvement District.

Jim Wagenman, 135 Main Avenue East, TF reviewed the request. Reimbursement of BID funds for 2009/2010, funds to be paid to attorney, remove all parking meters, etc. Mayor Hall explained that these items will be addressed at the disestablishment hearing. Councilperson Clow would like to have two hearings regarding this issue.

Discussion followed-

MOTION:

Councilperson Clow made the motion to hold two public hearings, in two consecutive weeks, regarding the disestablishment of the Business Improvement District as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

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

- Mayor Hall brought up a census event at the Magic Valley Mall, Wednesday from 3 PM to 5 PM.
- Mayor Hall spoke to Parks and Recreation Director Dennis Bowyer, Arbor Day Celebration, Drury Park, May 17, 3PM, possibly have a Council meeting there.
- Councilperson Clow asked about ordinances being codified. City Attorney Fritz Wonderlich explained the City Code process.
- Youth Council meeting was today, and they should also be at a future City Council meeting to give a presentation.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

- V. **ADJOURNMENT:** To move to Executive Session pursuant to provisions of Idaho Code 67-2345, subsection 1 (a) to consider hiring a public officer, employee, staff member or individual agent. (not applicable to filling a vacancy in an elective office)

Councilperson Heider made the motion to move to Executive Session pursuant to provisions of Idaho Code 67-2345, subsection 1 (a) to consider hiring a public officer, employee, staff member or individual agent. (not applicable to filling a vacancy in an elective office) The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

The meeting adjourned to Executive Session at 6:45 PM.

Tracy Reed
Recording Secretary



CITY OF TWIN FALLS, IDAHO
CANCELLATION NOTICE
OF THE
TWIN FALLS COUNCIL MEETING
SCHEDULED TO BE HELD ON
Monday, March 15, 2010, 5:00 p.m.

Leila Sanchez
Deputy City Clerk

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 March 22, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:00 P.M.
 PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: Fair Housing Month - Submitted by Carleen Herring, Region IV Development.

AGENDA ITEMS	Purpose	By:
I. CONSENT CALENDAR: 1. Consideration of accounts payable for March 9 – 22, 2010. 2. Consideration of the November 16, 2009; March 1 and 8, 2010, Council Meeting Minutes. 3. Consideration of the request for a donation of a park bench with a plaque along the Snake River Canyon Rim Trail System. 4. Consideration of a request to approve the second annual Arbor Day Parade sponsored by the Twin Falls County Tree Board. The parade will be held on Saturday April 24, 2010.	<u>Action</u>	<u>Staff Report</u> Leila Sanchez Dennis Bowyer Dennis Pullin
II. ITEMS FOR CONSIDERATION: 1. A presentation of the City of Twin Falls' 2009 Financial Statements. The presentation will be made by Scott Hunsaker of HCM Holmstead. 2. Presentation to recognize the service of Cyrus Warren and Carl Younkin on the Planning & Zoning Commission. 3. Presentation by the Twin Falls Youth Council of an overview of upcoming projects and events; and the hosting of a fundraising event at Applebee's Restaurant, June 12, 2010, 7 A.M. – 10 A.M. 4. Consideration of a request to waive the green fees for the 18th annual "Scramble for Books" golf tournament sponsored by the Twin Falls Library Foundation on Saturday, September 18, 2010. 5. Consideration of a request for a TWF 2010 Airport Grant Offer from ITD, Division of Aeronautics, in the amount of \$20,000. 6. Consideration of an agreement with Snake River Skydiving to lease an airport landing zone. 7. Consideration of a request to award the contract for construction of the Northeast Sewer Phase Phase II (Pole Line Road to Canyon Springs Road) to PMF, Inc, in the amount of \$527,363.00. 8. Consideration of a request to award the contract to Whitaker Construction to construct the Washington Siphon Maintenance in the amount of \$185,515. 9. Public input and/or items from the City Manager and City Council.	Presentation Presentation Presentation Action Action Action Action Action	Scott Hunsaker/ HCM Holmstead Mitch Humble Jonathan Bruce/ Rebecca Kelley Dennis Bowyer Bill Carberry Bill Carberry Mike Trabert Jackie Fields
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 P.M. – None.		
V. ADJOURNMENT: To move to Executive Session pursuant to provisions of Idaho Code 67-2345, subsection 1 (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.*

COUNCIL MEMBERS PRESENT: Lance W. Clow, Trip Craig, Don Hall, Lee Heider, David Johnson, Will Kezele, Gregory Lanting

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Finance Director Lorie Race, Community Development Director Mitch Humble, City Engineer Jackie Fields, Airport Manager Bill Carberry, Staff Engineer Mike Trabert, Staff Sergeant Dennis Pullin, Twin Falls Youth Council Jonathan Bruce and Rebecca Kelly, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: Fair Housing Month - Submitted by Carleen Herring, Region IV Development.

Mayor Hall read the Fair Housing Month Proclamation and presented it to Carleen Herring, Region IV Development.

Carleen Herring explained the Fair Housing Month Proclamation.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for March 9 – 22, 2010, total: \$899,441.30.
March 22, 2010, total: \$40,553.47.
2. Consideration of the November 16, 2009, and the March 1 and 8, 2010, Council Meeting Minutes.
3. Consideration of the request for a donation of a park bench with a plaque along the Snake River Canyon Rim Trail System.
4. Consideration of a request to approve the second annual Arbor Day Parade sponsored by the Twin Falls County Tree Board. The parade will be held on Saturday April 24, 2010.

MOTION:

Councilperson Kezele made the motion to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Heider.

Discussion followed:

-Vice Mayor Heider asked if anyone would like to discuss the Special Events Application to please come forward. Staff Sergeant Pullin stated that this is the 2nd Arbor Day Parade and he does not anticipate any problems.

-Councilperson Clow asked if the County is also sharing the costs with the City for the Arbor Day Parade. Staff Sergeant Pullin stated that he has not spoken with the County but will contact them.

-Mayor Hall asked if the Tree Commission weighed in on the Arbor Day Parade. Staff Sergeant Pullin stated that the request came from the Twin Falls County Board.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. A presentation of the City of Twin Falls' 2009 Financial Statements. The presentation will be made by Scott Hunsaker of HCM Holmstead.

MINUTES

March 22, 2010

Page 3 of 6

Scott Hunsaker reviewed the 2009 Financial Statements. He passed out a document and reviewed the following:

- History
- Independent Auditors Report
- Management Discussion and Analysis
- Government Wide Statements
- Statement of Activities
- Fund Financial Statements
- Income Statement
- Business Type Activities
- Cash Flow for Business Type Activities
- Notes to the Financial Statement
- Supplementary Information
- Schedule of Expenditures of Federal Awards
- Internal Control of the Entity

No action required.

2. Presentation to recognize the service of Cyrus Warren and Carl Younkin on the Planning & Zoning Commission.

Community Development Director Humble reviewed the request.

Mayor Hall and Vice Mayor Heider presented plaques to Cyrus Warren and Carl Younkin.

3. Presentation by the Twin Falls Youth Council of an overview of upcoming projects and events; and the hosting of a fundraising event at Applebee's Restaurant, June 12, 2010, 7 A.M. – 10 A.M.

Jonathan Bruce introduced members Daniel Kelley, Sam and Sarah Rasmussen, Christina Bruce, and Rebecca Kelley. He then gave an overview of the following upcoming projects:

- Handicap ramps at the 200 Block of Main Street
- Idaho Heritage City signs
- Flamingo Fund Raiser

Sam Rasmussen reported on the BMX Park. A potential location is on Blake Street, which is City owned land. He stated that he is currently working with Stutzman Inc. on the design and plans.

Discussion followed:

-Councilperson Clow stated that the Youth Council has discussed building a fire/police memorial somewhere in the City.

Rebecca Kelley reviewed the fundraising event at Applebee's Restaurant. The Youth Council is requesting that the Mayor and City Council members participate by selling tickets and helping on the day of the fundraiser.

The City Council stated that they will participate in the fundraiser.

4. Consideration of a request to waive the green fees for the 18th annual "Scramble for Books" golf tournament sponsored by the Twin Falls Library Foundation on Saturday, September 18, 2010.

Parks & Recreation Director Bowyer reviewed the request. The Golf Advisory Commission recommends that the Council approve the request to waive the green fees for the Library Foundation's 18th annual "Scramble for Books" golf tournament for 2010. Staff concurs with the recommendation.

MOTION:

Vice Mayor Heider made the motion to waive the green fees for the 18th annual "Scramble for Books" golf tournament sponsored by the Twin Falls Library Foundation on Saturday, September 18, 2010. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

MINUTES

March 22, 2010

Page 4 of 6

5. Consideration of a request for a TWF 2010 Airport Grant Offer from ITD, Division of Aeronautics, in the amount of \$20,000.

Airport Manager Carberry reviewed the request. Staff recommends acceptance of the ITD, Division of Aeronautics, grant offer in the amount of \$20,000. The Council will need to ratify both the Grant Agreement and the Resolution, authorizing the Mayor to sign both.

MOTION:

Councilperson Johnson made the motion to authorize the Mayor to sign the ITD, Division of Aeronautics, Grant Agreement, and adoption of Resolution 1846, as presented. The motion was seconded by Councilperson Lanting.

Discussion followed:

Councilperson Craig asked if the County also invested money toward the FAA AIP ramp reconstruction project in 2009. Airport Manager Carberry stated that the \$20,000 was equally split by the County and City.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

6. Consideration of an agreement with Snake River Skydiving to lease an airport landing zone.

Airport Manager Carberry reviewed the request. He discussed operational safety, insurance and liability. Any claims with City/County would be filed with ICRIMP/Aviation Underwriters. Participants would be required to sign a waiver agreement which releases liability and assumes risk by the participant.

The Airport Advisory Board has met with Mr. Mashaal and reviewed the request and the issues involved with a potential skydiving operation. The Airport Board recommended the Airport Manager develop an agreement for the City Council to consider.

Discussion followed:

-Councilperson Kezele stated his concern of jumpers conflicting with planes.

Steve Storey, ATCT Manager, stated that the Snake River Skydiving will be required to establish communications with the air traffic control tower.

-Councilperson Johnson asked if City Attorney Wonderlich has reviewed the request. Airport Manager Carberry stated that both Jackie Wakefield and Fritz Wonderlich have reviewed the request.

-Councilperson Clow asked who would be maintaining the area where jumpers would be located and when Airport Road would be open. Airport Manager Carberry stated that the City would be maintaining the strip of grass and Airport Road is scheduled to be open in July.

-Councilperson Kezele stated his concern with sanitation issues with the FAA. Airport Manager Carberry stated that the area would not be treated any differently from those using the ramp area. Pedestrian deviations will be in place.

Jay Reeder explained the request. He stated that the procedure is well executed. Jumpers will be monitored and be escorted out to the plane. Once they take off and land the vehicle will go up to the road. He spoke in favor of the request.

MOTION:

Vice Mayor Heider made the motion to authorize the Mayor to sign the Lease Agreement with Snake River Skydiving as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Abbie Mashaal, owner of Snake River Skydiving, gave a brief update of the request.

7. Consideration of a request to award the contract for construction of the Northeast Sewer Phase II (Pole Line Road to Canyon Springs Road) to PMF, Inc, in the amount of \$527,363.00.

MINUTES

March 22, 2010

Page 5 of 6

Staff Engineer Trabert reviewed the request. Staff recommends that the Council award the contract to the low bidder to PMF, Inc, in the amount of \$527,363.00.

Discussion followed:

-Councilperson Clow stated that he noticed that on PMF's bid there was allotted zero dollars for Rock Excavation In place. Staff Engineer Trabert stated he spoke to Larry Fairbanks. Larry Fairbanks stated that he combed the project and in his opinion there is no rock in the area.

MOTION:

Councilperson Lanting made the motion award the contract for construction of the Northeast Sewer Phase Phase II (Pole Line Road to Canyon Springs Road) to PMF, Inc, in the amount of \$527,363.00. The motion was seconded by Vice Mayor Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Steve Harris asked the Council why the City would hire an out of state company to construct the Washington Siphon Maintenance.

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8. Consideration of a request to award the contract to Whitaker Construction to construct the Washington Siphon Maintenance in the amount of \$185,515.

City Engineer Fields reviewed the request. Staff recommends that the Council award the contract to the low bidder, Whitaker Construction, for \$185,515.

In regards to the hiring of employees, the bid documents are signed with the acknowledgment that local workers would be based on the job.

In the contract, the request is to approve the \$185,515, and did not request a cap on the \$185,515, because of the uncertainty of the bid alternatives on potholing costs.

Councilperson Lanting asked how many local workers will be used in the job. City Attorney Wonderlich stated that the contractor is required to hire approximately 90% – 95% Idaho residents.

Vice Mayor Heider asked for a clarification of the Alternate Bid portion of the Bid Tab, in regards to the potholing costs. City Engineer Fields stated that the Alternate Bid costs are "per instance." Josh Baird, Riedesel Engineers, stated the Alternate Bid cost of \$1,900, is a total amount for the potholing.

Steve Harris stated that his question was answered.

Councilperson Heider made the motion to award the contract to Whitaker Construction to construct the Washington Siphon Maintenance in the amount of \$185,515, plus alternate bid specifications if required. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

9. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Mayor Hall reported on the State of the City/Twin Falls Today luncheon will be held on April 6, 2010, at 12:00 P.M. at Canyon Crest Dining.

Mayor Hall stated that a Developer's Meeting will be held on April 14, 2010, at 2:00 P.M. at the Obenchain Community Room located at 264 Main Avenue South. Councilperson Johnson will attend the meeting as a Council Liaison. Councilpersons Lanting, and Kezele volunteered to attend upcoming meetings.

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

V. ADJOURNMENT: To move to Executive Session pursuant to provisions of Idaho Code 67-2345, subsection 1 (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

MINUTES

March 22, 2010

Page 6 of 6

MOTION:

Councilperson Kezele made the motion to move to Executive Session pursuant to provisions of Idaho Code 67-2345, subsection 1 (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. The motion was seconded by Councilperson Lanting and 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

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
 April 5, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:00 P.M.
 PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: Child Abuse Prevention Month
 Medical Laboratory Week

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for March 23 – April 5, 2010. Prepaid March 25, 2010, total: \$178,849.42. 2. Consideration of the March 22, 2010, Minutes. 3. Consideration of a request to accept the deferral agreement from Twin Falls Highway District for curb, gutter, and sidewalk on their property located at the North East corner of Orchard and Hankins intersection. 4. Consideration of a request to accept the deferral agreement from the Twin Falls Housing Authority for construction of a sidewalk across their property located at 200 North Elm Street. 5. Consideration of a request to accept Right of Way for Canyon Crest Drive. 6. Consideration of a request to accept the deferral agreement from Richard J. Kelley for curb, gutter and sidewalk along with required landscaping until April 5, 2013, across property fronting Addison Avenue East. 7. Consideration of a 4 th extension of the final plat of Robbins PUD Subdivision, 1.5(+/-) acres, to develop a multi-family (4-plex) housing project, with a total of 24 residential units, located on the south side of the 200 block of Robbins Avenue West.	Action	Staff Report Sharon Bryan Leila Sanchez Troy Vitek Troy Vitek Troy Vitek Troy Vitek Mitch Humble
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to adopt Resolution 1844, a Resolution authorizing the City to issue a Promissory Note and Loan Agreement with the State of Idaho Bond Bank Authority in an amount not to exceed \$22,980,500 for the construction of water infrastructure. 2. Presentation of the Annual Jim A. Mildon Safety Award. 3. Consideration of a request to recognize the service of Paula Brown Sinclair serving on the Parks & Recreation Commission. 4. Auger Falls Update 5. Consideration of a request to sign a contract with EHM Engineers, Inc., for design of Harrison Street between Addison Avenue and Falls Avenue. 6. Public input and/or items from the City Manager and City Council.	Action Presentation Action Update Action	Travis Rothweiler/ Stephanie Bonney Dennis Pullin Dennis J. Bowyer Lee Glaesemann Troy Vitek
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 1. A public hearing to consider a request to disestablish the Old Towne Downtown Business Improvement District (BID). (To include spreadsheets.)	Action	Mitch Humble
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: Lance Clow, Trip Craig, Don Hall, Lee Heider, Dave Johnson, Will Kezele; Greg Lanting arrived at 5:35 P.M.

Absent: None

Staff Members: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Economic Development Director Melinda Anderson, Assistant City Engineer Troy Vitek, Staff Engineer Lee Glaesemann, Parks and Recreation Director Dennis Bowyer, and Deputy City Clerk/Recording Leila Sanchez.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

Mayor Hall read the following Proclamations:

-Child Abuse Prevention Month. Roseanna Campbell – Early Headstart Specialist was present to accept the proclamation

-Medical Laboratory Week.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for March 23 – April 5, 2010.
Prepaid March 25, 2010, total: \$178,849.42.
2. Consideration of the March 22, 2010, Minutes.
3. Consideration of a request to accept the deferral agreement from Twin Falls Highway District for curb, gutter, and sidewalk on their property located at the North East corner of Orchard and Hankins intersection.
4. Consideration of a request to accept the deferral agreement from the Twin Falls Housing Authority for construction of a sidewalk across their property located at 200 North Elm Street.
5. Consideration of a request to accept Right of Way for Canyon Crest Drive.
6. Consideration of a request to accept the deferral agreement from Richard J. Kelley for curb, gutter and sidewalk along with required landscaping until April 5, 2013, across property fronting Addison Avenue East.
7. Consideration of a 4th extension of the final plat of Robbins PUD Subdivision, 1.5(+/-) acres, to develop a multi-family (4-plex) housing project, with a total of 24 residential units, located on the south side of the 200 block of Robbins Avenue West

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to adopt Resolution 1844, a Resolution authorizing the City to issue a Promissory Note and Loan Agreement with the State of Idaho Bond Bank Authority in an amount not to exceed \$22,980,500 for the construction of water infrastructure.

Assistant City Manager Rothweiler reviewed the request. Resolution 1844 outlines the parameters of the promissory note.

Stephanie Bonney of Moore Smith Buxton & Turcke, Chtd. Bond Council for the City provided an overview of the resolution. The proposed resolution authorizes the execution of the promissory note. The promissory note is not finalized at this time and the loan agreement will be slightly modified.

Councilperson Clow asked if the upper limit of \$22 million can it be split into two separate notes. Stephanie Bonney stated that at this time this certainly will be allowed.

Staff recommends the adoption of Resolution 1842 as presented.

MOTION:

Councilperson Kezele made the motion to approve to adopt Resolution 1844, entitled:

A RESOLUTION OF THE CITY OF TWIN FALLS, IDAHO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF A PROMISSORY NOTE OR NOTES TO THE STATE OF IDAHO BOND BANK AUTHORITY, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$22,980,500, AS EVIDENCE OF A LOAN INDEBTEDNESS INCURRED BY THE CITY FOR THE PURPOSE OF PAYING THE COST OF DOMESTIC WATER SYSTEM IMPROVEMENTS; PROVIDING FOR THE ISSUANCE, FORM, EXECUTION, REGISTRATION, MATURITY, AND PAYMENT OF THE NOTE OR NOTES; ESTABLISHING FUNDS AND ACCOUNTS; PROVIDING COVENANTS RELATING TO THE NOTE OR NOTES AND THE TAX-EXEMPT STATUS OF THE INTEREST ON THE NOTE OR NOTES; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

The motion was seconded by Councilperson Craig and roll call vote showed all members presented voted in favor of the motion. Approved 6 to 0.

2. Presentation of the Annual Jim A. Mildon Safety Award.

Dave Snelson, Chairman of the Traffic Safety Commission, introduced Jim A. Mildon's family members.

Mayor Hall, Councilperson Heider, and Chairperson Snelson presented the Jim A. Mildon Safety Award to Traffic Safety Advocates Kerry and Warren Huffaker, school crossing guards for Sawtooth Elementary School.

3. Consideration of a request to recognize the service of Paula Brown Sinclair serving on the Parks & Recreation Commission.

Parks & Recreation Director Bowyer reviewed the request. Paula Brown Sinclair served one partial term and two full three year terms on the Commission. She started on the Commission in December 2002, and was very active on the commission. She is the reason the City received the grant from the Seagraves Family Foundation to rehab Drury Park back to the neighborhood park it once was.

Mayor Hall and Councilperson Craig presented a plaque to Paula Brown Sinclair and thanked her for years served on the Commission

4. Auger Falls Update

Project Engineer Glaesemann gave an update on the Auger Falls Park using overhead projections. On April 7, 2010, the "No Trespassing" sign into the park is coming down and non-motorized access is going to be made available to the public for the park along with over three miles of riverfront. A small parking area is being made available just west of the treatment plant near a new gate that will allow access for fishing, bicycling, hiking, jogging or even just walking.

Discussion followed:

Councilperson Clow asked if guidelines will be needed for restrooms. Staff Engineer Glaeseman stated that currently we have no restrooms.

Greg Lanting arrived at 5:35 P.M.

5. Consideration of a request to sign a contract with EHM Engineers, Inc., for design of Harrison Street between Addison Avenue and Falls Avenue.

Assistant City Engineer Vitek reviewed the request. The City of Twin Falls will be placing a large waterline down Harrison Street between Falls Avenue and Addison Avenue during the Arsenic Compliance build. The width of this trench will destroy a sizeable portion of Harrison Street and the Engineering Department feels this may be an opportunity to replace both sides of the roadway, creating a modified collector roadway. It will be necessary to replace the roadway after waterline construction and Engineering feels that a design which plans for location and elevation of curb gutter and sidewalk will allow the roadway to be installed correctly.

MOTION:

Councilperson Johnson made a motion to allow the Mayor to sign a contract accepting the Items of 1 and 2 of the attached Authorization for Professional Services as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

Pete Johnston, 312 Washington St S, stated his concern of the lack of parking in the City Hall area and would like this addressed.

Council stated that this issue would be addressed with City staff.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Craig stated that the next Urban Renewal Agency meeting would be held on April 12, 2010, at 12:00 P.M. in the Twin Falls Council Chambers.

Councilperson Clow announced that the State of the City address would be held on April 6, 2010, at 12:00 P.M. at the Canyon Crest Dining & Event Center. Also, the Twin Falls Public Library book sale starts April 9 and 10, 2010 at the Magic Valley Mall.

Councilperson Lanting stated that a Traffic Safety Commission meeting would be held on April 8, 2010, at 9:00 A.M. in the Twin Falls Council Chambers.

Recess 5:49 P.M.
Reconvened at 6:05

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. A public hearing to consider a request to disestablish the Old Towne Downtown Business Improvement District (BID). (To include spreadsheets.)

City Attorney Wonderlich reviewed the procedures. State Code 50-2618 says:

DISESTABLISHMENT OF DISTRICT – HEARING

- (1) The legislative authority may disestablish a district by ordinance after a hearing before the legislative authority. The legislative authority shall adopt a resolution of intention to disestablish the district at least fifteen (15) days prior to the hearing.
- (2) The legislative authority shall disestablish a district if the businesses in the district which may pay a majority of the assessments, petition in writing for such disestablishment.

The disestablishment of The BID will require an ordinance. If the Council votes to disestablish the BID, An ordinance will be brought bring back to the Council and the Council will have to decide what to do with assets. After City staff received the petition auditors gave an update on the signatures.

Discussion followed:

Councilperson Kezele asked if t the auditors attempted to make contact with current property owners. City Attorney Wonderlich answered in the affirmative. He expressed that some property owners wanted to be included in the petition while others did not.

Scott Andrus, property owner of 347 Main Avenue East, applicant, gave a presentation. The petition shows that 52.57% of the downtown property owners signed the petition. 33% are people who have paid those first quarter dues. He expressed his concern that calls were made to verify petition signatures, suggesting that signatures were forged.

He stated that he and others believe that Councilperson Clow has formed a biased opinion favoring the BID, based on a comment Councilperson Clow made on KLIX RADIO. Mr. Andrus stated that Lance Clow at the March 8, 2010 Council meeting visited with at least one, perhaps more than one, businesses and suggested perhaps they would like to reconsider their signature on the petition. Mr. Andrus then requested that Councilperson Clow recuse himself from further discussion. For a point of clarification, Mr. Babbel has asked to be placed on the petition.

Tim Stover, attorney for the petitioner, stated his concern that he was not notified of a Council held in March discussing the diestablishment of the BID.

Councilperson Clow stated that the applicant has asked him to recuse himself because of a comment that was made on the radio last October, at which time Don Hall was at that same meeting. The radio person asked about the petition. Councilperson Clow stated that he had no knowledge of the petition. He stated that he thinks that the general public knows that he works very hard to try to make the townsite thrive and thinks that the BID is important. He doesn't know if that means he is biased and cannot make a valid decision and listen to the public. In regards to talking to business, one business called him, and he went out and visited with them. It took several attempts to get back to that business, and all this happened before the petitions were turned in. One business signed the petition and he asked that business what their concerns were. One of his goals is that he believes there was a concern from the public and that perhaps lines can be redrawn in the BID. He stated that he was trying to get some input and he talked to about 4 or 5 businesses as to what would be an acceptable alternative if the petition failed, because at that time, it looked like it was potentially going to fail.

City Attorney Wonderlich stated that he has spoken to Councilperson Clow and discussed the possibility of changing the boundaries of the BID and shrinking it down. As discussed the clean way would be to disestablish and start over with reestablishment of a new form of the BID. In terms of recusal, he stated that Councilperson Clow will have to decide. He stated that if he feels that he is biased and has already decided on the matter, then he should recuse himself, but if he has an open mind then he shouldn't recuse himself.

Councilperson Clow stated that his whole concern has been how to fix the BID in the long-term, and even if it isn't disestablished, he still sees that there is a problem that needs to be addressed. He stated that he has listened to the public and he will not recuse himself

Community Development Director Humble posted letters received in regards to the BID on the overhead projection.

Councilperson Hall explained the public hearing process

The Public hearing for public comment was opened:

Dan Brizee, 3275 Highlawn Drive, spoke in behalf of the members of BID Board of Directors. For clarification Mr. Brizee stated that he has no voting rights because he is not the owner of the property located at 227 2nd Avenue East. First and foremost the board is sympathetic for the folks who are asking for the BID to be disbanded. The Board understands that 50% of the customers are unhappy and realizes there needs to be a change. The BID Board has heard that and is sympathetic to that and understands there needs to be a change, but also understands there needs to be a central voice. The Board can make recommendations and decisions for needs and wants for downtown and is concerned of the commitments made to people who are putting on events in downtown Twin Falls.

Jeanne Warr, 241 Carriage Lane, Manager of the Hair Academy located at 113 Avenue East, questioned the signatures on the BID disestablishment petition and asked for clarification.

Jim Schouten, 2329 Tyler Street, spoke in favor of the disestablishment of the BID.

Jim Wagenman, 135 Main Avenue East, spoke in favor of the disestablishment of the BID.

David Woodhead, 251 5th Avenue East, and property owner of 213, 222, 223, 233, 243, and 245 5th Avenue South, spoke in favor of the disestablishment of the BID.

Shannon Gnesa, 2250 E. 990 South, Hazelton, owner of Desktop by Design located at 120 Main Avenue North, spoke for the disestablishment of the BID.

Larry Andrus, 16228 Sandhollow RC, Caldwell, spoke in favor of the disestablishment of the BID.

Virginia Wilcox, 236 Sunrise N., stated that she did have a certified copy of a letter sent by Loren Bingham showing support in the disestablishment of the BID. Virginia Wilcox also spoke in favor of the disestablishment of the BID.

Calvin Wilcox, 236 Sunrise N., and property owner of the Music Center, spoke in favor of the disestablishment of the BID.

John Lezamiz, 847 Canyon Springs, spoke in favor of the disestablishment of the BID.

Jeff Hopkins, 255 2nd Avenue West, Wyatt Electric, spoke in favor of the disestablishment of the BID.

John Coleman, 2953 E 3400 N., spoke in favor of the disestablishment of the BID.

Bonnie Frederickson, 587 Pierce Street, property owner of 309 Hansen Street East spoke in favor of the disestablishment of the BID.

Minutes

April 5, 2010

Page 6 of 7

Eric Watte, property owner of 320 Main Avenue South, spoke in favor of the disestablishment of the BID.

Janeal M. Long, former owner of the Escape Salon, spoke in favor of the disestablishment of the BID.

Lisa Fairbanks, property owner of 123 Main Avenue East, spoke against the disestablishment of the BID.

Jeff Wendland, 305 Shoshone Street South, owner of Idaho Carpet, spoke in favor of the disestablishment of the BID.

Ryan Horsley, property owner of 203 5th Avenue South spoke against the disestablishment of the BID

Kate Sipe, property owner of 513 Minidoka Ave, spoke against the disestablishment of the BID.

Kathy Schroeder, property owner of Beacon, Burger and Brew, located at 137 2nd Avenue East, spoke against the disestablishment of the BID.

Cathy Freeborn, renter of property located at 132 Main Avenue North, spoke in favor of the disestablishment of the BID.

Connie Bell, property owner of 350 Main Avenue North, spoke in favor of the disestablishment of the BID.

Robert Myrland, 251 7th Avenue East, property owner of 117 Main Avenue East, spoke in favor of the disestablishment of the BID.

Glenn Schroeder, property owner of 149 Main Avenue East, spoke in favor of the disestablishment of the BID.

Dorothy Geist, 1314 River Road in Buhl, spoke in favor of the disestablishment of the BID.

Pete Johnston, 312 Washington Street South, stated that he has been involved with the URA, which was established for beautifying downtown Twin Falls. He stated there is a need to organize and to run promotions downtown.

Gail Ater, 215 Shoshone Street N. stated that he did sign the petition to disestablish the BID.

Keith Brown, part property owner of 202 Main Avenue South, recommended a merchant's association.

Opened up to Scott Andrus and Tim Stover for deliberations.

Scott Andrus, property owner of 347 Main Avenue, discussed the problems with parking meters and spoke in favor of the disestablishment of the BID. Mr. Andrus apologized for comments made earlier regarding Councilperson Clow. He stated that he has respect for Councilperson Clow's efforts in promoting downtown. For clarification he stated that the appointed BID Board does not represent his views.

Tim Stover stated for clarification that Loren Bingham did sign the petition to disestablish the BID.

Closed the public hearing 7:47 P.M.

Recess 7:47 P.M.

Reconvened 7:55 P.M.

City Attorney Wonderlich stated that the Council has an option to hold a second public hearing or decide to vote on the proposed request to disestablish the BID.

MOTION:

Vice Mayor Heider made the motion to disestablish the Old Towne Downtown Business Improvement District (BID) as presented. The motion was seconded by Councilperson Kezele.

Discussion followed:

Councilperson Clow stated his concern of an effective date to disestablish the BID. City Attorney Wonderlich stated that the Council will have to decide the date to disestablish the BID.

Vice Mayor Heider stated that his family has been small business owners in Twin Falls since 1936 and believes the merchants of downtown need to have an organization.

Councilperson Johnson stated that Scott Andrus' remarks were inflammatory and inappropriate towards Councilperson Clow, but in spite of the remarks made, he believes the people have spoken and have a right to choose if the request is to dissolve the BID.

Councilperson Kezele stated that he would like to find solutions to the downtown situation if the disestablishment is approved.

Minutes

April 5, 2010

Page 7 of 7

Councilperson Clow stated that in spite of Scott Andrus comments he believes the BID is an important function. For clarification he did speak with Dorothy Geist, a residential property owner. He also stated his concern of the disestablishment of the BID, if approved.

MOTION:

Councilperson Clow made an amendment to the main motion to put an end date of BID of September 30, 2010, and to not collect dues for the final two quarters of the fiscal year. The motion was seconded by Councilperson Lanting.

Discussion followed:

Vice Mayor Heider stated that liens have been placed on properties that are in arrears. City Attorney Wonderlich stated liens began to be placed in 2008, and if the Council instructs staff to release the liens staff will have them removed.

Councilperson Lanting stated his support of the proposed amendment to the motion. Obligations and commitments have been made and should be met by the BID.

Councilperson Clow stated that a proposed ordinance can come back to the Council on April 12, 2010, to resolve the commitment BID issues and the disestablishment of the BID. City Attorney Wonderlich stated that the ordinance would come back to council with a blank date of disestablishment.

Roll call vote on the amendment to the motion showed Councilperson Clow, Craig, Vice Mayor Heider, and Councilperson Lanting voted in favor of the motion. Mayor Hall, Councilperson Johnson and Kezele voted against the motion. The motion passed 4 to 3. Approved.

Mayor Hall stated that previously served as the BID liaison and believes there is confusion on City owned parking lots downtown, and parking meters. He expressed his gratitude for the work that Councilperson Clow has done for the downtown BID.

MOTION:

Councilperson Lanting made an amendment to the main motion to cancel the scheduled April 12, 2010, public hearing scheduled. The motion was seconded by Councilperson Kezele.

City Wonderlich stated that the Council may wish to place the ordinance under the Items for Consideration and public hearing does not need to be held.

Councilperson Lanting withdrew his motion.

Roll call vote on the main motion as amended to approve to disestablish the Old Towne Downtown Business Improvement District (BID) as of September 30, 2010 and to not collect dues for the final two quarters of the fiscal year showed all members present voted in favor of this motion. Approved 7 to 0.

ADJOURNMENT: The meeting adjourned at 8:47 P.M.

Leila A. Sanchez

Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



Minutes
 Meeting of the Twin Falls City Council
 April 12, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:00 P.M.
PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
INTRODUCTION OF STAFF
CONSIDERATION OF AMENDMENTS TO THE AGENDA:
PROCLAMATIONS: NATIONAL LIBRARY WEEK
CENTENNIAL ANNIVERSARY MONTH OF SCOUTING

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for April 6 – 12, 2010. 2. Consideration of the April 5, 2010, Minutes.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan Leila Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration to recognize the service of Brent Jussel serving on the Parks & Recreation Commission by presenting a plaque to him. 2. Approval and adoption of the Collective Bargaining Agreement between the City of Twin Falls and Fire Fighters Local 1556. 3. Consideration of a request to amend City Code Title 2, Chapters 7, 8, and 9 regarding membership of the Historic Preservation Commission, Tree Commission, and Animal Shelter Advisory Commission 4. Consideration of a request to remove all members of the Pool Advisory Committee and the Tree Commission 5. Consideration of a request to appoint members of the Parks & Recreation Commission and to appoint the Parks & Recreation Commission to also serve as the City's Tree Commission. 6. Consideration of a request to adopt an ordinance disestablishing the Historic Old Towne Business Improvement District. 7. Public input and/or items from the City Manager and City Council.	Action	Dennis Bowyer Susan Harris Mitch Humble Mitch Humble Mitch Humble Mitch Humble
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 1. A public hearing to consider a request for a Zoning Title Amendment to Twin Falls City Code Title 10, Chapter 7 by the addition of a new Section 19 providing for City services, <u>c/o City of Twin Falls</u> (app. 2363)	Action	Mitch Humble
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: Lance Clow, Trip Craig, Don Hall, Lee Heider, Dave Johnson, Will Kezele; Greg Lanting.

Absent: None

Staff Members: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Economic Development Director Melinda Anderson, Parks and Recreation Director Dennis Bowyer, Deputy City Clerk/Recording Leila Sanchez.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

Boy Scouts lead the Pledge of Allegiance – Troop 76 Elks Lodge
Troop 63 – St Edwards Church
Troop 133 – Gooding LDS Church

Mayor Hall read the NATIONAL LIBRARY WEEK PROCLAMATION and presented it to Library Director Susan Ash and Kathy Talkington on behalf of the Board of Directors

Mayor Hall read the CENTENNIAL ANNIVERSARY MONTH OF SCOUTING PROCLAMATION and presented it to Jim O'Donnell.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for April 6 – 12, 2010, \$351,414.41.
2. Consideration of the April 5, 2010, Minutes.

MOTION:

Councilperson Heider made the motion to approve the Consent Calendar with the exception of the April 5, 2010, Minutes. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion.

II. ITEMS FOR CONSIDERATION:

1. Consideration to recognize the service of Brent Jussel serving on the Parks & Recreation Commission by presenting a plaque to him.

Parks & Recreation Director Bowyer reviewed the request.

Staff recommends that the City Council honor Brent Jussel for his 8 ½ years of service to the Parks & Recreation Commission and to the City of Twin Falls.

Mayor Hall and Councilperson Craig presented a plaque to Brent Jussel.

2. Approval and adoption of the Collective Bargaining Agreement between the City of Twin Falls and Fire Fighters Local 1556.

Human Resources Director Harris reviewed the request.

The City and Local 1556 have enjoyed an excellent relationship for many years. It is the recommendation of City Staff, Chief Clark and the Union Executive Board that this agreement be formally adopted by the City Council.

Present for any questions were Chief Ron Clark, Executive Board President Randy Lammers, and Secretary Treasurer Scott Seigworth

Randy Lammers stated that the transition went smoothly.

MOTION:

Minutes

April 12, 2010

Page 3 of 5

Councilperson Lanting made the motion to approve the *City of Twin Falls and Twin Falls Fire Fighters Local 1556 Collective Bargaining Agreement October 1, 2009 to September 30, 2010*, as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Mayor Hall announced that Items for Consideration 3, 4, and 5 would be discussed as a whole.

Community Development Director Humble reviewed Items for Consideration 3, 4, and 5.

3. Consideration of a request to amend City Code Title 2, Chapters 7, 8, and 9 regarding membership of the Historic Preservation Commission, Tree Commission, and Animal Shelter Advisory Commission.

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinance #2983, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §§2-7-3, 2-8-3, 2-9-2, 2-9-3, AND 2-9-6 BY AMENDING THE ORGANIZATION AND MEMBERSHIP REQUIREMENTS OF THE HISTORIC PRESERVATION COMMISSION, THE TREE COMMISSION AND THE ANIMAL SHELTER ADVISORY COMMISSION.

on third and final reading by title only. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed with a vote of 7 to 0.

Deputy City Clerk Sanchez read the ordinance title.

MOTION:

Councilperson Lanting made the motion to adopt Ordinance #2983 as presented. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. The motion passed with a vote of 7 to 0.

4. Consideration of a request to remove all members of the Pool Advisory Committee and the Tree Commission.

MOTION:

Councilperson Johnson made the motion to remove the members of the Pool Advisory Committee and the Tree Commission as requested. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Consideration of a request to appoint members of the Parks & Recreation Commission and to appoint the Parks & Recreation Commission to also serve as the City's Tree Commission.

MOTION:

Councilperson Lanting made the motion to appoint Carl Legg and Tony Brand to the Parks & Recreation Commission and to appoint the Parks & Recreation Commission to also serve as the City's Tree Commission, as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

6. Consideration of a request to adopt an ordinance disestablishing the Historic Old Towne Business Improvement District.

Community Development Director Humble reviewed the request.

Discussion followed:

-Timeline in which the whole fund issue can be resolved and funds can be disbursed to BID members.

MOTION:

Councilperson Johnson made an amendment to the ordinance Section 4. The Business Improvement District Board and City staff are instructed to submit a plan for sale and/or disposition of BID assets for consideration at the June 7, 2010, City Council

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

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinance #2984, entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO DISESTABLISHING THE HISTORIC OLD TOWNE BUSINESS IMPROVEMENT DISTRICT; PROVIDING FOR USE OF FUNDS AND DISPOSITION OF ASSETS; AND PROVIDING FOR AN EFFECTIVE DATE.

on third and final reading by title only. The motion was seconded by Councilperson Kezele 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 Craig made the motion to adopt Ordinance #2984 as amended. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

Councilperson Kezele requested that staff investigate the road condition on Eastland, south of Candleridge. City Manger Courtney stated that he will contact the Street Department.

Councilperson Johnson stated that the Finance Department meeting will be held on April 13, 2010, at 3:30 P.M. in the City Hall Conference Room.

Councilperson Craig reported on the following:

The Parks & Recreation Commission meeting will be held on April 13, 2010, at 11:30 A.M. in the Council Chambers.

The Library Board of Directors meeting will be held on April 13, 2010, at 1:00 P.M. at the Twin Falls Public Library.

The Urban Renewal Agency met on April 12, 2010, at 12:00 P.M.

Community Development Director Humble gave an update on a proposed trade exchange with the Urban Renewal Agency to include parking lot owned by the agency in exchange of 50' next to the Parks & Recreation City Storage Yard for property on Second Avenue. It has been found that the City purchased the land from the URA in 2003. For clarification the land swap is **no** longer necessary.

Councilperson Lanting reported that a Golf Advisory Commission meeting will be held on April 14, 2010, at 11:00 A.M. in the Council Chambers.

Councilperson Clow gave an update on the following upcoming Youth Council projects:

-BMX Park

-Flamingo fund raiser

-Pancake Breakfast Fundraiser to be held on June 12, 2010, at 7:00 A.M. to 9:30 A.M. at Applebee's Neighborhood Grill & Bar.

MOTION:

Councilperson Heider made a motion to allocate \$600 for the Youth Council to attend the AIC meeting in June, 2010. The motion was seconded by Councilperson Clow.

Discussion followed:

Councilperson Craig asked that the request be delayed to make sure the funds are available. City Manager Courtney stated that currently there are revenue shortfalls in the sales tax and property tax areas. Currently the City has curtailed travel and training for City employees. At this time, the City is being cautious of expenditures.

MOTION:

Councilperson Kezele made the following amendment to the motion to forego the cost of travel funds set aside for his attendance to the AIC Conference and donate the funds to go towards the Youth Council AIC Conference. He also stated that he would make up the funds needed for the youth to attend. No second on the motion.

MOTION:

Councilperson Heider made the motion to table the motion until the City can look at the finances.

Discussion followed:

Councilperson Clow stated that he would be attending the AIC conference and possibly not spending his portion of the allocated funds.

The motion was seconded by Councilperson Clow to table the motion. No vote was taken. The item will be rescheduled at a future meeting.

Councilperson Johnson requested that staff address the downtown parking meters.

Mayor Hall stated that he and Economic Development Director Anderson gave a presentation for a community block grant for Old Town requesting \$500,000 for infrastructure development for downtown.

Recess: 6:14 P.M.

Reconvened: 6:21 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. A public hearing to consider a request for a Zoning Title Amendment to Twin Falls City Code Title 10, Chapter 7 by the addition of a new Section 19 providing for City services, c/o City of Twin Falls (app. 2363)

Community Development Director Humble reviewed the request.

The Planning & Zoning Commission recommends approval of the request subject to amending the text as follows:

(B) All existing uses owned and/or operated by the City of Twin Falls are permitted in any zoning district that the City determines as appropriate to best provide the associated service to the residents.

(C) All new uses owned and/or operated by the City of Twin Falls shall require compliance with City Code.

Staff does not concur with the recommendations by the Planning & Zoning Commission.

Discussion followed:

City Attorney Wonderlich explained the Public Hearing process.

The public portion of the public hearing was opened:

Jim Schouten, Planning & Zoning Commission Member, explained the reason for the amendments.

No action taken. Council directed staff to revise ordinance to include a public hearing requirement for City uses and place revised ordinance on a future Council agenda for consideration.

V. ADJOURNMENT: The meeting adjourned at 7:01 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
Meeting of the Twin Falls City Council
April 19, 2010
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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.	CONSENT CALENDAR: 1. Consideration of accounts payable for April 13 – 19, 2010. 2. Consideration of the April 5 and April 12, 2010, Minutes.	Action	Staff Report Sharon Bryan Leila A. Sanchez
II.	ITEMS FOR CONSIDERATION: 1. Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: Detective Jon R. Wilson, Officer Brian Fischer, and Sergeant Ryan Howe. 2. Consideration of a request to appoint Larry Hall to complete Kent Cramer's three-year term (expires June 2011) to the City of Twin Falls Urban Renewal Agency Board. 3. Consideration of a request to appoint Brent Jussel to complete Glenda Dwight's three-year term (expires March 2012) to the Twin Falls Development Impact Fee Advisory Committee. 4. Consideration of a request for the re-appointment of Tennille Adams to the Parks & Recreation Commission for three a year term starting April 2010 and ending March 2013. 5. Consideration of the request to allow the Twin Falls Youth Advisory Council to construct a dirt BMX track on City property. 6. Consideration of the City Finance Committee's recommendation to select PSI Environmental Systems to collect residential solid waste and curbside recyclables, and instruct staff to begin contractual negotiations. 7. Public input and/or items from the City Manager and City Council.	Presentation Action Action Action Action Action	Chief Jim Munn/ Captain Matt Hicks Mitch Humble Mitch Humble Mitch Humble Mitch Humble Travis Rothweiler
III.	ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV.	PUBLIC HEARINGS: 6:00 P.M. – None.		
V.	ADJOURNMENT:		

**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: Lance Clow, Trip Craig, Lee Heider, David E. Johnson, William Kezele arrived at 5:05 P.M.,
Greg Lanting

Absent: Don Hall

Staff Members: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, Chief Jim Munn, Captain Matt Hicks, Utility Services Director Sherry Jeff, Deputy City Clerk/Recording Secretary Leila Sanchez

Vice Mayor Heider called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Vice Mayor Heider introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for April 13 – 19, 2010.
2. Consideration of the April 5 and April 12, 2010, Minutes.

MOTION:

Councilperson Clow made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Councilperson Kezele arrived at 5:05 P.M.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: Detective Jon R. Wilson, Officer Brian Fischer, and Sergeant Ryan Howe.

Captain Matt Hicks reviewed the request.

Chief Munn and Vice Mayor Heider presented certificates to Jon Wilson and to Ryan Howe.

Brian Fisher was absent.

2. Consideration of a request to appoint Larry Hall to complete Kent Cramer's three-year term (expires June 2011) to the City of Twin Falls Urban Renewal Agency Board.

Community Development Director Humble reviewed the request

The interview panel recommends that the Council approve Larry Hall be appointed to the City of Twin Falls Urban Renewal Agency Board.

MOTION:

Minutes

April 19, 2010

Page 3 of 6

Councilperson Craig made the motion to appoint Larry Hall to the City of Twin Falls Renewal Agency Board, with the term expiring June 2011. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Larry Hall was present at the meeting.

Vice Mayor Heider introduced Boy Scout Riley Olsen, Troop 42.

3. Consideration of a request to appoint Brent Jussel to complete Glenda Dwight's three-year term (expires March 2012) to the Twin Falls Development Impact Fee Advisory Committee.

Community Development Director Humble reviewed the request.

The selection committee recommends the appointment of Brent Jussell to serve the remainder of the vacated term which shall expire at the end of March 2012.

MOTION:

Councilperson Johnson made the motion to appoint Brent Jussell to the Twin Falls Development Impact Fee Advisory Committee, with the term expiring at the end of March 2012. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

4. Consideration of a request for the re-appointment of Tennille Adams to the Parks & Recreation Commission for three-year term starting April 2010 and ending March 2013.

Community Development Director Humble reviewed the request.

Mayor Hall recommends to the City Council that Tennille Adams to be confirmed by the City Council for a three-year term from April 2010 to March 2013.

MOTION:

Councilperson Craig made the motion to appoint Tennille Adams to the Parks & Recreation Commission for a three-year term from April 2010 to March 2013. The motion was seconded by Councilperson Lanting and roll call vote showed all members voted in favor of the motion. Approved 6 to 0.

5. Consideration of the request to allow the Twin Falls Youth Advisory Council to construct a dirt BMX track on City property.

Sam Rasmussen, Twin Falls Youth Advisory Council member, explained the request using a power point presentation. Currently there is no place for BMX bikes to ride and he believes this will be a good community project. The proposed BMX Park will be on one acre and located north of the parking lot entrance in Rock Creek Canyon Parkway on Blake Street. Triple C Concrete stated that they would donate the concrete and Vice Mayor Heider stated that he would donate a chain link fence that will need to be placed. A trench, on the west side of the property, will need to be built to keep sediments from going into the canyon and Vice Mayor Heider stated that he will donate the backhoe to dig the trench. The Youth Council is planning to ask construction companies to donate excess dirt to construct the jumps and is planning to place a sign thanking those who donated time and energy to the project.

Discussion followed:

Councilperson Kezele asked if the ramps are made out of dirt, what type of maintenance plan is proposed for the project, and if parking is available.

Sam Rasmussen confirmed that the ramps are made out of dirt and typically wear and tear on the jumps is minimal. He stated that Parks & Recreation Director Bowyer would use Roundup on the weeds if they got out of hand. Currently there is a City parking lot adjacent to the proposed track site.

Community Development Director Humble reviewed the request.

The Parks & Recreation Commission recommends the City Council allow the TFYAC to construct a dirt BMX track at this site.

Staff recommends that if Council approves this request, they provide direction to staff regarding the bathrooms, maintenance responsibilities, and design for this facility. Following are concerns staff have:

- Currently there are no funds budgeted for this project.
- Port-potties are approximately \$40/per month for the season.
- A City parking lot is located adjacent to the site.
- Property maintenance (trash, weeds, etc..) costs are projected to be \$1,600 a year, but we have no estimate for track maintenance.
- Design of the track to prevent sediment, etc, down the river.

Discussion followed:

Councilperson Lanting asked that the bathroom issue be addressed. Community Development Director Humble stated that there is no money available for bathrooms. Other public restrooms could be used.

Councilperson Johnson asked if the BMX track will be a City park. Community Development Director Humble answered in the affirmative.

Councilperson Clow stated that the nature of the park would relatively be seasonal.

Councilperson Johnson asked if the park is strictly for recreation use or would competitions be held at the park. Sam Rasmussen stated that the park is solely for recreational use. Community Development Director Humble clarified that a competition park would require a Special Use Permit.

Councilperson Craig asked if there is a porta-potty at Druary Park. He has received complaints regarding no bathrooms at Druary Park. He suggested that if the BMX park is approved that bathrooms be considered in the budget.

Councilperson Heider stated that large boulders and concrete have been dumped on the property and would solve an eyesore problem.

MOTION

Councilperson Clow made the motion to authorize the development of the subject property as a BMX dirt park under the supervision and management of the Parks & Recreation Department and to include an annual review of the activity of the park. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Council directed staff to look at the possibility of restrooms at the park.

6. Consideration of the City Finance Committee's recommendation to select PSI Environmental Systems to collect residential solid waste and curbside recyclables, and instruct staff to begin contractual negotiations.

Assistant City Manager Rothweiler reviewed the request.

In December 2009, the City's Finance Committee recommended the City's staff develop a request for proposal (RFP) for municipal solid waste collection and recycling services. The bid documents developed by the City staff maintained the same type and level of service currently received by City residents.

The members of the City Council's Finance Committee and members of the City staff met to discuss each of the three proposals on March 22 and April 13. At the April 13, 2010, meeting, the members of the Finance Committee ranked the proposals as follows:

- PSI Environmental Systems, Inc.

- Western Waste Services
- Red River Service Corporation

If the list is approved by the City Council, the City's staff will negotiate a contract with the selected firm. Once negotiated, the proposed contract will be presented to the City Council for approval and adoption.

Mike McCurdy, 1423 Pillar Street, stated his concerns in the current recycling program: The program is functioning very minimally, bins are not being utilized effectively, very little has been recycled the past 5 years, residents are being charged whether we do or don't recycle, and long-term the City will be paying more money overall. He stated that PSI Environmental Systems, Inc. current unit prices submitted in the bid proposal do not add up and asked if the contract can be raised annually.

Assistant City Manager Rothweiler stated that during the Finance Committee meeting, the members asked staff to research the citizen's support for the City's recycling program. Staff will develop a survey that can be used to gauge the citizens' support of the program. City staff recommends that the City Council host a public hearing before making any changes in the current recycling program. He also explained the price adjustment in the bid packet for PSI Environmental Systems. A bid bond for a total service of \$6.51 and confirmation was received from Chris Carey.

Discussion followed:

City Manager Courtney stated that the vendor has the right to request a rate adjustment. The Council can approve or disapprove the rate adjustment. The request will not trigger a rebid.

Councilperson Kezele asked what happens if the Council chooses to deny the rate adjustment. Assistant City Manager Rothweiler stated the rate would stay the same.

Scott Parks, 465 Pace Drive, Western Waste Services, requested that the Council reconsider approval of the request.

Councilperson Clow asked for staff clarification that under the proposals from PSI, in the event the City chooses not to participate in a recycling program, the rate would be \$5.56. Assistant City Manager Rothweiler answered in the affirmative.

Assistant City Manager Rothweiler also explained the following:

- "One Can" Garbage Receptacles
- "Additional" 95-Gallon Garbage Receptacles Rental
- Single-Stream Curbside Recycling Program
- Unlimited Residential Solid Waste Collection & Single Stream Recycling.

Councilperson Johnson asked for an explanation on diversion rates. Assistant City Manager Rothweiler stated that if the City does have a recycling program, it would save the City money. City Manager Courtney stated that customers are diverting waste to the recycling program, which in turn lowers the fee paid to the County for landfill charges. He also stated that the City does not have a mandatory recycling program.

Councilperson Clow stated that if a resident does not recycle that resident is still receiving benefits for those who do recycle. Currently the City pays between \$150,000 to \$200,000 a year to have a recycling program. He stated that the recycling program needs to be analyzed.

MOTION:

Councilperson Lanting made the motion to direct City Staff to begin contract negotiations with the same order of preference which the Finance Committee had with PSI Environmental Systems, Inc., Western Waste services, then with RR until we reach contract negotiations. Once negotiated, the proposed contract will be presented to the City Council for approval and adoption. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Minutes

April 19, 2010

Page 6 of 6

7. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Craig gave an update on the HVAC system to be placed in the Public Library.

Councilperson Clow stated that an Animal Shelter Advisory Meeting will be held on April 21, 2010, at 11:00 A.M. in the City Council Chambers and a BID meeting will be held on April 22, 2010.

Vice Mayor Heider gave an update on the Historic Preservation Commission projects.

Councilperson Johnson stated that the Special Finance Committee will meet on April 20, at 9:30 A.M. in the City Hall Conference Room.

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

V. ADJOURNMENT: The meeting adjourned 6:27 P.M.

Leila A. Sanchez

Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
 April 26, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:00 P.M.
 PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
 PROCLAMATIONS: Arbor Day Proclamation

AGENDA ITEMS		Purpose	By:
I.	<p>CONSENT CALENDAR:</p> <ol style="list-style-type: none"> 1. Consideration of accounts payable for April 19 – 26, 2010. 2. Consideration of the April 19, 2010, Minutes. 3. Consideration of a request to approve a Half Marathon sponsored by the Magic Valley Community Fun Run Organization. 4. Consideration of a request to approve the Western Days Special Events Application and Western Days Parade Application. 5. Consideration of a request to authorize the City Manager to sign a Memorandum of Understanding for the City of Twin Falls 2010 Water System Improvement Project affecting Highland Avenue East, Blue Lakes Boulevard South (300 East Road), and Orchard Drive (3700 North Road). 	Action	<p>Staff Report Sharon Bryan Leila Sanchez Dennis Pullin</p> <p>Dennis Pullin</p> <p>Jon Caton</p>
II.	<p>ITEMS FOR CONSIDERATION:</p> <ol style="list-style-type: none"> 1. Consideration of a request to present Basic Bomb Technician Certificates to Detective Ben Mittelstadt and Officer Ken Wiesmore. 2. Consideration of a request to extend the time to have amplified music or sound out of the City Park Band Shell. 3. Public input and/or items from the City Manager and City Council. 	<p>Presentation</p> <p>Action</p>	<p>Jim Munn Brian Pike Dan Lewin Dennis Bowyer</p>
III.	ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV.	PUBLIC HEARINGS: 6:00 P.M. – None.		
V.	ADJOURNMENT:		

**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.*

COUNCIL MEMBERS PRESENT: Lance W. Clow, Trip Craig, Don Hall, Lee Heider, David Johnson, William Kezele, Gregory Lanting

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Recreation Supervisor Stacy McClintock, Captain Jim Munn, Captain Brian Pike, Staff Sergeant Dan Lewin, Staff Sergeant Dennis Pullin, City Engineer Jackie Fields, Parks & Recreation Director Dennis Bowyer, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M.

He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. Boy Scout Chase Smith, Troop 63, sponsored by St. Edwards Catholic Church, led the Council in the Pledge of Allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: Arbor Day Proclamation

Mayor Hall read the Proclamation and presented it to Parks & Recreation Director Bowyer.

Parks & Recreation Director Bowyer stated that the 2010 Arbor Day celebration ceremony will be held Friday, April 30th, at 4:00pm at Drury Park, located on the corner of Washington Street and 4th Ave W. As part of the ceremony, the City of Twin Falls Parks and Recreation Commission, the Boys & Girls Club of Magic Valley, volunteers from Cactus Pete's Resort Casino and other community members will plant three trees.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for April 19 – 26, 2010, total: \$646,045.30.
2. Consideration of the April 19, 2010, Minutes.
3. Consideration of a request to approve a Half Marathon sponsored by the Magic Valley Community Fun Run Organization.
4. Consideration of a request to approve the Western Days Special Events Application and Western Days Parade Application.
5. Consideration of a request to authorize the City Manager to sign a Memorandum of Understanding for the City of Twin Falls 2010 Water System Improvement Project affecting Highland Avenue East, Blue Lakes Boulevard South (300 East Road), and Orchard Drive (3700 North Road).

MOTION:

Councilperson Kezele made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION

1. Consideration of a request to present Basic Bomb Technician Certificates to Detective Ben Mittelstadt and Officer Ken Wiesmore.

Staff Sergeant Dan Lewin reviewed the request.

Chief Munn, Mayor Hall, and Vice Mayor Heider presented certificates' and plaques to Detective Ben Mittelstadt and Officer Ken Wiesmore.

2. Consideration of a request to extend the time to have amplified music or sound out of the City Park Band Shell.

Recreation Supervisor McClintock reviewed the request.

Staff recommends that the City Council grant an extension of the amplified music and/or sound out of the City Park Shell for the "Movies in the Park" series.

Discussion followed:

- The movies will begin at approximately 9:30 P.M. – 11:30 P.M.
- The City has received no complaints regarding the amplified sound at the City Park's Band Shell

Councilperson Craig thanked the First Federal Foundation for the grant received to purchase the equipment needed for the "Movies in the Park" series.

Recreation Supervisor McClintock stated that she did receive approval from the First Federal Foundation to upgrade the existing sound system. The screen is the band shell and the sound will be amplified out of the sound system.

The Council agreed that the "Movies in the Park" is a wholesome family event and will not be an obstruction to the neighbors.

MOTION:

Councilperson Johnson made the motion to grant an extension of the amplified music and/or sound out of the City Park Band Shell for the "Movies in the Park" series as presented. The motion was seconded by Councilperson Craig.

Discussion followed:

-Councilperson Clow explained the City Park's regulations to have music and/or amplified sound at the City Park's Band Shell past 9:30 P.M. Rules are in place with the amplified music for Western Days and Hispanic Heritage.

-Councilperson Craig asked if the music and/or amplified music could be in ordinance form. City Manager Courtney stated that the music and/or amplified music are policy and the Council may choose to change the policy to exclude the "Movies in the Park" event.

Roll call vote on the motion showed all present voted in favor of the motion. Approved 7 to 0.

3. Public input and/or items from the City Manager and City Council. None.

ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None.

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

V. **ADJOURNMENT:** The meeting adjourned at 5:30 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 May 3, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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. CONSENT CALENDAR: 1. Consideration of accounts payable for April 27 – May 3, 2010. 2. Consideration of the April 26, 2010, Special Meeting and April 26, 2010, Regular Meeting. 3. Consideration of a 1 st extension of the approved final plat of the Rex Subdivision – 1 st Amended – a PUD, .74 (+/-) acres and 2 commercial lots on property located at 1667 Locust Street North c/o EHM Engineering, Inc., on behalf of Cornelius & Lanoma Blom. 4. Consideration of a 2 nd one year extension of the approved final plat for Eagle Parke Subdivision, consisting of 30.47 acres (+/-) with 74 single family residential lots on property located at the southwest corner of Falls Avenue East and Hankins Road (also known as 3200 East), excluding the Boy Scout property. 5. Consideration of a request by Rosalinda Paiz to approve the 21 st Annual Mother's Day and Latin Fiesta to be held at the City Park.		Action	Staff Report Sharon Bryan Leila A. Sanchez Mitch Humble Mitch Humble Dan McAtee
II. ITEMS FOR CONSIDERATION: 1. Presentation of certificates of recognition for the American Showcase Nationals 2010 to Planet Cheer/Youth Team NATIONAL CHAMPIONS, Planet Cheer/ Junior Team 2 ND PLACE, Planet Cheer/Senior Co-Ed Team 4 TH PLACE. Amanda Shaw, Planet Cheer owner/head coach. 2. Consideration of a request by Jose Perez, Garibaldi's Mexican Restaurant, to approve an outdoor event at their facility beginning at 6:00 P.M. and ending at 9:00 P.M. on Wednesday, May 5, 2010. 3. Presentation from Gary Ettenger, CEO of the YMCA. 4. Consideration of a request to adopt an ordinance amending City Code Title 10, Chapter 7 by the addition of a new Section 19 providing for City services, <u>c/o City of Twin Falls</u> (app. 2363) 5. Public input and/or items from the City Manager and City Council.		Presentation Action Presentation Action	Don Hall Dan McAtee Stacy McClintock Mitch Humble
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:			
IV. PUBLIC HEARINGS: 6:00 P.M. – None.			
V. ADJOURNMENT: Executive Session 67-2345 (1) (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.			

COUNCIL MEMBERS PRESENT: Don Hall, Lee Heider, Greg Lanting, Lance Clow, Trip Craig, Dave Johnson, Will Kezele

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, Sergeant Dan McAtee, Parks & Recreation Director Dennis Bowyer, Parks & Recreation Supervisor Stacy McClintock, Recording Secretary Tracy Reed

Mayor Hall called the meeting to order at 5:00 P.M.

He invited Planet Cheer participants to lead the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff. He also introduced past Mayor, Glenda Thompson.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

Moved Item for Consideration II.2. to the Consent Calendar I.6.

Consideration of a request by Jose Perez, Garibaldi's Mexican Restaurant, to approve an outdoor event at their facility beginning at 6:00 P.M. and ending at 9:00 P.M. on Wednesday, May 5, 2010.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for April 27 – May 3, 2010, total: \$331,711.73
April 30, 2010, total: \$47,759.90
2. Consideration of the April 26, 2010, Special Meeting and April 26, 2010, Regular Meeting.
3. Consideration of a 1st extension of the approved final plat of the Rex Subdivision – 1st Amended – a PUD, .74 (+/-) acres and 2 commercial lots on property located at 1667 Locust Street North c/o EHM Engineering, Inc., on behalf of Cornelius & Lanoma Blom.
4. Consideration of a 2nd one year extension of the approved final plat for Eagle Parke Subdivision, consisting of 30.47 acres (+/-) with 74 single family residential lots on property located at the southwest corner of Falls Avenue East and Hankins Road (also known as 3200 East), excluding the Boy Scout property.
5. Consideration of a request by Rosalinda Paiz to approve the 21st Annual Mother's Day and Latin Fiesta to be held at the City Park.
6. Consideration of a request by Jose Perez, Garibaldi's Mexican Restaurant, to approve an outdoor event at their facility beginning at 6:00 P.M. and ending at 9:00 P.M. on Wednesday, May 5, 2010.

MOTION:

Councilperson Johnson made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Presentation of certificates of recognition for the American Showcase Nationals 2010 to Planet Cheer/Youth Team NATIONAL CHAMPIONS, Planet Cheer/ Junior Team 2ND PLACE, Planet Cheer/Senior Co-Ed Team 4TH PLACE. Amanda Shaw, Planet Cheer owner/head coach.

Presentation of certificates by Mayor Hall to Amanda Shaw/Planet Cheer owner/head coach.

Moved item to the Consent Calendar I.6.

2. Consideration of a request by Jose Perez, Garibaldi's Mexican Restaurant, to approve an outdoor event at their facility beginning at 6:00 P.M. and ending at 9:00 P.M. on Wednesday, May 5, 2010.

3. Presentation from Gary Ettenger, CEO of the YMCA.

Presentation made by Gary Ettenger.

Discussion followed.

Councilpersons Kezele and Lanting requested a breakdown of numbers between pool users who are 'pool only' members versus 'YMCA' members from Mr. Ettenger at a meeting in the future.

Councilperson Craig requested that Mr. Ettenger be on the new planning board being formed for the new City Recreation Building.

4. Consideration of a request to adopt an ordinance amending City Code Title 10, Chapter 7 by the addition of a new Section 19 providing for City services, c/o City of Twin Falls (app. 2363)

Community Development Director Humble reviewed the request.

Discussion followed.

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinance #2985, entitled:
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 19 OF CHAPTER 7 OF TITLE 10 PROVIDING FOR CITY SERVICES.

on third and final reading by title only. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Recording Secretary Reed read the ordinance title.

MOTION:

Councilperson Clow made the motion to adopt Ordinance #2985 as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

Council discussed recycling, including yard waste and garbage issues within the City. A sub-committee to review the recycling possibilities in town was formed. The sub-committee members are Councilpersons Johnson and Clow, and Assistant City Manager Rothweiler. Councilperson Clow stated that he would like to invite a Kiwanis Club member and a person in the community.

Councilperson Craig spoke regarding forming a committee regarding competitive compensation at City of Twin Falls. He also asked that Councilpersons Lanting and Kezele join the committee; also City Attorney Wonderlich was invited, as well as Assistant City Manager Travis Rothweiler and Human Resources Manager Susan Harris.

Hershey Track Meet is Saturday, May 8, 2010 at TFHS.

Councilperson Johnson is trying to get teams together for United Way golf tournament in Jackpot in June.

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

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

- V. **ADJOURNMENT:** Executive Session 67-2345 (1) (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.

MOTION:

Councilperson Johnson made a motion to adjourn to Executive Session as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Tracy Reed
Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 May 10, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:00 P.M.
 PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

PROCLAMATIONS: **National Police Week**
Drury Park Day Proclamation

AGENDA ITEMS	Purpose	By:
I. CONSENT CALENDAR: 1. Consideration of accounts payable for May 4 – 10, 2010. 2. Consideration of the May 3, 2010, Minutes. 3. Consideration of a request to waive the green fees for the annual Ladies Inter-City golf tournament at the Twin Falls Golf Club. 4. Consideration of a request to approve \$35,745.03 in BID committed unpaid expenses through September 30, 2010.	Action	Staff Report Sharon Bryan Tracy Reed Dennis Bowyer Melinda Anderson
II. ITEMS FOR CONSIDERATION: 1. Consideration of a request by the Twin Falls Area Chamber of Commerce to change the signs posted at Dierke's Lake Park to allow for application through the Special Event Application for regulated alcohol sales at the park as part of a Special Event. 2. Consideration of a request to recommend utilizing funds remaining on the Falls Ave. West street project for other roadway work. 3. Consideration of an agreement between the City of Twin Falls and the Bureau of Land Management (BLM) to develop engineering designs for facility improvements to the BLM aerial firefighting base. 4. Consideration of an engineering design agreement between the City of Twin Falls and Riedesel Engineering for facility improvements to the BLM aerial firefighting base. 5. Consideration of a request to award the bid of a Four-Wheel Drive, 16' Rotary Diesel mower to Rocky Mountain Turf & Industrial Equipment and to authorize the Mayor to sign the purchase agreement of said agreement. 6. Presentation on Auger Falls. Army Corps of Engineers Announcement for Kick-off of Section 206 – Aquatic Ecosystem Restoration Project. 7. Public input and/or items from the City Manager and City Council.	Action Action Action Action Action Presentation	Shawn Barigar/ Chamber of Commerce Jackie Fields Bill Carberry Bill Carberry Dennis Bowyer Lee Glaesemann
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 P.M. – None.		
V. ADJOURNMENT:		

**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.*

COUNCIL MEMBERS PRESENT: Don Hall, Lee Heider, Greg Lanting, Lance Clow, Trip Craig, Dave Johnson,

COUNCIL MEMBERS ABSENT: Will Kezele

STAFF PRESENT: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Parks & Recreation Director Dennis Bowyer, City Engineer Jackie Fields, Airport Manager Bill Carberry, Staff Engineer Lee Glaesemann, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATIONS: National Police Week

Detective Brian Maughn reported that a Peace Officers Memorial Service will be held on May 15, 2010, Saturday, at 11:00 A.M. to 12:00 P.M. Following is a luncheon at the Lighthouse Christian Academy.

Mayor Hall read the proclamation.

Drury Park Day Proclamation

Mayor Hall read the proclamation.

Parks & Recreation Director Bowyer reported that Drury Park will be rededicated on May 17, 2010, at 4:00 P.M.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for May 4 – 10, 2010, total: \$501,406.23.
2. Consideration of the May 3, 2010, Minutes.
3. Consideration of a request to waive the green fees for the annual Ladies Inter-City golf tournament at the Twin Falls Golf Club.
4. Consideration of a request to approve \$35,745.03 in BID committed unpaid expenses through September 30, 2010.

MOTION:

Councilperson Clow made a motion to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request by the Twin Falls Area Chamber of Commerce to change the signs posted at Dierke's Lake Park to allow for application through the Special Event Application for regulated alcohol sales at the park as part of a Special Event.

Shawn Barigar, President/CEO, explained the request. He referred to a letter dated May 3, 2010, outlining his request.

He stated that should the request be approved he will submit a Special Event Application through the existing process to move forward with putting on this community event to celebrate Longview Fibre 40th Anniversary.

Discussion followed:

-Signage.

City Attorney Wonderlich stated that the cleanest way to allow alcohol at Dierkes Lake is to remove the existing signs or change verbiage on the signs for special events approved by the Council. He recommended not changing the existing Ordinance.

Parks & Recreation Director Bowyer stated that he will contact Lytle Signs to possibly update the signs.

Councilperson Heider discussed prohibiting public access to Dierkes Lake during the event and leave the park open for the Chamber.

Shawn Barigar stated he would like to continue to allow public access to the park for the event. The swimming area may be closed for a portion of the day for public safety sake. He spoke in favor of altering the signs and volunteered to offset the costs for signage changes.

Councilperson Lanting asked if Chamber members would be required to pay the \$3.00 entrance fee. Shawn Barigar answered in the affirmative.

MOTION:

Councilperson Clow made a motion to approve to allow City Council to approve community events under a City Special Event Application permit to allow the sale of alcoholic beverages at Dierkes Lake; and approved modifications to the primary signs and the posted signs to meet the requirements of Ordinance 2936. The motion was seconded by Councilperson Lanting.

Discussion followed:

Vice Mayor Heider stated that he was concerned that the request would open up the Dierkes Lake area for other community events and may jeopardize public safety in the lake area.

Councilperson Clow stated that he could not imagine sponsors changing events to Dierkes Lake from the City Park. The cardboard boat regatta requires a calm body of water for the event.

Mayor Hall stated that Dierkes Lake is a good location for the event and will be regulated by the City. For clarification he stated that if any entity asks for a summer event at Dierkes Lake, they will have to go through the Special Event Application process.

Vice Mayor Heider asked if there will be police protection and if so, who pays for the costs.

Mayor Hall stated that when a Special Event Application is filled out, the Police Department reviews the application, and determines if and how many police officers are needed at the event. The costs are passed onto the applicant.

Roll call vote showed Councilpersons Clow, Craig, Mayor Hall, and Councilperson Johnson and Lanting voted in favor of the motion. Vice Mayor Heider voted against the motion. Approved 5 to 1.

2. Consideration of a request to recommend utilizing funds remaining on the Falls Ave. West street project for other roadway work.

City Engineer Fields reviewed the request

Staff is recommending utilizing funds remaining on the Falls Ave. West street project for the following:

- \$200,000 Finish roadway design and acquire right-of-way for Eastland Drive – Falls Avenue East to Stadium.
- \$ 40,000 Address broken sidewalks and ADA ramps adjacent to City properties.
- \$800,000 Fund placement of curb, gutter and sidewalk plus ½ the road on Harrison, in conjunction with the arsenic project.

Discussion followed:

Councilperson Clow asked for an update on Canyon Springs Road and if the funds for repairing the road will come out of the Streets budget. City Engineer Fields stated that in the future staff will make a presentation on the research reports and on the budgeting process.

MINUTES

May 10, 2010

Page 4 of 6

MOTION:

Councilperson Clow made a motion to approve the recommendation of the finance committee as presented by staff. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Councilperson Clow recommended that staff contact Harrison street residents to make them aware of the replacement of curb, gutter, and sidewalk. City Engineer Fields stated a public meeting will take place on the arsenic project and the plan is to contact residents by going door to door.

Roll call vote showed all members voted in favor of the motion. Approved 6 to 0.

Councilperson Clow asked City Engineer Fields to investigate the process of slab jacking

3. Consideration of an agreement between the City of Twin Falls and the Bureau of Land Management (BLM) to develop engineering designs for facility improvements to the BLM aerial firefighting base.

Airport Manager Carberry reviewed the request.

Staff recommends that the Council approve the request authorizing the Mayor to sign the agreement as presented.

Councilperson Johnson asked for details of the selection process. Airport Manager Carberry stated that Riedesel Engineering has been an engineer of choice. The project is not required to go out for bid and the BLM has received services from Riedesel Engineering.

Larry Mabbutt stated that Riedesel Engineering has worked for and is working with BLM on several projects. BLM provides the money to the City for improvements at the Airport and the City provides the BLM with a product. He stated that he is not involved in the selection process

Vice Mayor Heider stated that BLM is providing money for improvements at the Airport. He stated that Riedesel Engineering has been involved in various projects at the Airport.

MOTION:

Vice Mayor Heider made the motion to authorize the Mayor to sign an agreement between the City of Twin Falls and the Bureau of Land Management (BLM) to develop engineering designs for facility improvements to the BLM aerial firefighting base as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion.

Mayor Clow stated for clarification the \$114,000 is a onetime lump sum to the City of Twin Falls.

Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

4. Consideration of an engineering design agreement between the City of Twin Falls and Riedesel Engineering for facility improvements to the BLM aerial firefighting base.

Airport Manager Carberry reviewed the request.

Staff recommends the Council approve the Agreement for Engineering Services with Riedesel Engineering as presented.

Discussion followed:

Councilperson Johnson asked for clarification on why staff would single source the engineering design work. Airport Manager Carberry stated that in his opinion the \$109,100 for the project is not excessive.

Councilperson Clow stated that the engineering firm selected is required to meet FAA requirements, and Riedesel Engineering bids on other projects have come in lower than other firms and are the reason they received the primary contract.

Airport Manager Carberry stated that with AIP and federal projects every five years a selection of firms are based on qualifications. In July/August of 2005 RFQ were received and Riedesel Engineering was the selected firm.

Ken Atkin, Project Manager with Riedesel Engineering, explained the costs to the Council.

Councilperson Clow asked if the taxiways are included in the design. Airport Manager Carberry stated they were not.

MOTION:

Councilperson Johnson made a motion to approve the Agreement for Engineering Services with Riedesel Engineering for the amount not to exceed \$109,100, contingent upon the execution of the lease modification agreement with the BLM as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

5. Consideration of a request to award the bid of a Four-Wheel Drive, 16' Rotary Diesel mower to Rocky Mountain Turf & Industrial Equipment and to authorize the Mayor to sign the purchase agreement of said agreement.

Parks & Recreation Director Bowyer reviewed the request.

Staff recommends that the Council award the bid to Rocky Mountain Turf & Industrial Equipment and authorize the Mayor to sign the purchase agreement.

Discussion followed:

- One bid was received.
- Maintenance.

Parks & Recreation Director Bowyer stated that the College of Southern Idaho and the School District have had good success with the Jacobson mower.

MOTION:

Councilperson Johnson made a motion to award the bid of a Four-Wheel Drive, 16' Rotary Diesel mower to Rocky Mountain Turf & Industrial Equipment in the amount of \$81,420, and to authorize the Mayor to sign the purchase agreement of said agreement as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

6. Presentation on Auger Falls. Army Corps of Engineers Announcement for Kick-off of Section 206 – Aquatic Ecosystem Restoration Project.

Project Engineer Glaesemann introduced Mark Mendenhall of the U.S. Corps of Engineers and Christine Whittaker of HDR Engineering gave a presentation.

Mark Mendenhall gave a presentation on the Kick- Off of the Aquatic Ecosystem Restoration Project.

Project Engineer Glaesemann reviewed the request and gave a PowerPoint presentation.

Brian Olmstead, Twin Falls Canal Company, showed support for the project.

7. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Craig reported on the URA meeting held on May 10, 2010. He also announced the following upcoming meetings: Parks & Recreation Commission will meet on May 11, 2010, at 11:30 P.M. and the Library Board of Trustees will meet on May 19, 2010, at 4:30 P.M. at the Library.

MINUTES

May 10, 2010

Page 6 of 6

Councilperson Clow gave an update on the Youth Council and asked that at the May 17, 2010, Council Meeting, Council discuss funding two members to attend the AIC Conference.

Councilperson Lanting stated the Golf Advisory Board will meet on May 12, 2010, at 11:00 A.M.

Mayor Hall stated that City staff and other public entities met with Robbie Knievel, the son of Evel Knievel, who proposes jumping the Snake River Canyon.

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

V. ADJOURNMENT: 6:45 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



NOTICE AND AGENDA
 Meeting of the Twin Falls City Council
 May 17, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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 accounts payable for May 11 – May 17, 2010. 2. Consideration of the May 10, 2010, Minutes. 3. Consideration of a request from Southern Idaho Fireworks to approve the fireworks display held at the College of Southern Idaho. Organizers of the event have requested the 4 th of July be celebrated on Monday, July 5, 2010. 4. Consideration of a request by Snake Harley-Davidson to approve its fourth season of outdoor customer appreciation concerts at their facility.	Action	Staff Report Sharon Bryan Leila Sanchez Dennis Pullin Dennis Pullin
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to adopt Resolution # 1848, entitled Idaho Community Development Block Grant – Excessive Force Policy. 2. The Library Board of Trustees will bring a recommendation to award a bid for the Twin Falls Public Library Renovation – HVAC (Heating, Ventilation, and Air Conditioning) Project to Terry's Air Conditioning at a cost not to exceed \$176,000. 3. Consideration of a proposal to provide funding to cover travel expenses for members of the Youth Council to attend the Association of Idaho Cities annual conference in Idaho Falls. 4. Public input and/or items from the City Manager and City Council.	Action Action Action	Melinda Anderson Susan Ash Lance Clow
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 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.*

COUNCIL MEMBERS PRESENT: Don Hall, Lee Heider, Lance Clow, Trip Craig, Dave Johnson, Will Kezele

COUNCIL MEMBERS ABSENT: Gregory Lanting

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Staff Sergeant Dennis Pullin, Staff Sergeant Dan McAtee, Economic Development Director Melinda Anderson, Library Director Susan Ash, Recording Secretary Tracy Reed

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for May 11 – 17, 2010, total: \$807,413.43
May 4 – 10, 2010, total: \$501,406.23
May 14, 2010, total: \$109,476.02.
2. Consideration of the May 10, 2010, Minutes.
3. Consideration of a request from Southern Idaho Fireworks to approve the fireworks display held at the College of Southern Idaho. Organizers of the event have requested the 4th of July be celebrated on Monday, July 5, 2010.
4. Consideration of a request by Snake Harley-Davidson to approve its fourth season of outdoor customer appreciation concerts at their facility.

Discussion followed to move Consent Calendar Item 3. to the Items for Consideration.

MOTION:

Councilperson Johnson made a motion to approve the Consent Calendar with the exception of the May 10, 2010, Minutes, and to move Item I.3. to the Items for Consideration. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Consideration of a request from Southern Idaho Fireworks to approve the fireworks display held at the College of Southern Idaho. Organizers of the event have requested the 4th of July be celebrated on Monday, July 5, 2010.

Clay McCollum with Bish's RV, 21396 U.S. 30, and event sponsor, spoke in favor of the request. The purpose of holding the fireworks celebration on the 5th rather than the 4th is because the 4th falls on a Sunday this year. Sunday is a special day for family. On the 5th many other businesses and offices are closed to celebrate the 4th of July holiday. The goal is to have more food booths and different items for the community to participate in. Also, the organization did not want to compete with the City of Buhl Sagebrush Days.

Discussion followed:

-Police Department budget.

Staff Sergeant Pullin stated the department will have to increase the manpower during and after the event if held on July 5, 2010, due to increased noise complaints and other types of calls which coincide with fireworks of this nature. The additional cost is approximately \$700.

-Permitting process.

City Manger Courtney stated that the City does provide some funding for the event but it is mainly sponsored by Southern

MINUTES

May 17, 2010

Page 3 of 4

Idaho Fireworks.

Councilperson Johnson asked if the City has to be concerned of any religious conflicts.

City Manager Courtney stated that the City is not sponsoring the event.

Councilperson Clow stated that when initially planning the event with Olivia Rowe and Troy Jenkins he believed it was settled that the event would take place on the 4th of July. He stated his concern that the community may have on the request.

MOTION:

Vice Mayor Heider made a motion to approve a request from Southern Idaho Fireworks to approve the annual fireworks display to be held at the College of Southern Idaho on the 5th of July rather than on Sunday, July 4th. The motion was seconded by Councilperson Kezele. Approved 6 to 0.

Discussion followed.

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

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to adopt Resolution # 1848, entitled Idaho Community Development Block Grant – Excessive Force Policy.

Economic Development Director Anderson reviewed the request. This ICDBG is to help redevelop Block 133 of downtown revitalization/St.Luke's MVRMC project.

Staff recommends adoption of Resolution #1848.

Discussion followed:

-Excessive Force Policy.

Captain-Brian Pike explained the use of excessive force policy currently in force by the Police Department.

Discussion followed.

MOTION:

Councilperson Johnson made a motion to approve to adopt Resolution #1848, entitled Idaho Community Development Block Grant – Excessive Force Policy. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6-0.

2. The Library Board of Trustees will bring a recommendation to award a bid for the Twin Falls Public Library Renovation – HVAC (Heating, Ventilation, and Air Conditioning) Project to Terry's Air Conditioning at a cost not to exceed \$176,000.

Assistant City Manager Travis Rothweiler reviewed the request. For clarification, it is recommended the cost not exceed \$193,000, rather than the \$176,000, stated in the title of the staff report.

The cost breakdown is in the agenda packet as follows:

\$160,000 Terry's Heating and Air Conditioning (the lowest responsive bidder)

\$ 16,000 Construction Contingency

\$ 17,000 Engineering Costs

Discussion followed:

-Competitive Bids.

-Overhaul of system.

MINUTES

May 17, 2010

Page 4 of 4

Library Director Ash explained the funding portion of the request and explained the bid was higher than the Engineer's Estimate for the reason that the central control system needs to be updated.

MOTION:

Councilperson Craig made a motion to approve the recommendation to award a bid for the Twin Falls Public Library Renovation – HVAC (Heating, Ventilation, and Air Conditioning) Project to Terry's Heating and Air Conditioning at a cost not to exceed \$193,000 with Library funding included. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Consideration of a proposal to provide funding to cover travel expenses for members of the Youth Council to attend the Association of Idaho Cities annual conference in Idaho Falls.

Councilperson Clow reviewed the request.

MOTION:

Councilperson Clow made a motion to take the following motion off the table:

"Councilperson Heider made a motion to allocate the \$600 for the Youth Council to attend the AIC meeting in June, 2010. The motion was seconded by Councilperson Clow."

The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Discussion followed.

Councilperson Clow gave a breakdown of costs and fundraising efforts being made by the Youth Council to cover a portion of the AIC Conference costs.

MOTION:

Councilperson Clow made an amendment to the main motion to raise the limit of the 'not to exceed' to \$929. The motion was seconded by Councilperson Johnson and a roll call vote showed all members voted in favor of the motion. Approved 6 to 0.

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

4. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Heider spoke regarding the new BMX park and all work that was completed over the past weekend. He also reminded Council of June 14, 2010 Flag Day at Shoshone Falls.

Mayor Hall reminded Council to attend Ribbon Cutting of St. Luke's MVRMC on May 20, 2010, at 5:00 P.M.

- IV. PUBLIC HEARINGS: 6:00 P.M. – None.**

- V. ADJOURNMENT: 6:00 P.M.**

Tracy Reed
Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 May 24, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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 4th Annual "A Day for Kids."

AGENDA ITEMS	Purpose	By:
<p>I. CONSENT CALENDAR:</p> <ol style="list-style-type: none"> 1. Consideration of accounts payable for May 18 – 24, 2010. 2. Consideration of the May 10 and 17, 2010, Minutes. 3. Consideration of a request to waive the green fees for the 14th annual College of Southern Idaho's "Fly Like an Eagle" golf tournament at the Twin Falls Golf Club. 4. Consideration of an Alcohol License Application, Beer and Wine, for La Familia Mexican Cuisine located at 2096 Kimberly Road. 5. Consideration of an Alcohol License Application, Transfer Beer and Wine, for The Shuffle Inn located at 633 2nd Avenue South. 6. Consideration of a request to create a public utility easement at Joslin Field. 7. Consideration of a request to approve the Classic Cruisers event to be held on Friday, June 25; Saturday, June 26; and Sunday, June 27, 2010. 8. Consideration of a request to create a public utility easement at Joslin Field. 9. Consideration of a request to accept the deferral agreement from Jerry Poulsen for construction of sidewalk across property located at 866 Mae Drive. 10. Consideration of a request to accept the deferral agreement from Islamic Cultural Center for installation of a parking lot located at the North East corner of Addison Avenue and Van Buren intersection. 11. Consideration of a request to accept the deferral agreement from DPB & RKB Investments, LLC for curb, gutter, and sidewalk on their property located at the South East corner of Kimberly Road and Hankins intersection. 12. Consideration of a request to accept the deferral agreement from Laura Willis for sidewalk installation on property located at 1152 Elm Street North. 13. Consideration of a request to accept the deferral agreement for curb, gutter, and sidewalk from Bob Gamache for properties located at 2016, 2022, and 2028 Floral Avenue. 14. Consideration of a request to accept the deferral agreement from Josh and Pam Kliegl for installation of water retention, landscaping, and parking on property located at 636 Main Avenue. 	Action	Staff Report Leila Sanchez Dennis Bowyer Sharon Bryan Sharon Bryan Jackie Fields Dennis Pullin Troy Vitek Troy Vitek Troy Vitek Troy Vitek Troy Vitek Troy Vitek
<p>II. ITEMS FOR CONSIDERATION:</p> <ol style="list-style-type: none"> 1. Consideration of the Final Plat of the West Haven Subdivision, Phase No. 2, consisting of 3.37 acres and 9 single-family residential lots located on the west side of the 500-600 blocks of Wendell Street, c/o EHM Engineers, Inc., on behalf of Tensco, Inc. 2. Consideration of a request to waive the entrance fees for the Twin Falls Municipal Band's Flag Day Concert at Shoshone Falls on Monday, June 14, 2010. 3. Public input and/or items from the City Manager and City Council. 	Action Action	Mitch Humble Dennis Bowyer

COUNCIL MEMBERS PRESENT: Don Hall, Lee Heider, Trip Craig, Dave Johnson, Will Kezele,
Lance Clow via phone call.

COUNCIL MEMBERS ABSENT: Gregory Lanting

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Staff Sergeant Dennis Pullin, City Manager Jackie Fields, Community Development Director Mitch Humble, Parks & Recreation Director Dennis Bowyer, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He introduced Boy Scout Troops 180 and 259 and they led those present, who wished to, to recite the Pledge of Allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

MOTION:

Councilperson Kezele made a motion to include a discussion on the Fireworks Display. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

PROCLAMATIONS: The 4th Annual "A Day for Kids."

Mayor Hall presented the Proclamation to Terry Rowe, Pioneer Federal Credit Union.

Terry Rowe stated that activities will be held from 10:00 A.M. to 2:00 P.M. at Pioneer Federal Credit Union located at 1439 North College Road E. Donations benefitting Children's Miracle Network/St. Luke's Children's Hospital.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for May 18 – 24, 2010, total: \$581,711.67.
2. Consideration of the May 10 and 17, 2010, Minutes.
3. Consideration of a request to waive the green fees for the 14th annual College of Southern Idaho's "Fly Like an Eagle" golf tournament at the Twin Falls Golf Club.
4. Consideration of an Alcohol License Application, Beer and Wine, for La Familia Mexican Cuisine located at 2096 Kimberly Road.
5. Consideration of an Alcohol License Application, Transfer Beer and Wine, for The Shuffle Inn located at 633 2nd Avenue South.
6. Consideration of a request to create a public utility easement at Joslin Field.
7. Consideration of a request to approve the Classic Cruisers event to be held on Friday, June 25; Saturday, June 26; and Sunday, June 27, 2010.
8. Consideration of a request to create a public utility easement at Joslin Field.
9. Consideration of a request to accept the deferral agreement from Jerry Poulsen for construction of sidewalk across property located at 866 Mae Drive.
10. Consideration of a request to accept the deferral agreement from Islamic Cultural Center for installation of a parking lot located at the North East corner of Addison Avenue and Van Buren intersection.
11. Consideration of a request to accept the deferral agreement from DPB & RKB Investments, LLC for curb, gutter, and sidewalk on their property located at the South East corner of Kimberly Road and Hankins intersection.
12. Consideration of a request to accept the deferral agreement from Laura Willis for sidewalk installation on property located at 1152 Elm Street North.
13. Consideration of a request to accept the deferral agreement for curb, gutter, and sidewalk from Bob Gamache for properties located at 2016, 2022, and 2028 Floral Avenue.
14. Consideration of a request to accept the deferral agreement from Josh and Pam Kliegl for installation of water retention, landscaping, and parking on property located at 636 Main Avenue.

MOTION:

Councilperson Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of the Final Plat of the West Haven Subdivision, Phase No. 2, consisting of 3.37 acres and 9 single-family residential lots located on the west side of the 500-600 blocks of Wendell Street, c/o EHM Engineers, Inc., on behalf of Tensco, Inc.

Community Development Director Humble reviewed the request.

Staff recommends approval of the final plat of the West Haven Subdivision, Phase No. 2, consisting of 3.37 acres and 9 single-family residential lots located on the west side of the 500-600 blocks of Wendell Street, c/o EHM Engineers, Inc., on behalf of Tensco, Inc. as presented with the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to development of a 10' pedestrian access easement, as presented, from Wirsching Avenue West to the western boundary of the property, as required in 10-12-3.7.
4. Subject to Wirsching Avenue West being platted, as presented, at 52'.

Discussion followed:

-Councilperson Johnson asked if the applicant concurs with staff recommendations. Tim Vawser, EHM Engineers, representing the applicant answered in the affirmative.

MOTION:

Councilperson Johnson made the motion to approve the Final Plat of the West Haven Subdivision, Phase No. 2, consisting of 3.37 acres and 9 single-family residential lots located on the west side of the 500-600 blocks of Wendell Street, c/o EHM Engineers, Inc., on behalf of Tensco, Inc. as presented with the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to development of a 10' pedestrian access easement, as presented, from Wirsching Avenue West to the western boundary of the property, as required in 10-12-3.7.
4. Subject to Wirsching Avenue West being platted, as presented, at 52'.

The motion was seconded by Vice Mayor Heider.

Discussion followed:

Councilperson Clow chose to abstain from voting.

Roll call vote showed Councilpersons Craig, Hall, Vice Mayor Heider, Johnson, and Kezele voted in favor of the motion. Councilperson Clow abstained from voting. Approved 5 to 0.

2. Consideration of a request to waive the entrance fees for the Twin Falls Municipal Band's Flag Day Concert at Shoshone Falls on Monday, June 14, 2010.

Parks & Recreation Director Bowyer reviewed the request.

The Parks & Recreation Commission unanimously recommended to the City Council to waive the entrance fees for the Twin Falls Municipal Band's Flag Day Concert at Shoshone Falls on Monday, June 14, 2011, with the following conditions:

Minutes

May 24, 2010

Page 5 of 8

1. Stop charging admission one hour before the start of the concert.
2. Provide staff with a parking plan for the event.

He stated that Ron Yates will be available for any questions.

Councilperson Craig stated that the Parks & Recreation Commission commended Ron Yates and Sandy Hacking for their history presentation.

Vice Mayor Heider asked that the parking situation be addressed.

Parks & Recreation Director Bowyer stated that a recommendation is for the applicant to come up with a parking plan. Busing was discussed with the applicants.

Councilperson Craig suggested busing the City Band down to Shoshone Falls to free up parking spaces.

MOTION:

Councilperson Johnson made the motion to approve to waive the entrance fees for the Twin Falls Municipal Band's Flag Day Concert at Shoshone Falls on Monday, June 14, 2010 as presented with the following conditions:

1. Develop a parking plan for the event.
2. Stop charging admission only one hour before the concert.

The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Councilperson Clow asked the City Attorney to research to see if a cross is permitted at Shoshone Falls.

Ron Yates thanked the Council for their participation in the upcoming event.

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

Recess at 5:30 P.M.

Reconvened at 6:00 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None.

Mayor Hall reviewed the public hearing process.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. Appeal by Great Basin Engineering on behalf of Fred Meyer Stores concerning the decision of the City Planning and Zoning Commission on April 27, 2010, to deny a request for reconsideration of condition #3 of Special Use Permit #1177, limiting traffic to enter on the south end of the existing gas station and exiting on the north end of the station, on property located at 705 Blue Lakes Boulevard North. (app.#2362)

Nikki Anderson, Great Basin Engineering, explained the request. On April 27, 2010, at the Planning & Zoning Commission Meeting, the applicant requested a reconsideration of Condition #3 stating that approval of the SUP is subject to traffic entering on the south end of the station and exiting on the north end of the station. The Commission placed the condition as there were concerns of traffic circulation. After the meeting with the Commission, the applicant contracted with Kittleson & Associates to have a traffic circulation study done to address the Commission's concerns. City staff reviewed the study and recommended to add a new Condition #3: "Subject to site plan including travel lane on east side a minimum of 24' in width with the relocation of landscaping and median on west side a minimum of 44' from sidewalk. Curbs on east and west side to be painted red." The applicant concurs with the new staff recommendation.

Sonia Hennum, PE PTOE, Kittleson & Associates, explained the results of the traffic circulation study. The City Engineer has reviewed the report and concurs with staff's recommendation.

Community Development Director Humble reviewed the request.

Staff recommends if the Council amends Special Use Permit #1177 to delete condition #3 which made the permit subject to traffic entering on the south end of the station and exiting on the north end of the station and add a new condition #3 stating the following: 3. *Subject to site plan including travel lane on east side a minimum of 24 ' in width with relocation of landscaping and median on west side a minimum of 44' from sidewalk. Curbs on east and west side to be painted red.*

Discussion followed:

-Traffic Circulation Study results.

The public comment portion of the hearing was opened.

Jim Combs, representative of the Fred Meyer Store, explained the request.

The public comment portion of the hearing was closed.

The public hearing was closed.

Deliberations:

Councilperson Johnson had additional questions on the request.

The public hearing was reopened.

Councilperson Johnson stated his concern regarding hazardous exiting on the north side of the station between Dairy Queen. He asked for clarification on the proposed landscaping berm.

Community Development Director Humble explained the plans for the landscaping berm.

The public portion of the hearing was closed.

The public hearing was closed.

MOTION:

Vice Mayor Heider made the motion to approve the appeal by Great Basin Engineering on behalf of Fred Meyer concerning the decision of the City Planning & Zoning Commission on April 27, 2010, Special Use Permit #1177 as presented with the following conditions:

1. Subject to submittal of a sign permit application for additional canopy signage
2. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance will all applicable City Code requirements and standards.
3. *Subject to site plan including travel lane on east side a minimum of 24 ' in width with relocation of landscaping and median on west side a minimum of 44' from sidewalk. Curbs on east and west side to be painted red.*

The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. For the vacation of undeveloped right-of-way within 600 to 800 blocks of Wirsching Avenue West located in portion of Lot 9, Orcharlara Subdivision, to allow for replatting and residential development, c/o Gerald Martens, EHM Engineering, Inc., on behalf of Tensco, Inc. (app.2368)

Tim Vawser, EHM Engineers, representing the applicant, explained the request and concurs with recommendations.

Community Development Director Humble stated that on April 27, 2010, the Planning & Zoning Commission unanimously recommended approval of the vacation as presented subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the recordation of final plat dedication of a 10' easement for a pedestrian path from Wirshing Avenue to the western edge of the property and Wirsching Avenue being platted as approved at 52'.

Staff concurs with the Planning & Zoning Commission.

Discussion followed.

The public comment portion of the hearing was opened and closed with no input.

MOTION:

Councilperson Johnson made the motion to approve the the vacation of undeveloped right-of-way within 600 to 800 blocks of Wirsching Avenue West located in portion of Lot 9, Orcharlara Subdivision, to allow for replatting and residential development, c/o Gerald Martens, EHM Engineering, Inc., on behalf of Tensco, Inc. (app.2368) as presented with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the recordation of final plat dedication of a 10' easement for a pedestrian path from Wirsching Avenue to the western edge of the property and Wirsching Avenue being platted as approved at 52'.

The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Discussion on the Fireworks Display.

Mayor Hall stated that he received a memo from Jerry Beck, CSI President, and he also read a statement from the Southern Idaho Fireworks Committee. (Attached.)

Mayor Hall stated that a Ruth Pierce and others have met regarding the issue of the fireworks display on Monday, July 5, rather than on Sunday, July 4.

Ruth Pierce, 2047 Candlewood Circle, stated that she would like to advocate to have the fireworks display to be held on Sunday, July 4, 2010.

Mayor Hall stated that he met with Ruth Pierce regarding the logistics to do this event. He explained that the Southern Idaho Fireworks trained their own pyro. The pyro tech will not be participating in the event if held on July 4, 2010,

Tami Billman, 450 Quincy Street, spoke in favor of holding the fireworks display on July 4, 2010.

Discussion followed on:

Availability of a pyro tech and the cost of the fireworks display.

Overtime manpower for the event.

John T. Bonnett, 1416 Sommer Street, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Marty Buss, 3542 E 3144 N, Kimberly, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Ryan Irish, Hwy 30, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Trevor Abrams, 639 Calico Street, Hansen, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Darcie Koffer, 748 Madrona Street North, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Samuel Callen, 568 Lynwood Blvd, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Amanda Jacobi, 1905 Sherry Lane, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Peggy Kidd, 2561 Dorm Drive, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Edie Nunez, 3650 N. 1300, Buhl, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Brian Cromer, 2526 Sunglow Circle, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Shane Schmechel, 1089 Sparks St. N., spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Alfonso Pino, 2596 E. 3930 N., spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Sid Vanderpool, 470 RLM, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Lisa Weinard, 490 S. 200 E., Jerome, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Shayla Lee Wonderich, 378 Alturas, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Councilperson Kezele stated that the Southern Idaho Fireworks committee consists of three persons.

Jay Hartman, 822 El Monte Street, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Delea Miller, 2381 E. 4000 N., Filer, spoke in favor of holding the fireworks display on Sunday, July 4, 2010.

Discussion followed:

Councilperson Clow suggested Ruth Stevens contact Oliva Rowe for any suggestions she may have for the proposed July 4, 2010, fireworks display.

No action taken by the City Council.

V. **ADJOURNMENT**: The meeting adjourned at 7:42 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



MEMO

TO: Mayor Don Hall and Members of the Twin Falls City Council
FROM: CSI President Jerry Beck
DATE: April 24, 2010
RE: 2010 4th of July Celebration at CSI

Comments:

The College of Southern Idaho respectfully submits this letter to the Twin Falls City Council in the hope of clarifying its position in the debate over whether to observe Independence Day this year on Sunday, July 4 or Monday, July 5.

Troy Jenkins of Southern Idaho Fireworks visited our board meeting on Feb. 22, 2010 to request a portion of the campus for this year's celebration. In addition to his group's plans to expand upon the existing festivities and to move them to the area between the Herrett Center for Arts and Science and the Eldon Evans Expo Center, Mr. Jenkins and his group proposed scheduling the event to Monday, July 5.

CSI trustees discussed the proposal briefly with Mr. Jenkins, thanked him and the committee for their commitment to the community, and CSI administrators allowed the use. Please know that if the Southern Idaho Fireworks committee had asked to use the campus on Sunday, that request would have been approved, as well. The college will be closed Sunday and Monday to observe the 4th of July so whether the celebration is held on Sunday or Monday is a community decision. We are open to the campus being used either day and would gladly re-consider a modified request from Southern Idaho Fireworks if the group wants to submit a new plan.

The College of Southern Idaho is proud to have the 4th of July festivities on our campus each year and will continue to do our part to let visitors enjoy these celebrations for many more years.

May 22, 2010

To: Twin Falls City Council, the Community of Twin Falls and the Twin Falls Media

The Southern Idaho Fireworks Committee issues the following statement:

First and foremost we would like to apologize to the community for any and all misunderstandings. It was never our intention to have so much dissention regarding such a special time of the year. We would also like to clarify some important facts regarding our decision to move the fireworks display to July 5th. The decision to change the date was in no way related to the LDS Church. We did not consult with the LDS Church or it's leaders. The decision was made by the sponsors and other volunteers on the committee, which are representative of both the LDS religion and other faiths. Furthermore, the City Council simply approved a special events permit. It was not their decision to set the date for the event and as a committee we truly never offered them the option.

A quick bit of research will show that whenever the 4th of July lands on a Sunday the United States begins a weekend celebration. Across the country there will be fireworks displays on Saturday, Sunday and Monday. Even last year the "Rockets Red Glare" over Mount Rushmore was on July 3rd according to southdakota.com.

The committee did consider the fireworks display on Saturday, July 3rd but decided not to conflict with Buhl's Sagebrush Days celebration. In addition, we hoped to make the Twin Falls Fireworks display a grand finale to the Independence Day weekend.

So where does that leave us? As a Committee we believe that our decision to have the fireworks on a day other than a Sunday is the correct decision and will not sponsor a display a display on Sunday. We do, however, respect the community and their wishes and will completely understand if another group is willing and able to step forward and sponsor a Sunday display.

We feel that the fireworks display is very important to our community and are willing to move to a 'standby mode'. In the event that a display on the 4th cannot be organized by another group, we will continue with the fireworks on the 5th. We do ask that the decision be made and the Committee be contacted by June 1st as there are a lot of details that need to be completed.

As we respect your beliefs and views we also ask that you respect ours. Over the past 4-5 years it has been an uphill and thankless battle keeping a yearly display. Maybe now is the time to allow other sponsors and volunteers to come forward and take the reins. We will, however, continue this year if the community would like us to, as long as the display can be on the 5th.

Thank you for your understanding.

Troy Jenkins Olivia Rowe
Co-Chairs Southern Idaho Fireworks

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
JUNE 7, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

AGENDA ITEMS

CALL MEETING TO ORDER: 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. CONSENT CALENDAR:		
1. Consideration of accounts payable for May 25 – June 7, 2010.	Action	Staff Report Sharon Bryan Leila Sanchez Jackie Fields
2. Consideration of the May 24, 2010, Minutes.		
3. Consideration of a request to approve a revised Public Easement and Temporary Construction Easement for property located in the vicinity of Highland and Madrona, grantor Little Cloud Enterprises.		
4. Consideration of a 6 th Extension of the final plat of Americana (formerly Syringa) Subdivision, 2.88 (+/-) acres, to develop 12 residential lots and tracts, located at the north side of the 600 Block of Falls Avenue West.		Mitch Humble
5. Consideration of a request to approve the 5 th Annual Magic Valley Bank Customer Appreciation Barbeque to be held in the 100 Block of Main Avenue West and North. This event will be held on Wednesday, June 16, 2010, from 6:00 p.m. to 9:00 p.m.		Dennis Pullin
6. Consideration of a request from Robin Dober and the Twin Falls Tonight Committee to approve the 12 th Annual Twin Falls Tonight Concert Series commencing on June 23, 2010, and concluding on July 21, 2010. These activities will be held each Wednesday evening from 6:00 p.m. to 9:00 p.m. and will take place near the fountain on Main Avenue in downtown Twin Falls.		Dan McAtee
7. Consideration of a request from Shawn Barigar, Twin Falls Chamber of Commerce, to approve the 2010 Snake River Canyon Jam. This is a three-day event held on June 16, 18, and 19, 2010, which provides multiple musical styles and summer activities at a variety of venues.		Dennis Pullin
II. ITEMS FOR CONSIDERATION:		
1. Consideration of a request from the "Magic Valley Citizens' 4 th of July" to approve the annual fireworks display held at the College of Southern Idaho on Sunday, July 4, 2010. This activity will begin at 8:00 p.m. and will conclude at approximately 12:00 a.m.	Action	Dennis Pullin
2. Consideration of a request to authorize the City Manager to sign the Cooperative Agreement with the Idaho Transportation Department for the City of Twin Falls 2010 Water System Improvement Project and to authorize the Mayor to sign the accompanying resolution.	Action	Jackie Fields
3. Consideration of a request to authorize the Mayor to sign the Cooperative Agreement for Maintenance of State Highways, US-30, and SH-75 and to authorize the Mayor to sign the accompanying resolution.	Action	Jackie Fields
4. Consideration of a bid award for FAA AIP-30, 2010 Pavement Slurry Seal Project.	Action	Bill Carberry
5. Consideration of an Agreement with Ricondo & Associates to conduct an FAA Airport Master	Action	Bill Carberry

MINUTES

June 7, 2010

Page 2 of 7

Plan update. 6. Consideration of a request to approve the BID asset disposition plan as required by Ordinance 2984 approved by the Council on April 12, 2010. 7. Public input and/or items from the City Manager and City Council.		Melinda Anderson
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – None.		
V. <u>ADJOURNMENT:</u>		

MINUTES

June 7, 2010

Page 3 of 7

COUNCIL MEMBERS PRESENT: Lance Clow, Don Hall, Greg Lanting, Lee Heider, Dave Johnson, Will Kezele,

COUNCIL MEMBERS ABSENT: Trip Craig

STAFF PRESENT: Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderich, City Engineer Jackie Fields, Community Development Director Mitch Humble, Airport Manager Bill Carberry, Staff Sergeant Dennis Pullin, Staff Sergeant Dan McAtee, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:02 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

I. CONSENT CALENDAR:

1. Consideration of accounts payable for May 25 – June 7, 2010, total: \$1,156,039.12
May 27, 2010, total: \$107,402.84
June 1, 2010, total: \$47,527.07
2. Consideration of the May 24, 2010, Minutes.
3. Consideration of a request to approve a revised Public Easement and Temporary Construction Easement for property located in the vicinity of Highland and Madrona, grantor Little Cloud Enterprises.
4. Consideration of a 6th Extension of the final plat of Americana (formerly Syringa) Subdivision, 2.88 (+/-) acres, to develop 12 residential lots and tracts, located at the north side of the 600 Block of Falls Avenue West.
5. Consideration of a request to approve the 5th Annual Magic Valley Bank Customer Appreciation Barbeque to be held in the 100 Block of Main Avenue West and North. This event will be held on Wednesday, June 16, 2010, from 6:00 p.m. to 9:00 p.m.
6. Consideration of a request from Robin Dober and the Twin Falls Tonight Committee to approve the 12th Annual Twin Falls Tonight Concert Series commencing on June 23, 2010, and concluding on July 21, 2010. These activities will be held each Wednesday evening from 6:00 p.m. to 9:00 p.m. and will take place near the fountain on Main Avenue in downtown Twin Falls.
7. Consideration of a request from Shawn Barigar, Twin Falls Chamber of Commerce, to approve the 2010 Snake River Canyon Jam. This is a three-day event held on June 16, 18, and 19, 2010, which provides multiple musical styles and summer activities at a variety of venues.

MOTION:

Councilperson Lanting made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request from the "Magic Valley Citizens' 4th of July" to approve the annual fireworks display to be held at the College of Southern Idaho on Sunday, July 4, 2010. This activity will begin at 8:00 p.m. and will conclude at approximately 12:00 a.m.

Staff Sergeant Pullin reviewed the request.

Staff recommends that the City Council approve the Special Events Application submitted for the "Magic Valley Citizens' 4th of July" event.

Discussion followed:

-Overtime Costs. Staff Sergeant Pullin stated that the special event overtime cost for the Twin Falls Police Department will be \$2,612.00.

MOTION:

MINUTES

June 7, 2010

Page 4 of 7

Councilperson Lanting made the motion to approve the "Magic Valley Citizens' 4th of July" annual fireworks display held at the College of Southern Idaho on Sunday, July 4, 2010 as presented. The motion was seconded by Vice Mayor Heider.

Discussion followed:

Councilperson Clow clarified the motion to state that the group be allocated the \$8,000 by the City for the fireworks display. The motion maker and second agreed with the clarification.

Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Consideration of a request to authorize the City Manager to sign the Cooperative Agreement with the Idaho Transportation Department for the City of Twin Falls 2010 Water System Improvement Project and to authorize the Mayor to sign the accompanying resolution.

City Engineer Fields reviewed the request. Approval of this request will allow the City to improve SH74 during a major construction project and will provide subsequent relief from some future maintenance obligations.

Staff recommends that the Council approve the request as presented.

Discussion followed:

-Timeline for the project.

MOTION:

Councilperson Johnson made the motion to adopt Resolution 1849, entitled: WHEREAS, the Idaho Transportation Department, hereinafter called the STATE, has submitted an agreement stating obligations of the STATE and the CITY OF TWIN FALLS, hereinafter called the CITY, for construction of City of Twin Falls 2010 Water System Improvement Project. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MOTION:

Councilperson Johnson made the motion to authorize the City Manager to sign the Cooperative Agreement with the Idaho Transportation Department for the City of Twin Falls 2010 Water System Improvement Project and authorize the Mayor to sign the accompanying Resolution 1849. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Consideration of a request to authorize the Mayor to sign the Cooperative Agreement for Maintenance of State Highways, US-30, and SH-74 and to authorize the Mayor to sign the accompanying resolution.

City Engineer Fields reviewed the request. Approval of this request will result in issuance of ITD Encroachment permits that allow for trenching in ITD right-of-way on Hwy US-30 and SH-74.

Staff recommends that the Council approve the request as presented.

Discussion followed:

-Trenches.

-Paving.

-An open house will be held on June 8, 2010, from 5:00 p.m. to 7:00 p.m. at the College of Southern Idaho's Taylor Administration Building, located at 315 Falls Avenue.

-Timeline of project.

MOTION:

Councilperson Johnson made the motion to adopt Resolution 1850, entitled: WHEREAS, the Idaho Transportation Department, hereinafter called the STATE has submitted an agreement stating obligations of the STATE and the CITY OF TWIN FALLS,

MINUTES

June 7, 2010

Page 5 of 7

hereafter called the CITY, for maintenance of State Highways: US-30, and SH-74. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MOTION:

Councilperson Johnson made the motion to authorize the Mayor to sign the Cooperative Agreement for Maintenance of State Highways, US-30, and SH-75 and to authorize the Mayor to sign the accompanying resolution. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

4. Consideration of a bid award for FAA AIP-30, 2010 Pavement Slurry Seal Project.

Airport Manager Carberry reviewed the request.

Staff recommends the City Council award the bid to Intermountain Slurry Inc. for the Base Bid and add Alternate #1 in the total amount of \$403,642.00, and authorizes the Mayor to sign the pending contract with Intermountain Slurry Seal, contingent on concurrence and funding from the Federal Aviation Administration.

Discussion followed

-Allegiant Airlines sufficient parking.

MOTION:

Councilperson Johnson made the motion to award the bid to Intermountain Slurry Inc. for the Base Bid and add Alternate #1 in the total amount of \$403,642.00, and authorize the Mayor to sign the pending contract with Intermountain Slurry Seal, contingent on concurrence and funding from the Federal Aviation Administration. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

5. Consideration of an Agreement with Ricondo & Associates to conduct an FAA Airport Master Plan update.

Airport Manager Carberry reviewed the request. He introduced Joe Birge, Project Manager of Ricondo & Associates and Ken Atkin from Riedesel Engineering.

The Airport is required by the FAA to conduct Master Plan Studies in order to maintain eligibility for Airport Improvement Program (AIP) funding. The last Master Plan Study was conducted in 2002-2003. In conjunction with the FAA planning official overseeing the airport, it was decided that an update to the airport's master plan was due. The Airport Master Plan Update will be a comprehensive airport planning study that will evaluate the short, medium and long-term plans for airport development.

This past fall the airport conducted qualification based selection process. Ricondo & Associates was recommended to the City Council and County Commissioners.

Staff recommends approval by the City Council authorizing the Mayor to sign the Professional Services agreement for an Airport Master Plan Update with Ricondo & Associates in the amount of \$335,871.00 contingent upon FAA concurrence funding.

Discussion followed:

-Wildlife Hazard Assessment.

MOTION:

Vice Mayor Heider made the motion to authorize the Mayor to sign the Professional Services Agreement for an Airport Master Plan Update with Ricondo & Associates in the amount of \$335,871.00 contingent upon FAA concurrence funding as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Discussion followed:

-Time frame of the project. Joe Birge, of Ricondo & Associates explained the time frame of the project. He also stated that the master plan would look out twenty years, depending on the economy.

MINUTES

June 7, 2010

Page 6 of 7

6. Consideration of a request to approve the BID asset disposition plan as required by Ordinance 2984 approved by the Council on April 12, 2010.

Economic Development Director Anderson reviewed the request.

As required by Ordinance 2984 the BID board and committee have prepared this plan for approval by a majority vote of the Council.

Discussion followed:

-Cash Assets.

-Economic Development Director Anderson clarified that past due assessments were not collected as stated in Ordinance 2984.

-Christmas Sprays. Economic Development Director Anderson stated that for the Fiscal Year 2011 & 2012, the Christmas Spray storage/installation (2 years @6,500 per year) = \$13,000 could be paid equally by the BID and the City parking budget.

-Future Downtown Maintenance.

-Property Assets.

-BID budget to pay for City staff time.

-Parking revenues covering other expenses.

Councilperson Clow explained that the parking meter revenues will take care of the parking lots.

Councilperson Johnson stated his concern of the City being in the business of maintaining parking lots and meters.

Mayor Hall clarified that he would allow public input.

Scott Andrus, Escape Salon owner, stated that he would be available for any input the City may need.

Jim Wagenman, Native Skin, 135 Main Avenue East, opposed having parking meters in the downtown area.

Virginia Wilcox, The Music Center, stated her confusion of BID dues paying for services she has not received and also that downtown fountain and irrigation had not been turned on as of yet.

Discussion followed:

-Snow removal in areas downtown.

-Disbursement of funds.

Assistant City Manager Rothweiler stated that the plan calls for the immediate disposition of the 1st and 2nd quarter dues received for FY 2010 and the commitments that have been made to pay specific expenses. Once we have had the opportunity then to reconcile, at the conclusion of this fiscal year, disburse the remaining balance of the funds, which may be in the neighborhood of \$53,000. The reimbursement could cover the entire 4th quarter of 2009 and possibly a portion of the 3rd quarter of that year. Refunding of those FY 2009 paid assessments would not occur until close to the end of this fiscal year to account for expenses that may be less than what is currently estimated and to receive a check for auctioned items.

MOTION:

Councilperson Clow made the motion to accept the committed and unpaid expenses of \$48,168.90 as presented in the report. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MOTION:

Councilperson Clow made the motion that we authorize a refund to pay the BID members \$50, 778.17, for the FY 2010 Q1 & Q2 BID Assessments. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MINUTES

June 7, 2010

Page 7 of 7

Discussion followed:

-Gumball Machines

MOTION:

Councilperson Lanting made the motion to approve Hunt Brothers to auction the following items: Christmas decorations, promotional items, phone system, a 150-gallon drum, and livestock ear tags; and to take the following actions in regards to property assets:

- P.O. Box and phone number transfer to City's Parking division.
- Web Domain names – Downtown Twin Falls and Twin Falls domain names to be transferred to the City.
- Historic Downtown Logo: no action necessary
- Street barriers: transferred to the City

Main Avenue trash receptacles and kiosks: transferred to the City

The motion was seconded by Councilperson Clow. Roll call vote showed Councilperson Clow, Mayor Hall, Vice Mayor Heider, Councilpersons Kezele, and Lanting voted in favor of the motion. Councilperson Johnson voted against the motion. Approved 5 to 1.

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

-Vice Mayor Heider announced the upcoming 14th Flag Day ceremony to be held at Shoshone Falls. The event will be a recreation of the flag ceremony held 100 years ago on Flag Day.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

-The Youth Group will be sponsoring a breakfast at Applebee's at 7:00 A.M. on June 12, 2010.

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

IV. ADJOURNMENT: The meeting adjourned at 7:22 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



NOTICE AND AGENDA
 Meeting of the Twin Falls City Council
 June 14, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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 accounts payable for June 7 – 14, 2010. 2. Consideration of the June 7, 2010, Minutes. 3. Consideration of a request to waive the green fees for the 3rd annual "Twin Falls Golf Club Fundraiser" for special projects on Saturday July 31st, 2010.	Action	Staff Report Sharon Bryan Leila A. Sanchez Dennis Bowyer
II.	<u>ITEMS FOR CONSIDERATION:</u> 1. Consideration to accept the Idaho Community Development Block Grant of \$498,100 and authorize the Mayor to sign the Idaho Department of Commerce contract. 2. Public input and/or items from the City Manager and City Council.	Action	Melinda Anderson
III.	<u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV.	<u>PUBLIC HEARINGS:</u> 6:00 P.M. – NONE. – Rescheduled 1. Public hearing to consider a proposal to increase water rates by \$11.15 per account per month to cover debt service on a loan from the Idaho State Bond Bank for the federally mandated arsenic compliance project The public hearing has been postponed and is scheduled to be held on June 28, 2010.	Action	Tom Courtney/ Lorie Race
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.*

COUNCIL MEMBERS PRESENT: Greg Lanting, Lee Heider, Dave Johnson, Will Kezele,
COUNCIL MEMBERS ABSENT: Lance Clow, Trip Craig, Don Hall,
STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, Parks & Recreation Director Deputy City Clerk/Recording Secretary Leila Sanchez

Councilperson Lanting called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Councilperson Lanting introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for June 8 – 14, 2010, total: \$369,574.28
June 11, 2010, 105,388.12
2. Consideration of the June 7, 2010, Minutes.
3. Consideration of a request to waive the green fees for the 3rd annual "Twin Falls Golf Club Fundraiser" for special projects on Saturday July 31st, 2010.

MOTION:

Councilperson Johnson made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 4 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration to accept the Idaho Community Development Block Grant of \$498,100 and authorize the Mayor to sign the Idaho Department of Commerce contract.

Community Development Director Humble reviewed the request.

Staff recommends that the Council authorize the signing of the ICDBG contract as presented.

Discussion followed.

MOTION:

Councilperson Clow made the motion to accept the Idaho Community Block Grant of \$498,100 and to authorize the Mayor, Vice Mayor or Councilperson Johnson to sign the Idaho Department of Commerce contract. The motion was seconded by Councilperson Kezele and roll call vote showed all members voted in favor of the motion. Approved 4 to 0.

2. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Clow reported that Flag Day will be held at Shoshone Falls Park at 7:00 P.M. on June 14, 2010.

IV. PUBLIC HEARINGS: 6:00 P.M. – NONE. – Rescheduled

1. Public hearing to consider a proposal to increase water rates by \$11.15 per account per month to cover debt service on a loan from the Idaho State Bond Bank for the federally mandated arsenic compliance project

The public hearing has been postponed and is scheduled to be held on June 28, 2010.

Minutes
June 14, 2010
Page 3 of 3

V. **ADJOURNMENT**: The meeting adjourned at 5:06 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE TRIP DON LEE DAVID E. WILLIAM A. GREG
 CLOW CRAIG HALL HEIDER JOHNSON KEZELE LANTING

Mayor Vice Mayor

MINUTES

Meeting of the Twin Falls City Council
 June 21, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho



CALL MEETING TO ORDER: 5:00 P.M.
PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
INTRODUCTION OF STAFF
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
PROCLAMATIONS: Job's Daughters International Week. Present: Larisa Alexander

AGENDA ITEMS		Purpose	By:
I. CONSENT CALENDAR:		Action	Staff Report Sharon Bryan Leila A. Sanchez Sharon Bryan
1. Consideration to approve the accounts payable for June 15 – 21, 2010.			
2. Consideration to approve the June 14, 2010, Minutes.			
3. Consideration to approve alcohol license renewals with the following conditions:			
a. That the applicant apply for the City license; and			
b. That the applicant has a State alcohol license			
4. Consideration to approve the following Findings of Fact, Conclusions of Law, and Decision:			Mitch Humble
a. Final Plat for West Haven Subdivision, Phase No. 2.			
b. Appeal of Condition on Special Use Permit for Fred Meyer Stores c/o Great Basin Engineering.			
5. Consideration to approve the Improvement Agreement for Developments for West Haven #2 Subdivision and Engineer's Estimate of \$150,279.00.			Troy Vitek
6. Consideration to approve a Trust Agreement for Fieldstone First Amended Subdivision.			Troy Vitek
II. ITEMS FOR CONSIDERATION:		Presentation	Elvia Caldera
1. Presentation to propose a tobacco-free policy in Twin Falls City Parks by Elvia Caldera, Health Education Specialist, Sr., for South Central Public Health District.		Action	Dan McAtee
2. Consideration of an Ordinance of the City Council of the City of Twin Falls, Idaho, repealing Chapter 6 of Title 3 of the Twin Falls City Code, and enacting a new Chapter 6 of Title 3 of the Twin Falls City Code providing for special events permits.		Action	Lee Glaesemann
3. Consideration of a Professional Services Contract with McClure Engineering of Twin Falls, Idaho, to perform Energy Audits on City of Twin Falls buildings.		Action	Mitch Humble
4. Consideration to adopt an Ordinance for the vacation of undeveloped right-of-way for property located within the 600 to 800 blocks of Wirshing Avenue West, located in a portion of Lot 9, Orchalara Subdivision c/o Gerald Martens, EHM Engineering, Inc., on behalf of Tensco, Inc. (app.2368)		Action	Mitch Humble
5. Consideration of the Final Plat of Kelley Garden Subdivision, consisting of 6.35 (+/-) acres and 8 commercial lots on property located north and east of the intersection of Addison Avenue East and Eastland Drive North aka Kelley Garden Center, c/o David Thibault/EHM Engineers, Inc., on behalf of Richard Kelley.		Presentation	Mike Trabert/ Mike Woodworth
6. Presentation by Mike Woodworth with STRATA Geotechnical Engineering & Materials Testing summarizing a report on the Rock Fall Evaluation of Canyon Springs Road, including recommendations for remedial measures and costs.		Action	Jon Caton
7. Consideration to award the bids for the following parts of the 2010 Water System Improvement Project for arsenic compliance:			
a. Part 2 – Harrison 30" Transmission Main			
b. Part 3 - Washington 30" Transmission Main			
8. Public input and/or items from the City Manager and City Council.			
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:			
IV. PUBLIC HEARINGS: 6:00 P.M. – None.			
V. ADJOURNMENT:			

COUNCIL MEMBERS PRESENT: Lance Clow, Trip Craig Greg Lanting, Lee Heider, Dave Johnson.

COUNCIL MEMBERS ABSENT: Don Hall, Will Kezele.

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, City Engineer Jackie Fields, Staff Engineer Lee Glaesemann, Staff Engineer Mike Trabert, Public Works Supervisor Jon Caton, Parks & Recreation Director Dennis Bowyer, Staff Sergeant Dan McAtee, Recording Secretary Tracy Reed.

Vice Mayor Heider called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Vice Mayor Heider introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: Item #4 – Items of Consideration to be rescheduled.

Proclamation: Job's Daughters International Week. Present: Larisa Alexander
Vice Mayor Heider read the proclamation and presented it to Madison Collins, Bethel #56.

Short presentation by Jonathan Bruce, Twin Falls City Youth Council. Don Hall, Lance Clow, Lee Heider received plaques of appreciation.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration to approve the accounts payable for June 8 – 20, 2010, total: \$451,587.97
June 17, 2010, total: \$25,000.
2. Consideration to approve the June 14, 2010, Minutes.
3. Consideration to approve alcohol license renewals with the following conditions:
 - a. That the applicant apply for the City license; and
 - b. That the applicant has a State alcohol license
4. Consideration to approve the following Findings of Fact, Conclusions of Law, and Decision:
 - a. Final Plat for West Haven Subdivision, Phase No. 2.
 - b. Appeal of Condition on Special Use Permit for Fred Meyer Stores c/o Great Basin Engineering.
5. Consideration to approve the Improvement Agreement for Developments for West Haven #2 Subdivision and Engineer's Estimate of \$150,279.00.
6. Consideration to approve a Trust Agreement for Fieldstone First Amended Subdivision.

MOTION:

Councilperson Lanting made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

II. ITEMS FOR CONSIDERATION:

1. Presentation to propose a tobacco-free policy in Twin Falls City Parks by Elvia Caldera, Health Education Specialist, Sr., for South Central Public Health District.

Elvia Caldera, Health Education Specialist, Sr., for South Central Public Health District, gave a PowerPoint presentation. The Magic Valley Tobacco-Free Coalition (MVTFC) is requesting that the City of Twin Falls adopt a tobacco-free policy that:

- Does not allow tobacco use on any city owned park property or park and recreation area.
- Protects all people using the parks (players, coaches, spectators, other park users).
- Outlines how enforcement will occur (signs, parent/coach athletic meetings, peer enforcement).
- Designates an area or complete park (with signs).

MINUTES

June 21, 2010

Page 3 of 5

Discussion followed: This proposal has not been toned down from last presentation per Councilperson Clow. Councilperson Lanting asked Parks & Recreation Supervisor Dennis Bowyer how many parks are smoke free now; Sunway Soccer Complex and Oregon Trail Park, but they are not signed. Council feels the group should have gone through Parks and Recreation Commission first to get more questions answered and more details about the policy and to come to compromises on the areas of the parks to be designated smoke free.

2. Consideration of an Ordinance of the City Council of the City of Twin Falls, Idaho, repealing Chapter 6 of Title 3 of the Twin Falls City Code, and enacting a new Chapter 6 of Title 3 of the Twin Falls City Code providing for special events permits.

Staff Sergeant McAtee reviewed the request.

The proposed revisions provide:

- Clear definitions of special events and their related requirements;
- A requisite application deadline to provide sufficient time to adequately review and approve each event;
- A review panel comprise of representatives from various City Departments such as Fire, Police, Parks and Recreation, Building, Planning & Zoning, Community Development and Information Services; and,
- An appeal process in the event that an application is denied or approved on conditions to which the applicant contests.

Discussion followed:

Magic Valley Mall, Canyon Crest Dining, and other inside events under 500 people would more than likely not be included in this ordinance.

Council would have preferred a better comparison before making a decision.

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinance 2986 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REPEALING CHAPTER 6 OF TITLE 3 OF THE TWIN FALLS CITY CODE, AND ENACTING A NEW CHAPTER 6 OF TITLE 3 OF THE TWIN FALLS CITY CODE PROVIDING FOR SPECIAL EVENTS PERMITS.

on third and final reading by title only. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Recording Secretary Reed read the ordinance title.

MOTION:

Councilperson Craig made the motion to adopt Ordinance 2986 as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

3. Consideration of a Professional Services Contract with McClure Engineering of Twin Falls, Idaho, to perform Energy Audits on City of Twin Falls buildings.

Staff Engineer Glaesemann reviewed the request.

Staff recommends approval of the contract with McClure Engineering to perform Energy Audits.

MOTION:

Councilperson Lanting made the motion to approve the Professional Services Contract with McClure Engineering of Twin Falls, Idaho, to perform Energy Audits on City of Twin Falls buildings with the fixed price of \$34,795 as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

MINUTES

June 21, 2010

Page 4 of 5

4. Consideration to adopt an Ordinance for the vacation of undeveloped right-of-way for property located within the 600 to 800 blocks of Wirshing Avenue West, located in a portion of Lot 9, Orchalara Subdivision c/o Gerald Martens, EHM Engineering, Inc., on behalf of Tensco, Inc. (app.2368). **To be rescheduled.**

5. Consideration of the Final Plat of Kelley Garden Subdivision, consisting of 6.35 (+/-) acres and 8 commercial lots on property located north and east of the intersection of Addison Avenue East and Eastland Drive North aka Kelley Garden Center, c/o David Thibault/EHM Engineers, Inc., on behalf of Richard Kelley.

Community Development Director Humble reviewed the request.

Approval of the request will allow the applicant to proceed to redevelop this site in conformance with the approved Preliminary and Final Plat and any conditions placed on those approvals.

Should the Council approve the final plat of the Kelley Garden Subdivision as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with the approved Preliminary Plat and all applicable City code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to approved/recorded Deferral Agreement for construction of curb, gutter, a detached sidewalk and reconstruction of Eastland Drive North.

Discussion followed:

The deferral would get done with a future improvement project when Eastland and that intersection would be built out.

Councilperson Johnson made the motion to approve the Final Plat of Kelley Garden Subdivision, consisting of 6.35 (+/-) acres and 8 commercial lots on property located north and east of the intersection of Addison Avenue East and Eastland Drive North aka Kelley Garden Center, c/o David Thibault/EHM Engineers, Inc., on behalf of Richard Kelley as presented with the following recommendations:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with the approved Preliminary Plat and all applicable City code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to approved/recorded Deferral Agreement for construction of curb, gutter, a detached sidewalk and reconstruction of Eastland Drive North.

The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

6. Presentation by Mike Woodworth with STRATA Geotechnical Engineering & Materials Testing summarizing a report on the Rock Fall Evaluation of Canyon Springs Road, including recommendations for remedial measures and costs.

Staff Engineer Trabert introduced Mike Woodworth to report on the Rock Fall Evaluation of Canyon Springs Road, including recommendations for remedial measures and costs.

Mike Woodworth summarized the Rock Fall Evaluation from a year ago. He discussed the correctional remediation for the 4 worst areas and recommended a large contingency as we don't know what is truly there.

Discussion followed:

Funding is being budgeted in 2011 in the Streets Construction Budget per City Manager Courtney because of the priority of the project. Another way to fund this would be through reserves.

There are concerns regarding the request for such a high contingency.

There are concerns about water seepage and drainage water going through the repair area.

Will pursue this project when we do the 2011 budget.

NO ACTION TAKEN.

7. Consideration to award the bids for the following parts of the 2010 Water System Improvement Project for arsenic compliance:
 - a. Part 2 – Harrison 30" Transmission Main
 - b. Part 3 - Washington 30" Transmission Main

Public Works Director Caton reviewed the request. Authorization is requested to allow the Mayor to sign the Notice of Award for the low responsive and responsible bidder for each portion.

Rich Weibbe, JUB Engineers, gave a presentation on the bid results for the above referenced parts of the 2010 Water System Improvement Project for arsenic compliance.

Discussion followed: Stutzman is local and was a little higher than the engineer's estimate for part 2. Knife River is from Boise for part 3. Their estimate was lower than the engineer's estimate. JUB recommends that City of Twin Falls hold 5-10% for change orders. All 5 parts of the project will begin in July with rock excavation first, pipe laying and trench excavation second, and surface repair last.

MOTION:

Councilperson Lanting made the motion to award Part 2 – Harrison 30" Transmission Main contract to Stutzman, Inc. in the amount of \$2,688,141.22 and award Part 3 – Washington 30" Transmission Main contract to Knife River in the amount of \$5,808,576.66 as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

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

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Greg Lanting doing radio spot for Mayor Hall Wednesday, June 23, 2010.
Citizen's Finance and Planning Committee met today. There should be a rollout on what is to be done coming soon.

- IV. **PUBLIC HEARINGS:** 6:00 P.M. – None.
- V. **ADJOURNMENT:** 7:00 P.M.

Tracy S. Reed
Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
Meeting of the Twin Falls City Council
June 28, 2010
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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. CONSENT CALENDAR:		Action	Staff Report
1. Consideration of accounts payable for June 22 – 28, 2010.			Sharon Bryan
2. Consideration of the June 21, 2010, Minutes.			Tracy Reed
3. Alcohol License Application for Karaoke Bar & Grill located at 117 Main Avenue East.			Sharon Bryan
4. Consideration of a request from Tonya Backus and Kathleen Hale of Magic Valley Realty to host a Customer Appreciation Barbeque in the realty office's parking lot at 647 Filer Avenue on Friday, July 23, 2010.			Dan McAtee
II. ITEMS FOR CONSIDERATION:		Presentation	Jim Munn/Craig Stotts
1. Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: Officer Brian Fischer, Officer Mynde Heil, and Detective Eric Barzee.		Presentation	Dennis Bowyer
2. Consideration to recognize the services of Tony Brand, Sharon Buckle, and Olivia Rowe serving on the Tree Commission by presenting plaques to them.		Action	Stacy McClintock
3. Consideration to recognize the services of Bob Blastock, LeWayne Jungert, Carl Legg, Curtis Stewart, and Carolyn White serving on the Pool Advisory Board by presenting plaques to them.		Action	Dennis Bowyer
4. Consideration of the request for the adoption of a Donation Policy for the Twin Falls Golf Club.		Action	Melinda Anderson
5. Consideration of a request to re-appoint Gary Garnand to a second 3-year term to the Urban Renewal Agency Board.		Action	Travis Rothweiler
6. Consideration of the ad-hoc committee's recommendations for the establishment of a Citizen Finance and Planning Committee.		Action	Melinda Anderson
7. Consideration of a request to 'bag' the meters on Main Avenue between Idaho and Gooding Streets for the Quilt Walk on Friday and Saturday, July 2 & 3, 2010.		Action	Lee Glaesemann
8. Consideration of a request to award the bid for the following part of the 2010 Water System Improvement Project for arsenic compliance: Part 4 – 24" Transmission Main.		Action	Craig Stotts
9. Consideration of a request to approve the selection of Praecom Consulting for the City of Twin Falls' Comprehensive Public Safety Communication Strategy and Action Plan.			
10. Public input and/or items from the City Manager and City Council.			
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:			
IV. PUBLIC HEARINGS: 6:00 P.M. –		Action	Tom Courtney/ Lorie Race
1. Public hearing to consider a proposal to increase water rates by \$11.15 per account per month to cover debt service on a loan from the Idaho State Bond Bank for the federally mandated arsenic compliance project.			
V. ADJOURNMENT:			

**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.*

MINUTES

June 28, 2010

Page 2 of 7

COUNCIL MEMBERS PRESENT: Trip Craig, Don Hall, Lee Heider, Greg Lanting, Dave Johnson, Will Kezele

COUNCIL MEMBERS ABSENT: Lance Clow

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Finance Director Lorie Race, Economic Development Director Melinda Anderson, Lieutenant Craig Stotts, Police Chief Jim Munn, Captain Bryan Krear, Staff Sergeant Dan McAtee, Parks & Recreation Director Dennis Bowyer, Public Works Supervisor Jon Caton, Staff Engineer Lee Glaesemann, Recreation Supervisor Stacy McClintock, I/S Specialist Eli Searle, Battalion Chief Jack Barnes, Parking Coordinator Woody Cullen, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. Boy Scout Brooks Waters, Troop 100, LDS Third Ward led the Pledge of Allegiance. A quorum was present. Mayor Hall introduced City staff

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for June 21 – 28, 2010, total: \$454,175.44.
June 25, 2010, total: \$102,969.30
2. Consideration of the June 21, 2010, Minutes.
3. Alcohol License Application for Karaoke Bar & Grill located at 117 Main Avenue East.
4. Consideration of a request from Tonya Backus and Kathleen Hale of Magic Valley Realty to host a Customer Appreciation Barbeque in the realty office's parking lot at 647 Filer Avenue on Friday, July 23, 2010.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: Officer Brian Fischer, Officer Mynde Heil, and Detective Eric Barzee.

Presentation made by Lieutenant Craig Stotts.

Presentation of POST Certificates to Officer Brian Fischer, Officer Mynde Heil and Detective Eric Barzee by Chief Jim Munn, Mayor Don Hall, and Vice Mayor Heider.

2. Consideration to recognize the services of Tony Brand, Sharon Buckle, and Olivia Rowe serving on the Tree Commission by presenting plaques to them.

Presentation made by Parks & Recreation Director Bowyer.

Staff recommends that the City Council honor Tony Brand, Sharon Buckle, and Olivia Rowe for their service to the Tree Commission and to the City of Twin Falls.

Presentation of plaques to Tony Brand, Sharon Buckle, and Olivia Rowe by Mayor Hall and Councilperson Lanting.

MINUTES

June 28, 2010

Page 3 of 7

3. Consideration to recognize the services of Bob Blastock, LeWayne Jungert, Carl Legg, Curtis Stewart, and Carolyn White serving on the Pool Advisory Board by presenting plaques to them.

Presentation by Recreation Supervisor McClintock.

Staff recommends that the City Council honor Bob Blastock, LeWayne Jungert, Carl Legg, Curtis Stewart, and Carolyn White for their service to the Pool Advisory Board and to the City of Twin Falls.

Presentation of plaques to LeWayne Jungert, Curtis Stewart, and Carolyn White by Mayor Hall and Councilperson Craig.

4. Consideration of the request for the adoption of a Donation Policy for the Twin Falls Golf Club.

Parks & Recreation Director Bowyer reviewed the request.

The Golf Advisory Commission recommends the City Council adopt the Donation Policy for the Twin Falls Golf Club.

Staff concurs with the Commission's recommendation and asks the Council to have the Golf Advisory Commission review all donations and forward all recommendations to the City Council for their consideration.

Discussion followed.

MOTION:

Vice Mayor Heider made the motion to adopt the Twin Falls Golf Club Donation Policy as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

5. Consideration of a request to re-appoint Gary Garnand to a second 3-year term to the Urban Renewal Agency Board.

Economic Development Director Anderson reviewed the request.

Staff recommends Gary Garnand's second 3-year appointment to the Urban Renewal Agency Board.

MOTION:

Councilperson Craig made the motion to re-appoint Gary Garnand to a second 3-year term to the Urban Renewal Agency Board which would expire on June 30, 2013. The motion was seconded by Councilperson Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Economic Development Director Anderson gave an update on the C-3 Company.

6. Consideration of the ad-hoc committee's recommendations for the establishment of a Citizen Finance and Planning Committee.

Assistant City Manager Rothweiler reviewed the request.

The members of the committee and City staff believe the city and its citizens will benefit from the formation of a citizen's finance and planning committee.

Staff recommends the members of the City Council support the proposal to create a citizen's finance committee. City staff will work with the City Attorney to develop an ordinance that would be considered at a subsequent City Council meeting.

Discussion followed.

MOTION:

Councilperson Johnson made a motion to support the proposal to create a citizens finance committee and directed City staff to work with the City Attorney to develop an ordinance that would be considered at a subsequent City Council meeting. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MINUTES

June 28, 2010

Page 4 of 7

7. Consideration of a request to 'bag' the meters on Main Avenue between Idaho and Gooding Streets for the Quilt Walk on Friday and Saturday, July 2 & 3, 2010.

Economic Development Director Anderson reviewed the request. A request was received from Nancy Nelson. In her written letter she requested permission from the City to cover the parking meters for two days, July 2 and 3, 2010, for the upcoming Quilt Walk event. She stated that she would be responsible for covering the meters with green bags and rubber bands and removing the bags after the event.

The request was denied by City Staff. Ms. Nelson asked that the City Council overturn staff denial and approve her request.

Economic Development Director Anderson stated that following reasons the request was denied:

- Reduction of parking revenues.
- Sets a precedent for other similar requests.
- Impact of the Parking budget if the request is approved.

Economic Development Director Anderson also stated for clarification that in the staff report the average daily meter revenue should read \$102.36.

Discussion followed

- Recommendation made by the BID at the February 2010, City Council Meeting, regarding parking downtown.
- Committed \$2,300 to the Quilt Walk event.
- Support of the downtown by covering meters for the event.

Councilperson Craig encouraged staff to come up with a policy on bagging meters.

MOTION:

Councilperson Johnson made a motion to approve the request to 'bag' the meters on Main Avenue between Idaho and Gooding Streets for the Quilt Walk on Friday and Saturday, July 2 & 3, 2010. The motion was seconded by Vice Mayor Heider and roll call vote showed Councilpersons Craig, Vice Mayor Heider, Johnson, and Kezele voted in favor of the motion. Mayor Hall and Councilperson Lanting voted against the motion. Passed 4 to 2.

Council directed staff to come up with a policy.

8. Consideration of a request to award the bid for the following part of the 2010 Water System Improvement Project for arsenic compliance: Part 4 – 24" Transmission Main.

Staff Engineer Glaesemann reviewed the request.

Mark Holtzen, P.E., J-U-B Engineers Inc., reviewed the request, using overhead projections.

Staff and J-U-B Engineers recommended to the City Council to award the bid for the following part of the 2010 Water System Improvement Project for arsenic compliance: Part 4 - 24" Transmission Main and authorize the Mayor to sign a Notice of Award for the low responsive and responsive bidder identified as Owyhee Construction for \$3,861,680.50.

Discussion followed:

- The 30" line is a pressurized line. The 24" is a gravity line.
- Project budget.

MOTION:

Councilperson Johnson made the motion to award the bid for the following part of the 2010 Water System Improvement Project for arsenic compliance: Part 4 - 24" Transmission Main and authorized the Mayor to sign a Notice of Award for the low responsive and responsive bidder identified as Owyhee Construction for \$3,861,680.50. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MINUTES

June 28, 2010

Page 5 of 7

9. Consideration of a request to approve the selection of Praecom Consulting for the City of Twin Falls' Comprehensive Public Safety Communication Strategy and Action Plan.

Lieutenant Stotts reviewed the request.

The Comprehensive Public Safety Communication Strategy and Action Plan Committee recommend the Council approve Praecom Consulting to complete a Master Plan for the overall communications strategy for the City of Twin Falls.

Discussion followed:

-Project budget.

Lieutenant Stotts stated that Praecom Consulting has recommended a two-phased approach. The first phase would be to create a Master Plan. This will help determine needs and develop a comprehensive report for the City. The second, an implementation of any plan that may take up to a year.

Discussion followed:

-The City for Phase II of the project would put out a Request for Proposals.

Assistant City Manager Rothweiler explained Phase 2 of the project.

I/S Specialist Eli Searle, explained selecting an independent consultant.

Discussion followed:

Funding for the project.

MOTION:

Councilperson Johnson made a motion to approve Praecom Consulting to complete a Master Plan for the overall communications strategy for the City of Twin Falls not to exceed \$18,000. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Council directed Information Services, Police Department and Fire Department to work closely with Praecom Consulting.

10. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Recess: 6:45

Reconvened at 6:52

Mayor Hall reviewed the public hearing process.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. Public hearing to consider a proposal to increase water rates by \$11.15 per account per month to cover debt service on a loan from the Idaho State Bond Bank for the federally mandated arsenic compliance project.

Tom Courtney reviewed the request.

Lorie Race reviewed the request.

The public portion of the hearing was opened:

Jim Schouten, 229 Tyler Street, spoke against the request.

MINUTES

June 28, 2010

Page 6 of 7

Pete Johnston, 312 Washington Street South, spoke against the request.

Carol Roseberry, 264 Harrison, spoke against the request.

Tim Dodd, 560 Cypress Way, spoke against the request.

Gale Wright, 891 Briarwood Drive, spoke against the request.

Marion Cook, 450 Pole Line Road #46, spoke against the request.

Margaret Cook, 450 Pole Line Road #46, spoke against the request.

Henry Mayland, 569 Butte Drive, spoke against the request.

Discussion followed:

-Arsenic Compliance.

Finance Director Race and City Manager Courtney explained the City entered into a loan agreement with the Idaho State Bond Bank to complete the purchase of the water rights from Pristine Springs and water rates were adjusted to assure adequate revenue to meet debt service. The Idaho State Bond Bank also financed the construction portion of the project.

-Flat rate versus a consumption rate.

City Manager Courtney stated that regardless of how the billing is done, the City is required to make the bond payment. The City is required to comply with the arsenic regulations. The arsenic compliance is a water quality issue and not a water quantity issue. The City is required to deliver safe water to the community and meet debt service requirements.

-Can the City do a combination rate?

City Manager Courtney stated yes but would need direction from the Council.

-Consequences if the City does not comply with the arsenic requirements.

City Manager Courtney stated that any improvements to water and sewer system have to be approved by the IDEQ. If the water system does not comply; IDEQ can basically shut down any growth and any job industries in the community. Fines could be charged for non-compliance on a daily basis. The initial penalty to the community would be IDEQ's refusal for future plans for any development.

-Affordability to the public.

City Manager Courtney stated relief is not provided to water users at this point in time. .

-Funding.

City Manager Courtney stated that IDEQ and EPA notified the City to look into less costly financing by looking at outside funding sources. In addition, the City needs to raise rates to generate sufficient revenue to meet the requirements of the loan agreement. Staff believes the flat rate proposed is fair.

The public comment portion of the hearing was closed.

Deliberations.

MINUTES

June 28, 2010

Page 7 of 7

MOTION:

Councilperson Lanting made the motion approve the proposal to increase water rates by \$11.15 per account per month to cover debt service on a loan from the Idaho State Bond Bank for the federally mandated arsenic compliance project and to adopt Resolution 1851 as presented. The motion was seconded by Vice Mayor Heider.

MOTION

Councilperson Kezele made the motion to pass a gradual increase of rates across the board as originally proposed.

Motion failed for the lack of a second.

Roll call vote on the main motion showed Councilperson Craig, Mayor Hall, Vice Mayor Heider, Councilpersons Johnson, and Lanting voted in favor of the motion. Councilperson Kezele voted against the motion. Approved 5 to 1.

Council directed staff to explore a relief program similar to Idaho Power Co.

V. **ADJOURNMENT:** The meeting adjourned at 8:14 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

Leila Sanchez - Fw: arsenic fee

From: <lance@lanceclow.net>
To: "Leila Sanchez" <lsanchez@tfid.org>
Date: 6/28/2010 1:36 PM
Subject: Fw: arsenic fee

Sent from my Verizon Wireless BlackBerry

From: <tuckernip@gmail.com>
Date: Mon, 28 Jun 2010 13:28:07 -0600
To: <lance@lanceclow.net>
Subject: arsenic fee

Thank you for your time and for your service to the City of Twin Falls.

I am opposed to a flat fee structure for the arsenic abatement project and would prefer a fee structure which takes water use into consideration.

Thanks again.

Tim Dodd
560 Cypress Way

Thank you for your comments. We will include them in the public record for the hearing.

Lance Clow
208.733.5767

From: John Ellis [mailto:johnellis@cableone.net]

Sent: Thursday, June 17, 2010 7:15 PM

To: lance@lancedlow.net

Subject: Flat rate vs. meter

I will be unable to attend the public hearing on 28 June regarding the fee for mandated arsenic compliance. I want, however, to express my concern about this proposal.

I can certainly understand the need to raise money to pay for the unfunded mandate. And I am more than happy to pay my fair share, although I live in a part of Twin Falls which has water that already meets the arsenic standard. But the present proposal is patently unfair.

Some citizens make every attempt to conserve water. Others use it lavishly. Some have small yards to water, and some have wide expanses of beautiful green grass. I suspect that a single motel uses one hundred times as much water as I do. Some neighborhoods use water from canals for watering lawns, while others of us have to use potable water. Yet the proposal is for all of us to pay the same "flat rate." This is not fair and should not be adopted.

The fee should be assessed in proportion to the amount of water used. It could either be added to the present rate or assessed as a separate fee as a percentage of the water bill. Only then will the citizens of Twin Falls receive a fair deal.

Thank you for your consideration.

Sincerely,

John

John L. Ellis
2092 Whitecloud Circle
Twin Falls, Idaho 83301

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



Minutes
 Meeting of the Twin Falls City Council
 July 6, 2010, Tuesday
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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 accounts payable for June 28 – July 6, 2010. 2. Consideration of a request to accept the deferral agreement from Richard Kelley for curb, gutter, detached sidewalk, and reconstruction of Eastland Drive North to centerline of Eastland Drive. 3. Alcohol License Application (Beer and Wine) for Java Jungle, Inc., DBA Zula Bagels, located at 1986 Addison Avenue East. 4. Alcohol License Application (Beer and Wine) for Log Tavern LLC, DBA Log Tavern, located at 401 4 th Avenue West.	Action	Staff Report Sharon Bryan Troy Vitek Sharon Bryan Sharon Bryan
II. <u>ITEMS FOR CONSIDERATION:</u> 1. City Engineer Jackie Fields, Chief Financial Officer Mike Mason from the College of Southern Idaho, and Aaron Wert of Riedesel Engineers, will lead a discussion on the alignment of Cheney Drive as it intersects North College Road near the Perrine Coulee. 2. Public input and/or items from the City Manager and City Council.	Presentation /Action	Jackie Fields Mike Mason Aaron Wert
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 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:** Lance Clow, Trip Craig, Don Hall, Lee Heider, Dave Johnson, Will Kezele, Greg Lanting
- ABSENT:** None
- STAFF PRESENT:** City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Engineer Jackie Fields, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:01 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.
PROCLAMATIONS: None.

City Manager Courtney stated that on the Consent Calendar Item 4. should read:

Alcohol License Application (Beer, Wine, and Liquor) for Log Tavern LLC, DBA Log Tavern, located at 401 4th Avenue West.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for June 28 – July 5, 2010, total: \$659,956.68.
June – July 2010 Fire Payroll, total: \$47,846.88
June 28 – July 5, 2010, total: \$5,191.39.
2. Consideration of a request to accept the deferral agreement from Richard Kelley for curb, gutter, detached sidewalk, and reconstruction of Eastland Drive North to centerline of Eastland Drive.
3. Alcohol License Application (Beer and Wine) for Java Jungle, Inc., DBA Zula Bagels, located at 1986 Addison Avenue East.
4. Alcohol License Application (Beer and Wine) for Log Tavern LLC, DBA Log Tavern, located at 401 4th Avenue West.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar with the following change to Consent Item #4.
Alcohol License Application (Beer, Wine, and Liquor) for Log Tavern LLC, DBA Log Tavern, located at 401 4th Avenue West.
The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Mayor Hall recused himself from the following Item for Consideration. Mayor Hall turned the meeting over to Vice Mayor Heider.

II. ITEMS FOR CONSIDERATION:

1. City Engineer Jackie Fields, Chief Financial Officer Mike Mason from the College of Southern Idaho, and Aaron Wert of Riedesel Engineers, will lead a discussion on the alignment of Cheney Drive as it intersects North College Road near the Perrine Coulee.

City Engineer Fields reviewed the request.

Discussion followed:

- Permanent traffic signal at N. College Road and Washington Street North.
- Timeline for the developers to finish Cheney to the Hospital is currently under construction.
- Corner of Cheney and Washington Street.
- Construction of Cheney Drive and availability to the public.
- Speed limit of 35 MPH on Cheney Drive.

Minutes

July 6, 2010 (Tuesday)

Page 3 of 3

City Engineer Fields introduced Mike Mason, College of Southern Idaho, explaining how safety finance is acquired and how the projects progress.

Mike Mason introduced Dr. Brad Scholes, and Alan Frost. He gave a short presentation on the safety funds and improvements on the project.

Aaron Wert, Riedesel Engineering, reviewed Exhibits 1, 2, and 3, on the design configurations using overhead projections.

Discussion followed.

Mike Mason explained that there are two acres on the CSI property for a future fire station. He also explained the property is owned by the CSI Foundation.

City Engineer Fields stated that the purpose tonight is to address the eastern intersection of Cheney and North College Road. The intersection at North Washington Street and Cheney is solid as it is. Staff recommends that the City Council accepts Exhibit #3 as proposed by Riedesel Engineering for the alignment.

MOTION:

Councilperson Clow made a motion to accept Exhibit #3 as a future plan for the CSI North Campus. The motion was seconded by Councilperson Lanting.

Vice Mayor Heider stated his concern that North College Road is the only collector street within one square mile. There are no north/south collectors for all the traffic that comes from the north and east that comes off of Washington Street. He stated that the City allowed Gold's Gym to go through.

Councilperson Clow stated for clarification that Gold's Gym did not block the lot but there was another developer that had auto sales on the property. Gold's Gym remodeled the building.

Roll call vote showed Councilpersons Clow, Craig, Vice Mayor Heider, Councilpersons Johnson, Kezele and Lanting voted in favor of the motion. Mayor Hall abstained from voting. Approved 6 to 0.

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

Councilperson Clow stated that he regrettably could not attend the meeting regarding water rates. He was attending an Eastern Snake River Plain Aquifer meeting. For the record he stated support of the decision made on the water rates.

Councilperson Lanting reported on the following upcoming meetings:

Golf Advisory Board will meet 11:00 A.M. on Wednesday, July 7, at the Golf Course.

Traffic Safety Commission will meet at 8:30 A.M. on July 8, at the Council Chambers.

Councilperson Craig reported on the following upcoming meetings:

The Urban Renewal Agency will meet at 12:00 P.M. on Monday, July 12, at the Council Chambers.

Parks & Recreation Commission will meet at 11:30 A.M. on Tuesday, July 13, at the Council Chambers.

Library Board of Trustees will meet at 3:00 P.M. on July 7, 2010, at 3:00 P.M. at the Public Library.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

V. ADJOURNMENT: The meeting adjourned at 5:44 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
Meeting of the Twin Falls City Council
July 12, 2010
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:00
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 accounts payable for July 6 – 12, 2010. 2. Consideration of the June 28 and July 6, Minutes. 3. Findings of Fact, Conclusions of Law, and Decision: a. Final Plat Application, Kelley Garden Subdivision.	Action	Staff Report Sharon Bryan Leila A. Sanchez Mitch Humble
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to introduce Shawn Moffitt as new Project Manager for the WWTP. 2. Consideration to reject all bid proposals for the 2010 Micro Surfacing Project. 3. Consideration to adopt a resolution to allow the City to purchase goods and services on the open market for the 2010 Micro Surfacing Project. 4. Consideration of award of the 2010 Micro Surfacing Project to Intermountain Slurry Seal, Inc., of Watsonville, California in the amount of \$113,613.89. 5. Consideration to reject all bid proposals for the 2010 Slurry Seal Project. 6. Consideration to adopt a resolution to allow the City to purchase goods and services on the open market for the 2010 Slurry Seal Project. 7. Consideration of award of the 2010 Slurry Seal Project to Blackline, Inc., of Spokane Washington in the amount of \$310,179.61. 8. Public input and/or items from the City Manager and City Council.	Presentation Action Action Action Action Action	John Keady Jacqueline Fields Jacqueline Fields Jacqueline Fields Jacqueline Fields Jacqueline Fields
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 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: Lance Clow, Trip Craig, Don Hall, Lee Heider, Dave Johnson, Will Kezele

ABSENT: Greg Lanting

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Engineer Jackie Fields, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Courtney requested that the following be added to the Consent Calendar:

Consideration of a request to approve an Alcohol License Application (Beer and Wine) for Local Dish DBA Local Dish located at 778 Falls Avenue on the condition the applicant receives a State License.

The request was approved.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for July 6 – 12, 2010.
2. Consideration of the June 28 and July 6, Minutes.
3. Findings of Fact, Conclusions of Law, and Decision:
 - a. Final Plat Application, Kelley Garden Subdivision.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as amended. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to introduce Shawn Moffitt as new Project Manager for the WWTP.

John Keady, Project Manager, CH2M Hill and Gary Young, Regional Business Manager, CH2M Hill stated that Shawn Moffitt will be the new Project Manager for the WWTP.

City Manager Courtney stated that he has worked with OMI over the past 25 years and commended John Keady for his work as Project Manager at the plant.

Councilperson Clow welcomed Shawn Moffitt back to Twin Falls and thanked John Keady for being community minded and always supporting the City in sponsoring community projects.

The Council welcomed Shawn Moffitt as the Project Manager.

Shawn Moffitt stated that it was an opportunity to work with John Keady and he is looking forward to being in charge of the facility.

2. Consideration to reject all bid proposals for the 2010 Micro Surfacing Project.

MINUTES

July 12, 2010

Page 3 of 6

City Engineer Fields reviewed the request.

Staff recommends that all bids for the 2010 Micro Surfacing Project be rejected. One bid was received for the project. The bid did not conform to the bid specifications because the residency requirements of Idaho Code 44-1001 require that 90% of the contracted employees be bona fide Idaho residents where 50 or less persons are employed. The single bidder, Intermountain Slurry Seal Inc, is an out of state contractor with no Idaho residents.

Discussion followed:

For clarification, City Engineer Fields stated that only one bid was received for the project. The bidder is from Utah.

MOTION:

Vice Mayor Heider made the motion to reject all bid proposals for the 2010 Micro Surfacing Project as presented. The motion was seconded by Councilperson Clow.

Discussion followed:

City Engineer Fields explained the difference between the slurry seal and a chip seal. The micro surfacing is more expensive than the slurry seal.

Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Consideration to adopt a resolution to allow the City to purchase goods and services on the open market for the 2010 Micro Surfacing Project.

City Engineer Fields reviewed the request.

Staff recommends that the City Council approve the resolution declaring that the micro surfacing project can be performed more economically by purchasing goods and services on the open market.

Discussion followed:

Councilperson Kezele asked if there are any local contractors that can do micro surfacing. City Engineer Fields stated that the micro surfacing project is pretty small and there are other micro surfacing contractors but they are located further away than Utah.

Vice Mayor Heider asked that if local companies were to purchase the equipment to do the project and the City would delay the project another year, would the City receive local bidders. City Engineer Fields stated that in her opinion the City may have at least one bidder on micro surfacing for years to come. There are some local companies that are considering breaking into the slurry seal component. Vice Mayor Heider stated that instead of changing the rules to allow the City to purchase goods and services on the open market, the City may put the project off for another year. City Engineer Fields recommends not putting off the project another year.

Councilperson Craig stated that City Engineer Fields commented there was one bidder, Intermountain Slurry Seal, Inc., for the State for the project between Declo and Burley. He asked if the State disallowed the Idaho Rule 44-1001. City Attorney Wonderlich stated that there is an exception for federally funded projects. City Engineer Fields stated that the interstate is all federally funded and the State may have qualified for the exception.

Councilperson Craig asked why the City can't hire local people for this job such as drivers, flaggers, general laborers, etc. City Engineer Fields stated that Intermountain Slurry Seal, Inc., and Blackline and other companies have hired local traffic control people on a regular basis. They are not employed by the company but are sub-contractors. Slurry sealing is a specialized work and companies bring their own work crew. For the project the crew may have up to eight in a crew.

MOTION:

Councilperson Clow made the motion to adopt Resolution 1853, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING THAT THE CITY'S MICRO SURFACING PROJECT CAN BE PERFORMED MORE ECONOMICALLY BY PURCHASING GOODS AND SERVICES ON THE OPEN MARKET.

The motion was seconded by Councilperson Johnson.

Discussion followed:

Vice Mayor Heider asked if the Resolution applied only to this project. City Attorney Wonderlich answered in the affirmative.

Councilperson Craig asked for clarification how many people are in the crew. City Engineer Fields stated 8 to 10 persons.

Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

4. Consideration of award of the 2010 Micro Surfacing Project to Intermountain Slurry Seal, Inc., of Watsonville, California in the amount of \$113,613.89.

City Engineer Fields reviewed the request.

Staff recommends that the City Council authorize the Mayor to sign the contract for 2010 Micro Surfacing Project with Intermountain Slurry Seal, Inc. of Watsonville California, not to exceed \$113,613.89.

MOTION:

Vice Mayor Heider made the motion to authorize the Mayor to sign the contract for 2010 Micro Surfacing Project with Intermountain Slurry Seal, Inc. of Watsonville California, not to exceed \$113,613.89 as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

5. Consideration to reject all bid proposals for the 2010 Slurry Seal Project.

City Engineer Fields reviewed the request.

Bids were received from Blackline, Inc. and Intermountain Slurry Seal, Inc. Both are out of state contractors with no Idaho residents. The contractors do not meet the residency requirements of Idaho Code 44-1001 requiring that 90% of the contracted employees be bona fide Idaho residents where 50 or less persons are employed. Staff recommends that all bids for the 2010 Slurry Seal Project be rejected.

Discussion followed:

Vice Mayor Heider asked that when companies are coming from California and Utah, do they bring their product with them as well as their manpower. City Engineer Fields stated that on an Airport project, Intermountain Slurry Seal, Inc brought their rock with them for the project. Blackline bought rock from Gordon Paving for last year's seal coat project.

MOTION:

Vice Mayor Heider made the motion to reject all bid proposals for the 2010 Slurry Seal Project as presented. The motion was seconded by Councilperson Clow.

Discussion followed:

Councilperson Craig asked how many people could be employed by the Slurry Seal. City Engineer Fields stated 8 to 15 persons.

City Engineer Fields stated that the Streets Department has been crack sealing the City streets to keep water out of the pavement. The Street Department focuses efforts first towards roads that are going to be sealed.

Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

6. Consideration to adopt a resolution to allow the City to purchase goods and services on the open market for the 2010 Slurry Seal Project.

City Engineer Fields reviewed the request.

Staff recommends that the City Council approve the resolution declaring the slurry seal project can be performed more economically by purchasing goods and services on the open market.

MOTION:

Councilperson Johnson made the motion to adopt Resolution 1854, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING THAT THE CITY'S SLURRY SEAL PROJECT CAN BE PERFORMED MORE ECONOMICALLY BY PURCHASING GOODS AND SERVICES ON THE OPEN MARKET.

The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

7. Consideration of award of the 2010 Slurry Seal Project to Blackline, Inc., of Spokane Washington in the amount of \$310,179.61.

City Engineer Fields reviewed the request.

Staff recommends the the City Council authorize the Mayor to sign the contract for 2010 Slurry Seal Project with Blackline, Inc., of Spokane, Washington, not to exceed \$310,179.61.

Discussion followed:

Councilperson Kezele asked the difference between Type II and Type III Slurry Seal. City Engineer Fields explained the difference is rock size. Type II is performing well on residential and collector streets. Type III will be used on the lower volume major collectors and higher residential streets.

Councilperson Kezele asked if the subdivision by the LDS Temple would have to be slurry sealed since it is a fairly new subdivision. There are only 3 homes in the subdivision. City Engineer Fields stated the pavement oxidizes whether you drive on it or not. Within about 3 years when the pavement is laid it is a good time to seal.

Councilperson Clow stated that the City has rejected all bids and adopted Resolution 1854. He asked if it would be more cost effective to rebid the projects and perhaps save on mobilization costs if only one bidder was approved for both the Micro Surfacing and Seal Coat projects. This would involve renegotiating with the contractors. City Engineer Fields stated that Blackline Inc. did a good job last year on the Seal Coat Project. The majority of the work is Type II Seal Coat and the unit prices are the same. The City would like to continue to have more than one bidder to keep prices competitive. Staff recommends to approve the Slurry Seal Project to Blackline Inc. rather than to renegotiate the contracts which may take up to three weeks. Intermountain Slurry Seal Inc. has other work in Idaho, which may give the City a better bid to be awarded both bids. Blackline would also want an opportunity to bid both projects.

Vice Mayor Heider stated he did not agree on rebidding the project.

MOTION:

Councilperson Johnson made the motion to authorize the Mayor to sign the contract for 2010 Slurry Seal Project with Blackline, Inc., of Spokane Washington, not to exceed \$310,179.61 as presented. The motion was seconded by Vice Mayor Heider and and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

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

City Manager Courtney announced that he would be retiring in March 2011. The Council commended City Manager Courtney for his integrity and leadership that he has demonstrated while working for the City.

The Council will have a meeting on Monday, July 19, 2010, at 3:00 P.M. to discuss the 2010-2011 Preliminary Budget.

Councilperson Johnson stated that a proposed ordinance will be presented to the City Council on July 19, 2010, regarding creating a citizen finance and planning commission. The Commission will have nine voting members – six from the community and three from the City Council. He stated his concern of the 3 Councilpersons being voting members and suggested that the Councilpersons are appointed as non-voting members but to serve as liaisons to the Committee. Councilperson Clow stated

MINUTES

July 12, 2010

Page 6 of 6

his concern that the Twin Falls Citizen Finance and Planning Committee proposed Resolution/Ordinance will codify the Committee. The Commission, if codified, would become more formal. He did not agree on codifying the commission. Councilperson Johnson stated that discussion and decisions can be made at the time the request is made to adopt the ordinance.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

V. ADJOURNMENT: The meeting adjourned at 6:13 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
Meeting of the Twin Falls City Council
July 19, 2010
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

3:00 P.M.

The purpose of the meeting is to discuss the Preliminary Budget for Fiscal Year 2010-2011.

CALL MEETING TO ORDER: 5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

CONFIRMATION OF QUORUM

INTRODUCTION OF STAFF

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

PROCLAMATIONS: PARKS AND RECREATION MONTH

AGENDA ITEMS		Purpose	By:
I.	<u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for July 13 – 19, 2010. 2. Consideration of the July 12, 2010, Minutes. 3. Consideration of a request from Gretchen Scott and the Junior Club of the Magic Valley to approve the 23 rd Annual Bite of Magic Valley to be held at the Twin Falls City Park on July 28, 2010.	Action	Staff Report Sharon Bryan Leila A. Sanchez Dan McAtee
II.	<u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of bids for the 2010 Urban Renewal Block 133 Twin Falls Townsite Improvement Project. 2. Consideration of proposed Ordinance 2987 creating the City of Twin Falls Finance and Planning Committee. 3. Public input and/or items from the City Manager and City Council.	Action Action	Lee Glaesemann Travis Rothweiler
III.	<u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV.	<u>PUBLIC HEARINGS:</u> 6:00 P.M. – 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.*

3:00 P.M.

The purpose of the meeting is to discuss the Preliminary Budget for Fiscal Year 2010-2011.

Present: Lance Clow, Don Hall, Lee Heider, Dave Johnson, Will Kezele
Absent : Greg Lanting
Councilperson Craig joined the Council at 3:32 P.M.

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, Finance Director Lorie Race, Budget Manager Darren Huber.

Reconvened the meeting at 5:00 P.M.

PRESENT: Lance Clow, Trip Craig, Don Hall, Lee Heider, Dave Johnson, Will Kezele

ABSENT: Greg Lanting

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Staff Engineer Lee Glaesemann, Staff Sergeant Dan McAtee, Economic Development Director Melinda Anderson, Recreation Supervisor Stacy McClintock, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Courtney requested that the following be added to the Consent Calendar:

Consideration of a request to approve an Alcohol License Application (Beer, Wine, and Alcohol) for Screamin' Hot Twin Falls LLC DBA Buffalo Wild Wings Grill, 1239 Pole Line Road East, on the condition the applicant receives a State License.

The request was approved.

PROCLAMATIONS: Parks & Recreation Month.

Mayor Hall read the Proclamation and presented it to Recreation Supervisor Stacy McClintock.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for July 13 – 19, 2010. total: \$247,549.95.
2. Consideration of the July 12, 2010, Minutes.
3. Consideration of a request from Gretchen Scott and the Junior Club of the Magic Valley to approve the 23rd Annual Bite of Magic Valley to be held at the Twin Falls City Park on July 28, 2010.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar with the addition of the following request: Consideration of a request to approve an Alcohol License Application (Beer, Wine, and Alcohol) for Screamin' Hot Twin Falls LLC DBA Buffalo Wild Wings Grill on the condition the applicant receives a State License. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Gretchen Scott, representative of the Junior Club, welcomed everyone to attend the 23rd Annual Bite of the Magic Valley to be held on Wednesday, July 28, 2010.

Councilperson Kezele recused himself from the discussion and voting on the following Item for Consideration.

II. **ITEMS FOR CONSIDERATION:**

1. Consideration of bids for the 2010 Urban Renewal Block 133 Twin Falls Townsite Improvement Project.

Staff Engineer Glaesemann explained the request.

Staff recommends awarding the 2010 Urban Renewal Block 133 Twin Falls Townsite Improvement project to Gordon Paving Co. of Twin Falls Idaho, in the amount of \$327,123.83 with the contingency that they meet the requirements of the Department of Commerce debar check.

Discussion followed:

Mayor Hall stated that it would make sense to go with the lowest bidder, which is Gordon Paving. The concern that he has heard is that Gordon Paving is performing the work on Washington Phase I, which is a bit behind schedule; and the Falls Avenue Project, which is going fairly well. The real concern he had is perhaps Gordon Paving is stretching beyond their limit. Staff Engineer Glaesemann stated that this did come up for discussion with staff and was a point of concern. The other option was to reject and rebid the contract which would take 6 weeks or more to accomplish.

Mayor Hall stated for clarification that Gordon Paving has been a reputable company.

Councilperson Craig asked what "the requirements of the Department of Commerce debar check". Economic Development Director Anderson stated that it is a check that bidders are not on a list of barred contractors.

MOTION:

Vice Mayor Heider made the motion to award the 2010 Urban Renewal Block 133 Twin Falls Townsite Improvement Project to Gordon Paving Co. of Twin Falls, Idaho, in the amount not to exceed \$327,123.83 with the contingency that they meet the requirements of the Department of Commerce debar check as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Councilperson Kezele abstained from voting. Approved 5 to 0, with Councilperson Kezele abstaining.

Councilperson Clow stated that about three weeks ago a Gordon Paving vehicle almost broadsided his vehicle.

Brian Hansen, 941 Tinklewood Court, gave a brief progress report on the paving of the Washington Project. A third test strip was paved which has been approved, and just needs a density check. Tuesday, Gordon Paving will pave the other half and on Wednesday all the traffic will be shifted to the other side. Washington will be brought up to schedule. Falls will see paving on it as well this week. On Falls and Washington there will be a dramatic change. Gordon Paving can definitely handle more work at this point. As a side note, an investigation will be made as to who the driver was from Gordon Paving who almost broadsided Councilperson Clow's vehicle.

Councilperson Kezele stated that he serves on a Traffic Highway District Committee that meets once a month. A delay on the Washington and Falls Project was discussed. ITD stated the delays on Washington were not directly related to Gordon Paving but the state changed their mix of asphalt requirements, and other obstacles arose that could not be prevented.

III. The Consideration of proposed Ordinance 2987 creating the City of Twin Falls Finance and Planning Committee.

Assistant City Manager Rothweiler reviewed the request.

The following is being proposed: The City Finance and Planning Committee will have nine voting members- six from the community and three from the City Council. The three members currently serving on the City Council's finance committee will become members of a new committee. The new citizen committee will take the place of the City Council's committee. All City staff members will continue to serve in an ex-officio capacity. The City Finance and Planning Committee will continue to serve in an advisory capacity.

Discussion followed:

Mayor Hall stated his concern that the Council will be voting members on the advisory commission. He asked if this is the only commission that would have Councilmembers voting members. Assistant City Manager Rothweiler stated yes. Councilmembers serve as liaisons to Committees/Commissions. The idea was to not necessarily do away with what we have, which is 3 Councilmembers serving as our Finance Committee, but to expand the group that would include the community in the process. The plan was not to limit the role the Finance Committee has now but to expand the committee to include the citizens in that progress.

Councilperson Clow asked how many meetings the committee will have per year. Assistant City Manager Rothweiler stated the meetings may be conducted once per month at the beginning and as the members develop a basic knowledge the commission will eventually meet quarterly.

City Attorney Wonderlich stated this is an advisory commission and the commission does not have the authority to make any decisions but only recommendations to the City Council. Potential conflict issues were discussed regarding Councilmembers serving the committee, and found there is no legal conflict.

Councilperson Johnson stated that he could see the Councilmembers serve in a liaison position, instead of three voting Councilpersons.

Councilperson Clow suggested having five citizens to have an odd number for voting purposes: three Councilmembers who are non-voting or ex-officio members, the Chief Financial Officer and City Manager as part of the advisory committee as ex-officio members.

Councilperson Johnson suggested that the senior staff serve as ex-officio members.

Councilperson Clow suggested specifying the senior staff to serve as voting members.

Councilperson Kezele suggested that perhaps Human Resources should serve as a member to the committee to discuss health insurance ideas on ways to cut costs, depending on what is being discussed at the time.

Councilperson Johnson suggested making city staff members serve as ex-officio members, with the Chief Financial Officer and City Manager to serve also as ex-officio members, and Councilpersons to serve as ex-officio members.

Councilperson Craig asked why the committee was being codified when other committees were not codified. Assistant City Manager Rothweiler stated this creates a permanent committee and to fill the vacancies as required. If the Council wanted to do away with the committee or alter the committee it would have to be done with an ordinance. The ordinance process almost creates a sense of permanence.

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinance 2987, entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE TWIN FALLS CITY CODE BY THE ENACTMENT OF A NEW CHAPTER 2, TITLE 2, CREATING A CITIZEN FINANCE AND PLANNING COMMISSION.**

on third and final reading by title only. The motion was seconded by Vice Mayor Heider and 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 Johnson made the motion to adopt Ordinance 2987 as presented. The motion was seconded by Vice Mayor Heider.

MOTION:

Councilperson Clow made an amendment to the main motion that under 2-3-3: MEMBERSHIP: A. to replace nine (9) voting members to five (5) voting members. Five (5) members from the community and two (2) from the City Council to serve as an ex-officio capacity. The motion was seconded by Councilperson Johnson and all members present voted in favor of the motion. Approved 6 to 0.

MOTION:

Councilperson Clow made an amendment to the main motion that under 2-3-3: MEMBERSHIP: A: to change the last line “All City staff members shall serve in an ex-officio capacity” to “ The City Manager, Chief Financial Officer, and two (2) members of the City Council, or their designees shall serve in an ex-officio capacity”. The motion was seconded by Councilperson Kezele. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MOTION:

Councilperson Johnson made an amendment to the main motion to 2-3-3: MEMBERSHIP to remove the word “savvy” to “financial knowledge and/or business experience.” The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MAIN MOTION WITH AMENDMENTS:

Adopted Ordinance 2987, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE TWIN FALLS CITY CODE BY THE ENACTMENT OF A NEW CHAPTER 2, TITLE 2, CREATING A CITIZEN FINANCE AND PLANNING COMMISSION.

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

Council directed staff to begin the advertising for the Commission.

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

Vice Mayor Heider reported that Darrell Buffaloe accepted the position to Chair the Historic Preservation Commission.

Councilperson Clow clarified the Urban Renewal Agency is a different agency than the City.

Mayor Hall reported that the next Preliminary Budget meeting will be on August 2, 2010, at 3:00 P.M. in the City Council Chambers

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

V. ADJOURNMENT: The meeting adjourned at 6:10 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



CITY OF TWIN FALLS, IDAHO
CANCELLATION NOTICE
OF THE
TWIN FALLS COUNCIL MEETING
SCHEDULED TO BE HELD ON
Monday, July 26, 2010, 5:00 p.m.

Leila Sanchez
Deputy City Clerk

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
August 2, 2010
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for July 20-August 2, 2010.
2. Consideration of the July 19, 2010, Minutes.
3. Consideration of a request from Shawn Barigar and the Twin Falls Area Chamber of Commerce to approve the Great Cardboard Boat Regatta to be held at Dierkes Lake and Park on August 21, 2010.
4. Consideration of a request from Shawn Barigar and the Twin Falls Chamber of Commerce to approve the 2010 Hot August Nite Picnic at the Twin Falls City Park on August 19, 2010.
5. Consideration of a request from Patrick Scheidt, owner of Von Scheidt Brewing Company, to host an outdoor music event in the parking lot of their location at 157 2nd Avenue West on Friday evening, August 13, 2010, and Saturday, August 14, 2010.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to present plaques to Battalion Chiefs Ron Aguirre and Brian Cunningham to recognize Twin Falls Fire Department's role in mercury incident in September of 2009.
2. Consideration of a request to re-appoint members of the Twin Falls City Historic Preservation Commission.
3. Consideration of a request to hold the Annual Muscular Dystrophy Fill the Boot campaign from 10:00 A.M. to 6:00 P.M. on August 13, 2010, at the intersection of Addison Avenue East and Locust.
4. Public input and/or items from the City Manager and City Council.
5. Continue discussion of the Preliminary Budget for Fiscal Year 2010-2011.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

V. ADJOURNMENT:

3:00 P.M.

The purpose of the meeting is to discuss the Preliminary Budget for Fiscal Year 2010-2011.

Adjourned at 4:50 P.M.

PRESENT: Lance Clow, Trip Craig, Greg Lanting, Don Hall, Lee Heider, Dave Johnson, Will Kezele

ABSENT: None

STAFF PRESENT: City Manager Tom Courtney, Community Development Director Mitch Humble, City Engineer Jackie Fields, Economic Development Director Melinda Anderson, Finance Director Lorie Race, Budget Manager Darren Huber, Staff Sergeant Dan McAtee, Driver/Operator Edward Morris, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall reconvened the meeting at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for:
July 20-August 2, 2010, total: \$650,547.62
July 22, 2010, total: \$5,000.00
July 22, 2010, total: \$589,376.94
July 26, 2010, total: \$6,000.00
July 29, 2010, total: \$47,620.73
2. Consideration of the July 19, 2010, Minutes.
3. Consideration of a request from Shawn Barigar and the Twin Falls Area Chamber of Commerce to approve the Great Cardboard Boat Regatta to be held at Dierkes Lake and Park on August 21, 2010.
4. Consideration of a request from Shawn Barigar and the Twin Falls Chamber of Commerce to approve the 2010 Hot August Nite Picnic at the Twin Falls City Park on August 19, 2010.
5. Consideration of a request from Patrick Scheidt, owner of Von Scheidt Brewing Company, to host an outdoor music event in the parking lot of their location at 157 2nd Avenue West on Friday evening, August 13, 2010, and Saturday, August 14, 2010.

Discussion followed:

Councilperson Kezele stated the following concerns on the upcoming event of the Great Cardboard Boat Regatta:

- Pollutants in the lake (including litter and paint)
- Environmental issues.

Shawn Barigar, Chamber of Commerce, stated that the event is held all over the country. Clean up crews which include divers will be at the event. Materials used for the construction of the boats are very restrictive.

Patty Adam, Chamber of Commerce Ambassador, stated that there will be two technical inspectors at the event, and their sole purpose is to evaluate each of the boats to make certain no toxic elements are used in the construction of each boat

MOTION:

Councilperson Johnson made the motion to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to present plaques to Battalion Chiefs Ron Aguirre and Brian Cunningham to recognize Twin Falls Fire Department's role in mercury incident in September of 2009.

Fire Chief Clark made the presentation.

Mayor Hall and Councilperson Kezele presented plaques to Battalion Chiefs Ron Aguirre and Brian Cunningham.

2. Consideration of a request to re-appoint members of the Twin Falls City Historic Preservation Commission.

Community Development Director Humble reviewed the request.

MOTION:

Councilperson Johnson made the motion to re-appoint Sonia Alexander and Norm Tilley to the Twin Falls City Historic Commission for three-year terms to expire July 2013. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Consideration of a request to hold the Annual Muscular Dystrophy Fill the Boot campaign from 10:00 A.M. to 6:00 P.M. on August 13, 2010, at the intersection of Addison Avenue East and Locust.

Edward Morris, Local 1556, Twin Falls Fire Fighters Association, reviewed the request.

MOTION:

Councilperson Johnson made the motion to approve the Annual Muscular Dystrophy Fill the Boot campaign from 10:00 A.M. to 6:00 P.M. on August 13, 2010, at the intersection of Addison Avenue East and Locust as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

Councilperson Lanting gave an update on the 3rd Annual Fund Raising Golf Tournament held July 31st.

Mayor Hall stated that Personnel Administrator Susan Harris has begun the recruitment of a new City Manager.

The City is currently requesting Letters of Interest for the Citizen Finance and Planning Committee.

Mayor Hall stated that he was approached by Red Cross questioning the sign code fees structure for banners. Red Cross requested that fees for the banners announcing the blood drive be waived for the non-profit organization.

Discussion followed:

-Council discussed various non-profit organizations.

-Mayor Hall stated that if the Council is considering waiving the sign code fees for a non-profit organization, that the organizations continue to go through the process to get signs permitted.

Vice Mayor Heider suggested that instead of waiving fees to non-profit organizations to amend the city code.

Councilperson Johnson stated that the intention of the sign code fees is aimed at commercial signs.

Community Development Director Humble stated that the fee is in the resolution. He stated that he would suggest that the City Council approve or deny fee waiver requests, or amend the resolution so waivers aren't necessary. He stated that he would work with the City Attorney to work on revising the resolution.

MINUTES

August 2, 2010

Page 4 of 4

Councilperson Craig stated that the Red Cross Blood Drive is a non-profit organization and is doing a service for the community.

.MOTION:

Councilperson Johnson made the motion to approve to waive the sign code fees for the Red Cross Blood Drive and Council directed staff to review Resolution No. 1804. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted In favor of the motion. Approved 7 to 0.

Community Development Director Humble discussed the various sign regulation conflicts within City Code. He also stated that any changes in Title 10 would require an ordinance and a public hearing.

Council directed staff to prepare an ordinance to amend city code to address city sign regulating conflicts.

The Regular meeting adjourned at 5:40 P.M.

5. Continue discussion of the Preliminary Budget for Fiscal Year 2010-2011. Discussion continued on the preliminary budget.

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

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

V. **ADJOURNMENT:** The meeting adjourned at 7:00 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 August 9, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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 accounts payable for August 2 – 9, 2010. 2. Consideration of the August 2, 2010, Minutes. 3. Consideration of a request from Sue Spain of the Hispanic Heritage Fiesta Committee to approve the 21 st Annual Hispanic Heritage Fiesta to be held at the Twin Falls City Park on August 14 and 15, 2010. 4. Consideration of a request to approve an event sponsored by Nazzkart/Lee Family Broadcasting to raise funds for the 4 th Annual Underprivileged Kids Christmas Party held in December 2010.		Action	Staff Report Sharon Bryan Leila A. Sanchez Dan McAtee Dennis Pullin
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration to recognize the service of Shawn Black, skateboarding professional, by presenting a plaque to him 2. Consideration of a 4th extension of the final plat of Grandview Estates Subdivision, 40 (+/-) acres, to develop 133 residential lots and 2 tracts, located at the southeast corner of Grandview Drive North and Federation Road, c/o Tim Vawser, EHM Engineers, Inc. 3. Adopt preliminary budget for the City and set August 23, at 6:00 pm as the date and time for the budget hearing. 4. Public input and/or items from the City Manager and City Council.		Presentation Action Action	Stacy McClintock Mitch Humble Tom Courtney
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>			
IV. <u>PUBLIC HEARINGS:</u> – None. <p align="center">6:00 P.M.</p> PUBLIC INPUT SESSION FOR THE FOLLOWING ITEM FOR CONSIDERATION: 1. Consideration of an Ordinance amending the Twin Falls City Code by creating new section 9-9-21, prohibiting drivers from using electronic devices to write, send, or read text-based communications.		Action	Travis Rothweiler
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: Lance Clow, Greg Lanting, Don Hall, Lee Heider, Dave Johnson, Will Kezele

ABSENT: Trip Craig

STAFF PRESENT: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jackie Fields, Finance Director Lorie Race, Budget Manager Darren Huber, Staff Sergeant Dennis Pullin and Staff Sergeant Dan McAtee, Captain Brian Pike, Recreation Supervisor Stacy McClintock, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

Councilperson Clow clarified to the public that discussion on the preliminary budget 2010-2011 would continue after the 6:00 P.M. **PUBLIC INPUT SESSION** portion of the meeting.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for August 3 – 9, 2010, total: \$1,405,882.51
Prepaid Payroll – August 5, 2010, total: \$106,242.94.
2. Consideration of the August 2, 2010, Minutes.
3. Consideration of a request from Sue Spain of the Hispanic Heritage Fiesta Committee to approve the 21st Annual Hispanic Heritage Fiesta to be held at the Twin Falls City Park on August 14 and 15, 2010.
4. Consideration of a request to approve an event sponsored by Nazzkart/Lee Family Broadcasting to raise funds for the 4th Annual Underprivileged Kids Christmas Party held in December 2010.

Discussion followed:

Vice Mayor Heider asked a review of Consent Calendar Items 3. and 4.

Staff Sergeant McAtee reviewed the request from Sue Spain of the Hispanic Heritage Fiesta Committee to approve the 21st Annual Hispanic Heritage Fiesta to be held at the Twin Falls City Park on August 14 and 15, 2010.

Staff Sergeant Pullin reviewed the request to approve an event sponsored by Nazzkart/Lee Family Broadcasting to raise funds for the 4th Annual Underprivileged Kids Christmas Party held in December 2010.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration to recognize the service of Shawn Black, skateboarding professional, by presenting a plaque to him.

Recreation Supervisor McClintock gave the presentation.

Mayor Hall and Councilperson Johnson presented the plaque to Shawn Black.

2. Consideration of a 4th extension of the final plat of Grandview Estates Subdivision, 40 (+/-) acres, to develop 133 residential lots and 2 tracts, located at the southeast corner of Grandview Drive North and Federation Road, c/o Tim Vawser, EHM Engineers, Inc.

Community Development Director Humble reviewed the request.

Staff recommends approval as presented.

Discussion followed:

Community Development Director Humble stated that in City Code there is no limit to approving final extensions.

MOTION:

Councilperson Lanting made the motion to approve the 4th extension of the final plat of Grandview Estates Subdivision, 40 (+/-) acres, to develop 133 residential lots and 2 tracts, located at the southeast corner of Grandview Drive North and Federation Road, c/o Tim Vawser, EHM Engineers, Inc. (August 28, 2011 expiration) as presented with the following conditions:

1. Subject to final technical review by the Engineering Department.
2. Proposed park area to comply with new park ordinance and to provide adequate off street parking, as per City standards and encourage developer to work with City staff to provide a pressurized irrigation system.
3. To encourage developer to work with City staff to provide a pressurized irrigation system.
4. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City code requirements and standards.
5. Subject to arterial and collector streets adjacent and with the property being rebuilt or built to current City standards upon development of the property.
6. A Weed Management Plan approved by City staff.
7. The plat note(s) are revised to read: A 15 ft. wide utility and drainage easement shall exist on all lot lines adjacent to street frontages, except Grandview Drive North which shall be 10 ft wide.
8. Amend the final plat to provide uniform right-of-way width of 46 ft. while allowing the roadway width to remain at 32 ft. to the face of curb and to allow the park acreage to be diminished by the amount of right of way dedication across the Grandview frontage.
9. Subject to conformance with the current Code regarding pressurized irrigation.

The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Adopt preliminary budget for the City and set August 23, at 6:00 P.M. as the date and time for the budget hearing.

City Manager Courtney reviewed the request. This is a procedural step that is required in State law to adopt the budget.

Options for the Preliminary Budget:

As presented: \$45,162,915

Revenue Estimate: \$46,608,914

Foregone Amount ADD: \$539,875

3% Statutory Increase Add: \$460,913

Staff recommends that the City Council approve the tentative/preliminary budget for FY 2010-11 as presented.

Discussion followed:

Councilperson Kezele asked for the explanation of the 3% Statutory Increase Add - \$460,913. Assistant City Manager Rothweiler stated that if you include both the new construction number, the foregone amount of \$539,876 and take the 3% increase of \$460,913 which is allowed under the State Code, the total tax collection would equal \$16,812,828 with a tax rate of roughly \$7.34 per thousand in value. For the fiscal year 2010 tax rate it was \$6.58 per thousand in value. The difference is of roughly \$0.75 per thousand dollars of value on the tax rate side increase of property tax.

Councilperson Clow stated for clarification that the homeowner's exemption decreased from \$104,000 to \$101,000.

Assistant City Manager Rothweiler stated that the total new construction value is \$68,042,995. When you take last year's tax rate, it would net \$448,286.

Minutes

August 9, 2010

Page 4 of 6

Councilperson Lanting stated the foregone amount is tax money that we could have taxed last year but chose not to. Assistant City Manager Rothweiler answered in the affirmative. Councilperson Clow stated for clarification that if we don't take the 3% this year it becomes the foregone for next year so it brings up the total foregone for next year. Councilperson Kezele asked when we lose the foregone amount if we don't capture it. Mayor Hall stated that we lose the foregone amount when the legislature changes that law. Councilperson Johnson stated that you lose the foregone amount when you choose to forego it. City Manager Courtney stated that is correct for the fiscal year where you choose not to take it but that the next year that same amount will be available. For most years we have carried a foregone amount balance.

MOTION:

Councilperson Lanting made the motion to cap the Preliminary Budget for FY 2010 – 11 to \$47,609,702. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion.

MOTION:

Councilperson Lanting made the motion to set August 23, at 6:00 P.M., as the date and time for the budget hearing. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

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

Councilperson Clow reported on Xavier School Moving Day.

Vice Mayor Heider reported on the Historic Preservation Committee interviews.

Recess: at 5:36 P.M.

Reconvened: 6:00 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: – None.

6:00 P.M.

PUBLIC INPUT SESSION FOR THE FOLLOWING ITEM FOR CONSIDERATION:

1. Consideration of an Ordinance amending the Twin Falls City Code by creating new section 9-9-21, prohibiting drivers from using electronic devices to write, send, or read text-based communications.

Assistant City Manager Rothweiler reviewed the request.

Discussion followed:

Councilperson Clow asked the City Attorney as to why text messaging is not inattentive driving and asked what the fine is for inattentive driving. City Attorney Wonderlich defined inattentive and reckless driving and fines associated with the citation.

Vice Mayor Heider asked that if the proposed ordinance is passed would it be difficult to enforce. City Attorney Wonderlich stated that it would be difficult to enforce absent of a confession. The officer would caution the driver that texting is prohibited.

Councilperson Johnson asked if a GPS device would also be prohibited. City Attorney Wonderlich stated that a GPS device is more like a radio.

Staff Sergeant Pullin reviewed the proposed ordinance.

Councilperson Kezele asked why cell phone use was not prohibited in its entirety.

Councilperson Lanting stated that he had several discussions with city staff and came to the conclusion that the proposed ordinance would pass if it was less restrictive.

Minutes

August 9, 2010

Page 5 of 6

Councilperson Johnson asked how officers spot inattentive or reckless driving. Staff Sergeant Pullin stated that driving patterns are observed. He also stated that if an officer spots someone who is texting but is not being inattentive or reckless, an officer can caution the driver that this is illegal.

Councilperson Heider asked if the legislation passes the no texting ordinance as recently proposed, how it would affect the status of the proposed ordinance. City Attorney Wonderlich stated that this would preempt the city from enforcing the proposed ordinance. The City is overruled by the State Legislature.

Assistant City Manager Rothweiler discussed the research that was done throughout the states.

Mayor Hall opened the public portion of the meeting.

Roger Ursenback, 271 Tyler or Filer Street, opposed to the texting ban

David Snelson, 323 Clear Lakes, Buhl, ID, Traffic Safety Commission Member, explained the Commission's recommendation of the proposed ordinance

Portion of the hearing is closed.

Discussion followed:

-Inattentive and reckless driving

Captain Pike explained the difference between inattentive driving and text ordinance.

Councilperson Lanting stated that the proposed ordinance would be tough to enforce but most people will obey the law because it is the law.

MOTION:

Councilperson Lanting made the motion to suspend the rules and place Ordinance #2988, entitled:

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 §9-9-21, PROHIBITING DRIVERS FROM USING ELECTRONIC COMMUNICATIONS DEVICES TO WRITE, SEND OR READ TEXT-BASED COMMUNICATIONS, EXCEPT AS SPECIFIED.

on third and final ready by title only. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Passed 6 to 0.

Councilperson Clow made the motion to adopt Ordinance #2988, with an effective date of October 1, 2010, as presented. The motion was seconded by Councilperson Johnson. Roll call vote showed Mayor Hall, Vice Mayor Heider, Councilperson Kezele and Lanting voted in favor of the motion. Councilperson Clow and Johnson voted against the motion. Approved 4 to 2.

Recess at 7:16 P.M.

Reconvened at 7:30 P.M.

Continued detailed discussion on the Preliminary Budget for FY 2010-2011.

V. **ADJOURNMENT**: The meeting adjourned at 8:45 P.M.

Leila A. Sanchez

Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
Meeting of the Twin Falls City Council
August 16, 2010
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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 accounts payable for August 10 – 16, 2010. 2. Consideration of the August 9, 2010, Minutes.	Action	Staff Report Sharon Byran Leila Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to appoint Jenni Geilman, Ryan Horsley, and Randall Watson to the Twin Falls City Historic Preservation Commission. 2. Consideration of a request to adopt a resolution establishing sign permit fees. 3. Consideration of an ordinance deannexing 1.01 (+/-) acres located on the north side of Park Avenue, approximately 1,450 feet west of Blue Lake Boulevard South. 4. Consideration of a request to award the bid of the rehabilitation project on Cowboy Field at Harmon Park to Darren Hall Construction. 5. Consideration of an FAA Grant Offer for an FAA AIP 30-Slurry Seal Project. 6. Consideration of an FAA Grant Offer for FAA AIP 31- Airport Master Plan Update. 7. Consideration of the Airport Consultant Selection Committee’s recommendation to select Riedesel Engineering as Joslin Field’s Engineer for FAA Airport Improvement Projects. 8. Public input and/or items from the City Manager and City Council.	Action Action Action Action Action Action	Mitch Humble Mitch Humble Mitch Humble Dennis Bowyer Bill Carberry Bill Carberry Bill Carberry
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 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: Lance Clow, Trip Craig, Don Hall, Greg Lanting, Will Kezele, Lee Heider

Absent: Dave Johnson

Staff Present: City Manager Tom Courtney Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Airport Manager Bill Carberry, Parks & Recreation Director Dennis Bowyer, City Engineer Jackie Fields, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced City staff

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for August 10 – 16, 2010.
2. Consideration of the August 9, 2010, Minutes.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to appoint Jenni Geilman, Ryan Horsley, and Randall Watson to the Twin Falls City Historic Preservation Commission.

Community Development Director Humble reviewed the request.

The selection committee recommends that the Council appoint Jenni Geilman, Ryan Horsley, and Randy Watson to serve on the Historic Preservation Commission.

Staff recommends the Council appoint one appointee to a one year term, one to a two year term, and the third to a three year term.

MOTION:

Councilperson Lanting made the motion to appoint Jenni Geilman to a one year term, Ryan Horsley to a two year term, and Randy Watson to a three year term to serve on the Historic Preservation Commission. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Consideration of a request to adopt a resolution establishing sign permit fees.

Community Development Director Humble reviewed the proposed resolution. Approval of this request will eliminate the sign permit fee for a temporary community event sign for a non-profit and non-commercial event. A sign permit will need to be secured from the Building Department.

Discussion followed.

MOTION:

Councilperson Lanting made the motion to adopt Resolution 1855, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, and ESTABLISHING SIGN CODE FEES. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MINUTES

August 16, 2010

Page 3 of 4

3. Consideration of an ordinance deannexing 1.01 (+/-) acres located on the north side of Park Avenue, approximately 1,450 feet west of Blue Lake Boulevard South.

Community Development Director Humble reviewed the request.

Staff recommends that the Council adopt the ordinance as presented and authorize the Mayor to sign.

MOTION:

Councilperson Lanting made the motion to suspend the rules and place Ordinance 2989, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DEANNEXING CERTAIN REAL PROPERTY

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

MOTION:

Councilperson Kezele made the motion to adopt Ordinance 2989 as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

4. Consideration of a request to award the bid of the rehabilitation project on Cowboy Field at Harmon Park to Darren Hall Construction.

Parks and Recreation Director Bowyer reviewed the request.

Staff recommends to the City Council to award the contract of the rehabilitation project on Cowboy Field at Harmon Park to Darren Hall Construction in the amount \$84,435.00.

Discussion followed.

MOTION:

Vice Mayor Heider made the motion to award the rehabilitation project on Cowboy Field at Harmon Park to Darren Hall Construction in the amount of \$84,435.00, with the City paying \$42,217.50 and the Twin Falls County Youth Baseball Trust Board paying \$42,217.50. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0,

5. Consideration of an FAA Grant Offer for an FAA AIP 30-Slurry Seal Project.

Airport Manager Carberry reviewed the request.

Staff recommends acceptance of the FAA Grant offer in the amount of \$403,642.00 and authorize the Mayor to sign.

Discussion followed.

MOTION:

Vice Mayor Heider made the motion to accept the FAA Grant offer in the amount of \$466,500 to the City and County of Twin Falls for 95% of the total cost of the project, the City and County paying the other 5%. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

6. Consideration of an FAA Grant Offer for FAA AIP 31- Airport Master Plan Update.

Airport Manager Carberry reviewed the request.

Councilperson Kezele accepted the FAA Grant offer in the amount of \$466,500 to the City and County of Twin Falls for 95% of the total cost of the project, the City and County paying the other 5%. Vice Mayor Heider seconded the motion and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MINUTES

August 16, 2010

Page 4 of 4

7. Consideration of the Airport Consultant Selection Committee's recommendation to select Riedesel Engineering as Joslin Field's Engineer for FAA Airport Improvement Projects.

Airport Manager Carberry reviewed the request.

Staff recommends the City Council's concurrence with the selection committee's recommendation to select Riedesel Engineering as the airport's consulting engineer for FAA projects.

MOTION:

Vice Mayor Heider made the motion to approve Riedesel Engineering as Joslin Field's Engineer for FAA Airport Improvement Projects. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion.

1. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

V. ADJOURNMENT: The meeting adjourned at 5:45 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



AMENDED MINUTES
 Meeting of the Twin Falls City Council
 August 23, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

4:00 P.M.

The purpose of the meeting is to continue the review of the Preliminary Budget for Fiscal Year 2010-2011.

CALL MEETING TO ORDER: 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 accounts payable for August 17 – 23, 2010, total: \$511,423.23; Payroll August 19, 2010, total: \$105,307.93; Prepaid August 20, 2010, total: \$4,000.00. 2. Consideration of the August 16, 2010, Minutes. 3. Consideration of a request by Allison Miniacci to approve a block party requiring a street closure at 1415 Anny Drive West on September 12, 2010, from 1:00 p.m. until 5:00 p.m. 4. Consideration of a request by Debbie Urrutia, owner of The Cove, to approve the third annual "Cove Camp Out" in remembrance of Charlotte Meyers.	Action	Staff Report Sharon Bryan Leila A. Sanchez Dan McAtee Dan McAtee
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to rename LaHabra Drive to Robbi Way. 2. Public input and/or items from the City Manager and City Council. 3. The purpose of the meeting is to continue the review of the Preliminary Budget for Fiscal Year 2010-2011.	Action Discussion	Jackie Fields Tom Courtney
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 1. Consideration of the appeal of the Planning & Zoning Commission's decision on July 27, 2010, to deny a request for a Special Use Permit to operate an automobile sales business on property located at 1102 Kimberly Road, c/o David Hall. (app.2379) 2. Public Hearing to consider public comments about the preliminary budget for FY 2010-11.	Action Action	Mitch Humble Tom Courtney
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.*

4:00 P.M.

The purpose of the meeting is to continue the review of the Preliminary Budget for Fiscal Year 2010-2011.

Assistant City Manager Rothweiler continued the review of the Preliminary Budget for Fiscal Year 2010-2011.

Discussion followed.

Present: Lance W. Clow, Trip Craig (4:33 P.M.), Don Hall, David E. Johnson (4:14 P.M.), Greg Lanting, William Kezele, Lee Heider.

Absent: None.

City Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, Chief Finance Director Lorie Race, Budget Coordinator Darren Huber, City Engineer Jackie Fields, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Recess: 4:56 P.M.

Reconvened: 5:00 P.M.

-----5:00 P.M.-----

Present: Lance Clow, Trip Craig, Don Hall, Dave Johnson, Greg Lanting, Will Kezele, Lee Heider

Absent: None.

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, Chief Finance Director Lorie Race, Budget Coordinator Darren Huber, Staff Sergeant Dan McAtee, City Engineer Jackie Fields, Deputy City Clerk Recording Secretary.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and Boy Scout Justin Hutchinson, Troop 60 Twin Falls Fifth Ward, led the pledge of allegiance. A quorum was present. Mayor Hall introduced City staff

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for August 17 – 23, 2010, total: \$511,423.23;
Payroll August 19, 2010, total: \$105,307.93;
Prepaid August 20, 2010, total: \$4,000.00.
2. Consideration of the August 16, 2010, Minutes.
3. Consideration of a request by Allison Miniacci to approve a block party requiring a street closure at 1415 Anny Drive West on September 12, 2010, from 1:00 p.m. until 5:00 p.m.
4. Consideration of a request by Debbie Urrutia, owner of The Cove, to approve the third annual "Cove Camp Out" in remembrance of Charlotte Meyers.

Mayor Hall asked for an explanation of the request for I.3. Consideration of a request by Allison Miniacci to approve a block party requiring a street closure at 1415 Anny Drive West on September 12, 2010, from 1:00 p.m. until 5:00 p.m.

MINUTES

August 23, 2010

Page 3 of 7

Dan McAtee explained the request.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to rename LaHabra Drive to Robbi Way.

City Engineer Fields reviewed the request.

The Parnells requested the private drive be changed.

Staff recommends that the Council approve the request to rename LaHabra Drive, the private road, from Wirshing to Filer to Robbi Way.

Letters were received from Lois Schneider, 623 LaHabra Drive, Tawsha Mashak, 609 LaHabra Street, Jeannine Lee, 609 LaHabra Street, Leland Mashak, 609 LaHabra Street.

For clarification the private lane would be the only name change and would not affect the existing addresses on LaHabra.

Discussion followed.

MOTION:

Councilperson Johnson made the motion to approve the request to rename LaHabra Drive, the private road, from Wirshing to Filer to Robbi Way. The motion was seconded by Vice Mayor Heider.

Discussion followed.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

Mayor Hall reported on the Chamber of Commerce Boat Regatta held on August 21, 2010.

Councilperson Clow reported on the Chamber of Commerce Boat Regatta and said it was a successful event.

Councilperson Clow reported on the upcoming MagicFest Event to be held at the College of Southern Idaho – Fine Arts Auditorium, 315 Falls Avenue, on Saturday, August 28, 2010, at 7:00 P.M. and Magic Camp to be held on August 27 and 28, 2010, at Success Martial Arts, located at 1300 Kimberly Road.

3. The purpose of the meeting is to continue the review of the Preliminary Budget for Fiscal Year 2010-2011.

Assistant City Manager Rothweiler continued the review of the Preliminary Budget for Fiscal Year 2010-2011.

Discussion followed.

MOTION:

Councilperson Clow made the motion to place Eastland on the STIP funding list. The motion was seconded by Councilperson Johnson.

Discussion followed.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

MOTION:

Councilperson Johnson made the motion to direct staff to bring Option 1: Bond Entire Project as an option for the sewer fund capital projects. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Discussion followed on the Municipal Outsource Grant.

City Manager Courtney stated that for a number of years the City has provided funding to community groups through the IMPOG program who supported the City's Strategic Plan. The groups were Boys and Girls Club, Trans IV, Southern Idaho Tourism Association and others.

MOTION:

Councilperson Johnson made the motion to move Southern Idaho Tourism to Economic Development, Trans IV, into an appropriate department, Boys and Girls Club and the Municipal Band to Parks & Recreation as line items on a recurring basis and to leave the rest of the money to IMPOG. The motion was seconded by Councilperson Clow.

Discussion followed.

MOTION:

Councilperson Lanting made an amendment to the main motion to include Magic Valley Arts Council, Southern Idaho Tourism, Trans IV, Boys and Girls Club and the Municipal Band to move under the City Manager budget. The motion was seconded by Councilperson Johnson. Roll call vote showed Councilpersons Clow, Vice Mayor Heider, Councilpersons Johnson, Kezele and Lanting voted in favor of the motion. Councilperson Craig voted against the motion. Approved 6 to 1.

Roll call vote on the amended main motion passed 7 to 0.

Recess at 6:03 P.M.
Reconvened at 6:11 P.M.

Mayor Hall reviewed the Public Zoning Procedures for Zoning Requests.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. Consideration of the appeal of the Planning & Zoning Commission's decision on July 27, 2010, to deny a request for a Special Use Permit to operate an automobile sales business on property located at 1102 Kimberly Road, c/o David Hall. (app.2379)

David Hall, the applicant, 518 West Edwards Avenue, Nampa, Idaho, explained his request. He stated he felt that the Planning & Zoning Minutes dated July 27, 2010, failed to state the following:

1. The property had a clean slate.
2. The property looks very good.
3. The property is in compliance.

He further stated during the P&Z public hearing the Chairman of the Planning & Zoning Commission stated that he had issues regarding the property since 1988, that the property was purchased in 2002; and he has made improvements on this property. Mr. David Hall made the comment that Planning & Zoning Manager, Rene'e Carraway, stated that some of the documentation on this property had been lost. In 2007, he appealed the Planning & Zoning Commission's decision to deny the Special Use Permit to the City Council. He stated that he was told that plastic flowers were acceptable even though he did not place plastic flowers on the premises.

Community Development Director Humble reviewed the request.

MINUTES

August 23, 2010

Page 5 of 7

On August 11, 2009, the Commission voted to revoke SUP #0800 due to non-compliance with arterial landscaping requirements. Mr. Hall appealed the Commission's decision to revoke SUP #0800 to the Council.

On September 8, 2009, the Council voted to uphold Planning and Zoning Commission's decision to revoke Special Use Permit #0800 with an effective date of August 31, 2010.

On August 31, 2010 Special Use Permit #0900 will expire. The applicant is requesting a new special use permit to operate an automobile sales business located at 1102 Kimberly Road.

On July 27, 2010, the Planning and Zoning Commission unanimously denied the applicant's request for a special use permit due to history of non-compliance issues and the property is currently still non-compliant with gateway arterial landscaping requirements.

Should the City Council grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Subject to compliance with City Code 10-7-12; Special landscaping requirement for gateway arterials or submit an alternative landscaping plan (including plan to maintain, water and keep weed free) to be approved by City Staff no later than September 30, 2010.
3. Subject to applicant maintaining staff approved landscape strip in front of the westerly Kimberly Road access at all times or the approach is to be removed and curb, gutter and sidewalk can be constructed.

Discussion followed.

Community Development Director Humble stated that the property was in compliance subject to an alternative landscape plan at the July hearing. Currently there is one tree that is dying. The Planning and Zoning Commission denied the request due to the past history of the property.

Community Development Director Humble will confirm if any documentation was lost.

Discussion followed:

-Landscaping area requirements.

Councilperson Clow stated that this a challenging piece of property. He asked questions regarding the chain link fence that is in place. He also asked if there is a current tenant on the property.

Mr. Hall stated that prior to the chain link fence being in place items were stolen from the property, and that there is a current tenant on the property, but he has little inventory right now.

The public comment portion of the hearing was opened and closed with no input.

Deliberations:

Councilperson Lanting gave some insight to the history of the property. He stated that the Planning and Zoning Commission voted to revoke the SUP at one point when there was no landscaping and the property was in non-compliance.

Vice Mayor Heider stated the property was in non-compliance and the business was not in operation at that time. The Planning & Zoning Commission chose not to renew the permit.

MOTION:

Councilperson Lanting made the motion to grant a Special Use Permit to operate an automobile sales business on property located at 1102 Kimberly Road, c/o David Hall. (app.2379) as presented with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards.

MINUTES

August 23, 2010

Page 6 of 7

2. Subject to compliance with City Code 10-7-12; Special landscaping requirement for gateway arterials or submit an alternative landscaping plan (including plan to maintain, water and keep weed free) to be approved by City Staff no later than September 30, 2010.
3. Subject to applicant maintaining staff approved landscape strip in front of the westerly Kimberly Road access at all times or the approach is to be removed and curb, gutter and sidewalk can be constructed.

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

2. Public Hearing to consider public comments about the preliminary budget for FY 2010-11.

City Manager Courtney stated that the purpose of the hearing is to allow the public an opportunity to comment on the preliminary budget for FY 2010-11. No action is required by the City Council following the hearing.

The public comment portion of the hearing is opened:

(Testimony verbatim.)

Mark Livingston, 3338 N 3300 E, Kimberly. "We are in the worst recession in eight years and because of that our property taxes are falling off but at the same time we are asking for people for more money, this is not a way to help us in the community. The water just went up \$11.50 for every household at the same time they want a 2.5% every year. Sewer will go up 6%, according to the Times News, and will go up 1.5% a year is the estimated amount it will go up each year after that. Property tax increase is at least 3%. Registration fees have doubled statewide. We can't go to the Falls, park or camping unless there is an attached fee. All our property values have fallen at least 10%. My mother has a house that is at least \$15,000 below its appraised value. She has not had anybody look at it in two years because the market is that bad. Our medical bills are going up 7% a year; our groceries are going up at least 6% a year, our electrical bill at least go up an average 3% a year. At this point I think our community has to cut back more like our state is doing, such as welfare, teacher's salaries, these are important items and we are willing to cut those but not willing to do it on the City level. This is not a time to put more burdens on our taxpayers. Those of us that are lucky to have a job have to take pay cuts to keep working. We are paying more co-pays on our insurance, we are not getting a cost of living raise, and we are not getting a 3% raise. I am in a Union and that has 2,000 members and we only got 2% for the next five years. This amount you are talking about erases any amount that we are going to get at all. To give an example, my mom goes to Candy Cane Park where they serve kids lunches there. She was trying to get the Parks & Recreation Department to buy porta potty because there are 200 kids peeing behind trees. They said this isn't our problem but it is the school districts problem. So my mom went out and bought a porta potty for the summer for the park because the City could not come up with a \$100. We got to manage our money better, because this is our money and the way it is getting managed right now I think we should be cutting 2% off of everything on your budget line and save that money just in case the economy gets worse. We can ill afford more property taxes in this economy. Thank you."

The public comment portion of the hearing was closed.

Deliberations:

Councilperson Clow stated for clarification the public hearing requirements have been met and discussion of the budget can continue.

The City employees did not get any raises last year even though his Union got a 2% increase. This budget that we are looking at today is a matter of record is the highest we can potentially approve as far as revenues and appropriations for expenses and we did this intentionally to allow the Council to make the determinations were we would make cuts. As far as not willing to make cuts we have not raised salaries for a year. I believe we have run a very lean staff in trying to be at a basic very minimum. We also have a few sources of revenue one is property taxes and a lot of the big numbers in this projected revenue are not from property taxes, \$15,500,000 is from property taxes and \$32,000,000 is coming from water and all other sources of revenues, including user fees. The comment about the fees attached to use parks and things like that in many respects as someone all conservative about taxes user fees are much more appropriate than taxes because those who use it pay. Property

MINUTES

August 23, 2010

Page 7 of 7

taxes are the hardest tax on people because it is not based on your tax flow or income, it is based on a piece of property you may have. It may be very valuable only because you have lived there for 30 to 40 years. And your income doesn't necessarily support the tax load. This budgeted revenue are 2/3 not from property taxes.

Councilperson Heider stated that a couple of weeks ago we did approve the foregone amount and 3% tax increase. He stated that he believes in these times where our projected water rate increase and sewer rate increase both things that will decrease people's spendable income. I believe we should the foregone amount this year and not accept 3% tax increase amount in lieu of the other increases in sewer fees.

Mayor Hall stated for clarification that the City provides services. The City has been very conservative.

Councilperson Johnson asked for a point of clarification the expenditures that are being proposed are down 6.3% is this from last year's spending. City Manager Courtney stated this is based on the budget you approved for the current fiscal years. So the budget for next year is 6.29%.

Councilperson Clow asked staff regarding the restrooms at Candy Cane Park. City Manager Courtney stated that we do have restrooms at Candy Cane Park whether it is adequate for kids are certainly debatable.

Councilperson Clow stated that he believes we should not use foregone or the 3% this year. He asked staff that in the past 3 to 4 years with the exception of last year we increased our allocation for streets by using foregone and when we implemented the Idaho Power franchise fees I think we dedicated that to streets. I would like to get those amounts. The \$60,000,000 in backlog in streets, if you would have said a couple years ago, not sure if Washington Street was included, 70% paid federal and state funding, so there will be other sources of money for the other big projects. I think when we picked up the foregone amount in 07 and 08 budget and implemented the franchise fees with the agreement with Idaho Power it created 2 million dollars of money, we approved it saying this would go into streets, etc.

Discussion followed on the following line item:

Councilperson Clow asked for an update on the Parks Budget Beach Improvement of \$8,000, from staff.

Councilperson Lanting stated that in the budget there is \$3,000 in the budget for a fryer at the Airport. He asked staff what is the relationship with the Airport. City Manager Courtney stated that from his recollection the City provides the physical plant for the facilities for the person who leases the Airport Restaurant, excluding dishware and glassware.

Councilperson Lanting asked staff to investigate what the relationship is with the Golf Course in regards to the restaurant fryer.

The next meeting will be held on September 7, 2010, at 4:00 in the City Council Chambers. The purpose of the meeting is to continue the review of the Preliminary Budget for Fiscal Year 2010-2011.

V. **ADJOURNMENT:** The meeting adjourned at 7:10 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 September 7, 2010 (Tuesday)
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

4:00 P.M.

The purpose of the meeting is to continue the review of the Preliminary Budget for Fiscal Year 2010-2011.

CALL MEETING TO ORDER: 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 accounts payable for August 24 – September 7, 2010. August 30, 2010, total: \$398,509.980. 2. Consideration of the August 23, 2010, Minutes. 3. Consideration to approve a Curb & Gutter Improvement Deferral Agreement for Diane Brown, 3361 7 th Avenue North. 4. Consideration of a request to approve the annual Perrine Bridge Festival requested by the Perrine Bridge (Non-Profit) Saint Luke’s Magic Valley Foundation to be held on Saturday, September 11, 2010.	Action	Staff Report Sharon Bryan Leila A. Sanchez Troy Vitek Dennis Pullin
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Presentation of funds from the Southern Idaho Land Trust for the re-seeding effort at Auger Falls. 2. Presentation of funds from the Twin Falls Community Foundation for the re-seeding effort at Auger Falls. 3. Request by Elvia Caldera, South Central Health District, to ban all tobacco products from five neighborhood parks and around specific park amenities, such as playgrounds. 4. Consideration of the 1st extension request of the approval of the Final Plat for the Dry Creek Subdivision, .44(+/-) acres consisting of two (2) residential lots on property located at 1969 Shoup Avenue East, c/o EHM Engineers/Tim Vawser on behalf of Kevin Bradshaw. 5. Consideration of the adoption of the 2010-2011 fiscal year budget. 6. Public input and/or items from the City Manager and City Council.	Presentation Presentation Action Action Action	Dennis Bowyer Dennis Bowyer Elvia Caldera Mitch Humble Lorie Race
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 1. Consideration for an appeal of the Planning & Zoning Commission’s decision on July 27, 2010, regarding one of the conditions of approval of Special Use Permit granted to allow an expansion by more than 25% of an existing religious facility on property located at 203 Madison Street, c/o Sherry Keyt on behalf of the Wesleyan Holiness Church. (app.2381)	Action	Mitch Humble
V. <u>ADJOURNMENT:</u> to Executive Session to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office. §Idaho Code 67-2345(1) (a).		

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**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.*

4:00 P.M.

The purpose of the meeting is to continue the review of the Preliminary Budget for Fiscal Year 2010-2011.

Present: Lance W. Clow, Don Hall, Lee Heider. David E. Johnson William Kezele, Greg Lanting

Absent: Trip Craig

City Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, Chief Finance Director Lorie Race, Budget Coordinator Darren Huber, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Chief Finance Director Race continued the review of the Preliminary Budget for Fiscal Year 2010-2011.

Mayor Hall stated that a quorum is present.

Discussion followed.

-Golf Club fryer, benches, and signs.

Assistant City Manager Rothweiler reviewed a portion of the Golf Club Contract Section 6. Councilperson Lanting gave an update on the Tee boxes, golf projects, and the Men's Golf Association at the Golf Club.

City Manager Courtney reviewed the adoption of the budget ordinance.

-Fireworks Project

Chief Finance Director Race stated that we currently have \$8,000 in the fireworks fund. Contributions were received of \$25,275 and expenditures were right at \$25,000. Councilperson Clow suggested budgeting \$7,275.00 (contributions) + \$ 8,000 (City).

Councilperson Kezele asked if we know of any cities who pay for their fireworks project. Assistant City Manager Rothweiler stated that the City of Jerome did pay for their fireworks display.

-Municipal Outsource Grants

Chief Finance Director Race stated that the IMPOG funds have been reserved for the Twin Falls Municipal Band (\$21,161), Trans IV (\$31,500), Boys & Girls Club (\$23,500), Magic Valley Arts Council (\$9,000), and Southern Idaho Tourism (\$4,000). Leaving a balance of \$10,839 in IMPOG.

Budget Coordinator Huber stated that \$10,839 has been reserved for the Crisis Center of the Magic Valley.

Chief Finance Director Race stated the following for clarification in regards to the Fireworks Fund. The City received \$28,594. Expenditures were \$25,275 and projected surplus was \$3,319.

MOTION:

Councilperson Lanting made the motion to move the Crisis Center of the Magic Valley (\$10,839) under the City Manager budget, and have the requests reviewed by the Finance Committee. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

-----5:00 P.M.-----

Present: Lance Clow, Trip Craig, Don Hall, Dave Johnson, Greg Lanting, Will Kezele, Lee Heider

Absent: None.

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderich, Community Development Director Mitch Humble, Chief Finance Director Lorie Race, Budget Coordinator Darren Huber, Staff Sergeant Dan McAtee, Staff Sergeant Dennis Pullin, Parks & Recreation Director Dennis Bowyer, City Engineer Jackie Fields, Deputy City Clerk/ Recording Secretary Leila Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and led the pledge of allegiance. A quorum was present. Mayor Hall introduced City staff

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for August 24 – September 7, 2010.
August 30, 2010, total: \$398,509.980.
September 3, 2010, total: \$122,597.65
September 7, 2010, total: \$1,219,391.61
2. Consideration of the August 23, 2010, Minutes.
3. Consideration to approve a Curb & Gutter Improvement Deferral Agreement for Diane Brown, 3361 7th Avenue North.
4. Consideration of a request to approve the annual Perrine Bridge Festival requested by the Perrine Bridge (Non-Profit) Saint Luke's Magic Valley Foundation to be held on Saturday, September 11, 2010.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Presentation of funds from the Southern Idaho Land Trust for the re-seeding effort at Auger Falls.

Dr. Jack Kulm, Board President and Ben Collins, Board Secretary of the Southern Idaho Land Trust, presented to the City of Twin Falls a check for \$18,000.

- Parks & Recreation Director Bowyer stated what the following members have contributed or pledged:
- \$18,000 for reseeding purposes from the Southern Idaho Land Trust
- 2,500 pounds of native seed, donated by Kimberly-based Conservation Seeding and Restoration with a value of approximately \$21,000.
- \$2,200 to help with reseeding from the Twin Falls Community Foundation,
- Assistance with native grass, sagebrush and wildflower seed selection, mixing, bagging and delivery of seed along with planting instruction and oversight from BLM.
- \$21,000 grant for seeds from the Mid-Snake Resource Conservation and Development Program.
- 400 volunteers from the LDS Church to assist in the Auger Falls restoration set for September 11, 2010.

2. Presentation of funds from the Twin Falls Community Foundation for the re-seeding effort at Auger Falls.

Terry McCurdy, Chairman of the Twin Falls Community Foundation, and Leonard Anderson presented a check to the City of Twin Falls for \$2,100, to help with the reseeding effort.

MINUTES

September 7, 2010

Page 5 of 9

3. Request by Elvia Caldera, South Central Health District, to ban all tobacco products from five neighborhood parks and around specific park amenities, such as playgrounds.

Elvia Caldera, South Central Health District reviewed the request. The recommendation is for all parks to have a tobacco-free perimeter within 50 feet of playgrounds, picnic tables, shelters, and bleachers. This would also include the following parks:

- Cascade Park
- Harry Barry Park
- Clyde Thomsen Park
- Druary Park
- Sunrise Park.

The proposal also includes that the City of Twin Falls implement a comprehensive policy that:

- Does not allow tobacco use in any city owned park and recreation area.
- Designates an entire park and/or specific areas of a park as being smoke-free (signpost)
- Outlines how enforcement will occur (parent/coach athletic meetings, and peer enforcement)

Discussion followed:

-Enforcement of the proposed ban.

Elvia Caldera stated that the ban is to educate the public and have peers enforce the ban.

Parks & Recreation Director Bowyer stated that Oregon Trail Park is a tobacco free park and any school leases the City has on the school grounds which is Sunway Soccer Complex, the swimming pool and the softball fields, next to the Sawtooth Elementary School. We have a lease with the tennis courts on the west side of the CSI campus and CSI campus is smoke free. The college is tobacco free area. Those are the only areas we have currently.

Councilperson Clow asked Mayor Hall if we are planning to vote on this tonight or take input from the public. Mayor Hall stated that this is obviously on the agenda but could be controversial and the public would like some input and the Council should table the request.

Councilperson Clow asked how the City would handle property that was gifted to the City with or without restrictions.

Parks & Recreation Director Bowyer stated that he did not know of any park with any type of restrictions as far as prohibiting a park from being a smoke-free park, but he would investigate in the matter.

Mayor Hall asked if the request presented to the Parks & Recreation Commission received any public input or was advertised in the agenda and media also picked up on it. Parks & Recreation Director Bowyer stated that no one testified on the request.

MOTION:

Councilperson Lanting made the motion directing staff to schedule a public hearing on September 20, 2010, to consider an ordinance to ban all tobacco products from five neighborhood parks and around specific park amenities, such as playgrounds. The motion was seconded by Councilperson Clow. Councilpersons Clow, Craig, Mayor Hall, Councilpersons Heider, Kezele and Lanting voted in favor of the motion. Councilperson Johnson voted against the motion. Approved 6 to 1.

Council directed staff to review any conditions on the parks gifted to the City.

4. Consideration of the 1st extension request of the approval of the Final Plat for the Dry Creek Subdivision, .44(+/-) acres consisting of two (2) residential lots on property located at 1969 Shoup Avenue East, c/o EHM Engineers/Tim Vawser on behalf of Kevin Bradshaw.

Community Development Director Humble reviewed the request. Staff recommends a 1-year extension (to September 08, 2011) on the approval of the filing requirement of the final plat for the Dry Creek Subdivision subject to the original two (2) conditions of approval.

1. Subject to final technical review by the Engineering, Fire, and Zoning Department to ensure compliance with all applicable City Code Requirements and Standards.

MINUTES

September 7, 2010

Page 6 of 9

2. Subject to the legend stating the residential use/density of single family.

MOTION:

Councilperson Lanting made the motion to grant another year to September 8, 2011, to the request of the approval of the Final Plat for the Dry Creek Subdivision, .44(+/-) acres consisting of two (2) residential lots on property located at 1969 Shoup Avenue East, c/o EHM Engineers/Tim Vawser on behalf of Kevin Bradshaw, with the following two conditions:

1. Subject to final technical review by the Engineering, Fire, and Zoning Department to ensure compliance with all applicable City Code Requirements and Standards.
2. Subject to the legend stating the residential use/density of single family.

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

5. Consideration of the adoption of the 2010-2011 fiscal year budget.

Chief Finance Director Race –recapped the 2010-2011 fiscal year budget.

Discussion followed.

MOTION:

Councilperson Lanting made the motion to suspend the rules and place Ordinance #2990, with the expenditure of \$45,891,241.00 entitled: Adopted Ordinance 2990 entitled:

AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO, APPROPRIATING THE VARIOUS SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF TWIN FALLS, IDAHO, DESIGNATING AND SPECIFYING THE DIFFERENT FUNDS TO WHICH ALL REVENUE SHALL ACCRUE AND FROM WHICH SUCH APPROPRIATIONS SHALL BE MADE FOR THE FISCAL YEAR BEGINNING ON THE FIRST DAY OF OCTOBER 2010, AND ENDING ON THE 30TH DAY OF SEPTEMBER, 2011, TO BE KNOWN AS THE ANNUAL APPROPRIATION BILL OF F.Y.2011

on third and final reading by title only. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk/Recording Secretary Sanchez read the ordinance title.

Councilperson Johnson made the motion to adopt Ordinance #2990 as presented. The motion was seconded by Councilperson Lanting.

Motion Amended:

Mayor Clow made the motion to remove the \$20,000 out of the Strategic Plan for the next fiscal year and have the budget reflect the change. The motion was seconded by Councilperson Johnson. Roll call vote on the amendment to the motion showed Councilperson Clow, Vice Mayor Heider, Councilpersons Johnson and Kezele voted and Lanting voted for the motion. Councilpersons Craig, Mayor Hall, and Councilperson Kezele voted against the motion. Approved 4 to 3.

Motion Amended:

Councilperson Kezele make the motion to agree to have a modified Strategic Plan of some sort at a future date. The motion was seconded by Vice Mayor Heider. Councilperson Kezele redacted the motion with the second's approval.

Motion Amended:

Councilperson Clow made a motion to dedicate to contingency use of preliminary surplus of \$150,000 to be allocated to residential streets improvement and maintenance. The motion was seconded by Councilperson Johnson. Roll call vote showed Councilperson Clow and Johnson voted in favor of the motion. Councilperson Craig, Mayor Hall, Councilperson Heider, Kezele and Lanting voted against the motion. Failed 2 to 5.

Motion Amended:

MINUTES

September 7, 2010

Page 7 of 9

Councilperson Lanting made the motion to reduce the preliminary surplus contingency of \$100,000 and reduce the property tax accordingly. The motion failed for the lack of a second.

MAIN MOTION:

Roll call vote on the main motion showed Councilperson Craig, Mayor Hall, Vice Mayor Heider, Councilpersons Johnson, Kezele and Lanting voted for the motion. Councilperson Clow voted against. Approved 6 to 1.

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

Joelle Quinton, 746 College Drive stated her concern of traffic control at the intersection of Grandview Drive and North College Road. The City Council directed staff to assess the areas in the location mentioned.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Vice Mayor Heider stated that the Youth Council will begin meeting on Monday, September 13, 2010, at 4:00 P.M. He also gave an update on Airport Projects.

Recess: 6:23 P.M.

Reconvened: 6:31 P.M.

IV. PUBLIC HEARINGS: 6:00 P.M. –

Consideration for an appeal of the Planning & Zoning Commission's decision on July 27, 2010, regarding one of the conditions of approval of Special Use Permit granted to allow an expansion by more than 25% of an existing religious facility on property located at 203 Madison Street, c/o Sherry Keyt on behalf of the Wesleyan Holiness Church. (app.2381)

David Keyt explained the request. As members of a small church the request is to persuade the Council to ultimately reverse the recommendation to pave the alley behind the church. The church is adding a bathroom at the facility, which is a small independent facility, approximately 60 years old. Presently it has one uni-sex bathroom. The church has purchased the house next door to the church. A bathroom is still needed in the Chapel. The church purchased the home next door. There is still need of a bathroom in the Chapel. Roger Laughlin suggested to connect the two buildings and put two bathrooms, which would be ADA accessible. Sherry Keyt has learned that the Planning & Zoning Commission has requested that the church pave the alley. The Planning & Zoning Commission suggested there was a possibility of deferring or eliminating the paving, because of the additional cost of \$4,000 to pave the alley, and the fact it would be used minimally. The request is to waive the requirement.

Community Development Director Humble explained the request. Approval of this request will allow the applicant to proceed with the building permitting process to expand a religious facility at this location by more than 25%.

On July 27, 2010, the Planning & Zoning Commission heard this request. The Planning and Zoning Commission approved as presented subject to amending condition to eliminate condition #2 stating: "Subject to all parking and maneuvering areas to be hard-surfaced according to City Code §10-11-4(B) with a Portland concrete or asphaltic concrete surface.

Discussion followed:

-Paving of the alley.

Community Development Director Humble stated that Council can only interpret what can be waived. Staff cannot ignore City Code.

City Attorney Wonderlich stated that statutorily the City Council does not have the authority to waive the paving of the alley. The code doesn't have the authority for it to grant a waiver.

Discussion followed:

-Maneuvering vehicles through the alley.

City Attorney Wonderlich stated that he was unclear if the the alley is being used as part of the parking area.

Community Development Director Humble stated that paving would provide an estimated 11 parking spaces. 10' behind the space is a maneuvering area.

Councilperson Lanting suggested angle parking. Community Development Director Humble stated that angle parking would cause a loss of parking spaces.

Discussion followed:

Three year deferral is extended. Community Development Director Humble stated that the code only allows a three year deferral.

Community Development Director Humble stated that the church is out of the downtown area. He would recommend a 90 degree parking and not paving the alley. They have 8 or 9 cars each week.

Mayor Hall opened the public hearing.

Jim Schouten, 229 Tyler Street, resident and member of the Planning & Zoning Commission spoke in favor of the request.

Discussion followed:

City Attorney Wonderlich stated that the Council has to make a determination to the facts as they apply to the code. The City Council does not have the authority to interpret the code.

Councilperson Clow stated for the record that he did not believe the alley is going anywhere.

Mayor Hall closed the public hearing portion of the hearing.

Deliberations.

MOTION:

Councilperson Lanting made the motion to approve a Special Use Permit granted to allow an expansion by more than 25% of an existing religious facility on property located at 203 Madison Street, c/o Sherry Key on behalf of the Wesleyan Holiness Church. (app.2381) with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. ~~Subject to all parking and maneuvering areas to be hard surfaced according to City Code §10-11-4(B) with a Portland concrete or asphaltic concrete surface.~~
3. Subject to the issuance of a Certificate of Occupancy for a religious facility.

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

- V. **ADJOURNMENT:** to Executive Session to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office. §Idaho Code 67-2345(1) (a).

Councilperson Lanting made the motion to adjourn to Executive Session at 7:21 P.M. to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office. §Idaho Code 67-2345(1) (a). The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion.

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
 September 13, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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 accounts payable for September 8 – 13, 2010. 2. Consideration of a request to approve a Trust Agreement for Kelley Garden Center located at the northeast corner of Addison and Eastland. 3. Consideration of a request to approve the reduced assurance of construction for North Haven #2.	Action	Staff Report Troy Vitek Troy Vitek/ Jackie Fields
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a second third-year appointment of Phil Hafer to the Airport Advisory Board. 2. Consideration of the request from the Parks & Recreation Commission to amend sections of the City Code concerning regulations on bicycling in Twin Falls. 3. Public input and/or items from the City Manager and City Council.	Action Action	Bill Carberry Brent Jussel/ Dennis Bowyer
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 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: Lance Clow, Trip Craig, Don Hall, Dave Johnson, Greg Lanting, Will Kezele, Lee Heider

Absent: None.

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderich, Community Development Director Mitch Humble, Parks & Recreation Director Dennis Bowyer, Airport Manager Bill Carberry, Captain Brian Pike, City Engineer Jackie Fields, Deputy City Clerk/ Recording Secretary Leila Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and led the pledge of allegiance. A quorum was present. Mayor Hall introduced City staff

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for September 8 – 13, 2010.
2. Consideration of a request to approve a Trust Agreement for Kelley Garden Center located at the northeast corner of Addison and Eastland.
3. Consideration of a request to approve the reduced assurance of construction for North Haven #2.

MOTION:

Councilperson Johnson made the motion to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a second third-year appointment of Phil Hafer to the Airport Advisory Board.

Airport Manager Carberry reviewed the request. On behalf of the Airport Advisory Board staff recommends City Council appoint Phil Hafer to a second third-year appointment to the Airport Advisory Board.

MOTION:

Councilperson Johnson made the motion to appoint Phil Hafer to a second third-year appointment to the Airport Advisory Board. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Airport Manager Carberry gave an update on the Blue Angels upcoming events.

2. Consideration of the request from the Parks & Recreation Commission to amend sections of the City Code concerning regulations on bicycling in Twin Falls.

Assistant City Manager Rothweiler stated that the May 20th staff report was provided by the Parks & Recreation Bicycle Safety Sub-Committee and the staff report should be viewed as an attachment rather than the main document. It is important to note that the recommendations are being submitted by the Bicycle Committee. The Bicycle Committee recommends amending sections of the City Code concerning regulations on bicycling in Twin Falls. If the City Council approves the request, the Council will then instruct staff to develop an ordinance to incorporate the recommendations and would bring back the ordinance at a later date. If the City Council does approve the request it would be staff's recommendation to include a possible public hearing type session to allow for public comment to be entered into the process.

Parks & Recreation Director Bowyer reviewed the request and gave a time-line of the process that brought the request to the City Council.

MINUTES

September 13, 2010

Page 3 of 6

Brent Jussel reviewed the request.

Discussion followed:

Councilperson Clow stated that the recommended changes are logical but believes that the changes should also be countywide because there are also major accidents on county roads. He asked if the group considered going to the County and the Highway District or a combination of both to make sure the recommendations are adopted in the county as well. He gave the example that when a person rides in the city without a helmet from outside the city limits the person is now out of compliance with City Code. Serious injury accidents have been out on the county roads.

Brent Jussel stated that this was discussed. He stated that Councilperson Craig did make mention of this to the Commission. The sub-committee's thoughts on the matter is to start to make the helmet requirement citywide first. Brent Jussel stated that he believes that the County looks at the City Council for leadership in a lot of venues and this might be one of them.

Councilperson Lanting stated that the Traffic Safety Commission discussed the request made by the sub-committee. The Commission made changes to the sub-committee's recommendations.

Brent Jussel stated that if you Google this topic you will find pages and pages of cities and counties and states who have various derivatives of helmet requirements. At one time the sub-committee's thoughts were to require everyone to wear a helmet. The Council has reinforced that concept of keeping everyone safe with the adoption of the texting ordinance. We reflected some changes that would impose the requirement for those 16 years old and under and at a July 27, 2010, meeting with Councilperson Lanting and the staff members it went back to the other direction. The concept was to come to the Council with the recommendation that if people are going to be safe why should an age limit be placed. Page Geske, who is a consulting member of our committee with Safe Kids, stated that she firmly believes that young people model their parent's behavior. If parents wear their helmets so would their children throughout their lives. Ultimately the concept comes to you purely on safety and there are a lot of different opinions on this topic. He stated that discussion was made with Staff Sergeant Dennis Pullin regarding enforcing the proposed helmet requirement.

Councilperson Lanting asked about the changing of the the definition of a bicycle.

Brent Jussel stated that in City Code it prohibits the riding of a tricycle on the city streets. The definition may have come from out of Boise where they were changing their code to allow for that. Currently there are people who ride their tricycles on city streets. He also stated that the sub-committee's recommendation to require a flashing red light on the back of a bicycle. The use of a flashing red light has dramatically reduced a number of accidents from where traffic is coming up from behind in the dark hours.

Councilperson Kezele asked if there has been any thought or question of riding against traffic rather than with traffic.

Brent Jussel stated that he spoke with a consulting bicyclist who has traveled all over the world bicycling long distances, and he stated that there is no clerical data that would suggest yet that this is a good idea.

Mayor Hall made the comment that he can separate the texting issue from the helmet issue. If texting while driving somebody else can be hurt, but wearing a helmet is a freedom and it doesn't hurt anybody else. He stated that is a stretch to have an adult wear a helmet on a bicycle but would not be required to wear a helmet on a motorcycle. He would personally not support a code change to enforce adults wearing a helmet on bicycles.

Councilperson Clow stated that he saw in the proposed recommendations of riding a bicycle on the side of the street and not on the sidewalk. He asked if it is a rule right now not to ride your bike on a sidewalk.

Councilperson Craig specified that this is addressed in Enforcement 7 of the recommendations submitted.

Councilperson Lanting stated that you cannot ride a bike on the sidewalk in commercial areas.

Councilperson Johnson stated that he does not agree at this time with the recommendation of wearing helmets.

Brent Jussel stated that he would appreciate allowing the public an opportunity to express their opinions.

MINUTES

September 13, 2010

Page 4 of 6

Mayor Heider stated that when it comes to helmets it is a family issue and does not have to be a legislative thing either in the community or in the state. He stated that he currently rides his motorcycle with or without a helmet. He stated that the 3' passing is hard to evaluate from a police officer's standpoint.

Captain Brian Pike stated that the committee's recommendation is consistent with what other communities are now doing. Allowing 3' whenever possible when passing bicyclists provides safety for the motorist and the cyclists. This is recommendation Enforcement #2.

Councilperson Clow stated that Engineering #2 wasn't clearly stated. It talks about that when major arterials are being reconstructed the width would be about 1½ foot wider to provide some accommodation for experienced cyclists. There are standards out there for cars passing and some kind of national safety recommendations when you build a bike path. He stated that when the City receives grants the City is required to build to specifications. He asked if the 1½' meant that every road that is to be built would need to be 1½' wider on each side or to provide some accommodation.

City Engineer Fields stated that to incorporate into the Strategic Plan there had to be some willingness to address pedestrian and bicycle accommodations. The way it can be done is by adjusting our curb cut ramps to comply with ADA accessibility and which would make it easier to navigate on a bike. When the City adopted the Transportation Master Plan the City already adopted a standard for arterials that widen the road by the width of the gutter which does provide some combination on arterials for folks who are going to ride bikes on arterial. This is not a bike lane.

City Engineer Fields clarified that the dimension changed from being from the front of the curb to the lip of the gutter. That helps wider loads. The Washington Street North project was required to construct a bike lane because the City's Transportation Plan showed a bike lane along the arterial. Bike lanes have 5' or larger for a single directed lane.

Councilperson Clow stated that if the City is building a bike path on the alignment then the City shouldn't be spending the money to widen the street by 3'.

City Engineer Fields stated that the goal was to address accessibility in general. The Transportation Plan changed the arterial. The way the arterials are dimensioned in that providing an extra 1½' in the lane which is helpful for several reasons but it is not a bike lane. The intent is not to have a three year old child riding in the gutter on Blue Lakes or on a major arterial. The next step was to discuss with the committees the three and four lane options that were discussed in the Master Transportation Plan on collectors so we could potentially optimize striped bike paths on the street before we need the capacity for a four lane collector.

Assistant City Manager Rothweiler stated that the idea behind this evening was to have the members of the committee advocate that this be a topic of conversation during the Strategic Planning Process. If the City looks at the timeline and when this is supposed to be completed it is at some point during the Strategic Planning Process. Originally it was placed into a position requiring funding and immediate consideration and as shared with the Bicycle Safety Committee the City had just finished a five-year planning with projections of revenue and expenditures. The City only considered capital items associated with original strategic planning process. The first hurdle to consider at any level of funding is to first meet the threshold of our strategic planning goal and objective, and if it could meet that then it had the possibility of being funded. The sub-committee was told that just because the request meets that threshold and because of where the City is at this, it does not mean guarantee funding but will not be considered funding if it does not become a Strategic Planning Objective.

Councilperson Kezle asked that if the proposing of passing the 3' whenever possible would it be unrealistic to look at 4'.

Captain Pike stated that he thinks the standard in other communities, mainly in the northwest, is 3' and in riding in the City environment speeds are 25 to 35 mph, but if you riding on county roads speeds are 60 to 64 mph and would be unpleasant.

Councilperson Craig asked about Washington Street. Previously the City did not have bike routes on it because we had other routes to use this section.

City Engineer Fields stated that she did not know if that directly applies to what Councilperson Clow was saying, but does know that the bike route ended up on Washington Street North because it was shown on the last Transportation Master Plan. If the

MINUTES

September 13, 2010

Page 5 of 6

City did not want a bike path on Washington St. N., but wanted it on the parallel street then there would be a need to modify the Transportation Master Plan. Apparently the decision was made to put the bike lane on Washington Street instead of modifying the Transportation Master Plan.

Brent Jussel stated that the recommendation of Engineering #2 and #4 is being mindful of bicyclists and bike needs when planning. The sub-committee understands there are budgetary restraints. Cities and communities in general plan their cities in motor traffic.

Councilperson Johnson asked Captain Pike the difference between City Code and the State of Idaho Code. He also stated that the State of Idaho Code recognizes a bicycle as a vehicle on the roadway.

Captain Pike stated that he understood that City Code is more specific than Idaho Code. A bicyclist is considered a motor vehicle and should ride with the current traffic.

Vice Mayor Heider stated that in Boise at every intersection in the downtown area they print something on the sidewalk such as bicyclist must dismount and asked if the request was approved would we need to do the same.

City Engineer Fields stated that she did not know if Boise did this or not.

City Attorney Wonderlich placed on overhead project 10-14-10 BICYCLIST NOT REQUIRING TO DISMOUNT WHEN STOPPING on overhead projections.

MOTION:

Councilperson Lanting made a motion to instruct staff to bring this back in ordinance and recommendation form in six weeks time. The motion was seconded by Councilperson Craig.

Discussion followed:

Councilperson Clow stated that what was just discussed was to take this and place it on the Strategic Planning docket.

Councilperson Lanting stated that some of the items be brought back in ordinance form.

Councilperson Clow suggested that we take this issue and find a spot on the Strategic Plan and consider an amendment to the existing Strategic Plan whether to include bicycle safety as part of that so then it would meet all the guidelines of what was presented without the Council going in and picking it apart.

Councilperson Lanting stated that he would like to get the public involved.

Roll call vote showed Vice Mayor Heider, Councilpersons Kezele and Lanting voted in favor of the motion. Councilperson Clow, Craig, Mayor Hall, and Councilperson Johnson voted against the motion. Failed 4 to 3.

Councilperson Johnson made the suggestion to incorporate this document in our Strategic Planning document so we can move forward with these items that have been recommended.

Mayor Hall asked if we could incorporate this document somehow so we can make it come in front of us soon.

City Manager Courtney stated that the Council can amend the Strategic Plan and direct staff to propose some language that would allow the Council to amend the plan, or if Council would want to have their own committee, either way that can come back to Council in a week or two.

Extensive discussion followed on:

- Strategic Plan and what part of the recommendations should go into the plan
- Public input
- Timelines

MINUTES

September 13, 2010

Page 6 of 6

Kevin Dane spoke on a Strategic Plan, bicycle safety issue, and enforcement issues.

MOTION :

Councilperson Craig made the motion to hold an open house meeting to discuss this subject and the six week time frame that the Council and City staff has talked about and then after the open house to have a public hearing with the City Council at a set given time in six weeks. The motion was seconded by Councilperson Lanting.

AMENDMENT TO MOTION:

Councilperson Clow made the motion to change the wording from Open House to Town Hall meeting. The motion was seconded by Councilperson Johnson. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Roll call vote on the amended main motion showed all present voted in favor of the motion. Approved 7 to 0.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Craig gave an update on the Compensation Meeting.

IV. PUBLIC HEARINGS: None.

V. ADJOURNMENT: The meeting adjourned at 6:33 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
 September 20, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CALL MEETING TO ORDER: 5:00 P.M.
 PROCLAMATIONS: None.
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

AGENDA ITEMS		Purpose	By:
I. CONSENT CALENDAR:		Action	Staff Report
1. Consideration of accounts payable for September 13 – 20, 2010.			
2. Consideration of the Amended August 23, 2010, Minutes and the approval of the September 7, 2010.			L. Sanchez Dan McAtee Mitch Humble
3. Consideration of a request from Patrick Scheidt, owner of Von Scheidt Brewing Company, to host an outdoor music event in the parking lot of their location at 157 2 nd Avenue West on Saturday, October 2, 2010, from 12:00 P.M. to 9:00 P.M.			
4. Special Use Permit Amendment c/o Sherry Keyt and Findings of Fact, Conclusions of Law and Decision.			Mitch Humble
5. Special Use Permit for Twin City Auto c/o David Hall and Findings of Fact, Conclusions of Law, and Decision.			Mitch Humble
II. ITEMS FOR CONSIDERATION:		Action	Mitch Humble
1. Consideration of a request to approve the 2011 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission.		Action	Mitch Humble
2. Consideration of the Final Plat of Eaglefield Commercial Subdivision 4.3 (+/-) acres consisting of 8 lots and located north of Kimberly Road and east and west of Meadowview Lane c/o Scott Allen/The Land Group on behalf of Dirk Parkinson.		Action	Travis Rothweiler
3. Consideration of contract with PSI Environmental Systems to collect residential solid waste and curbside recyclables.			
4. Public input and/or items from the City Manager and City Council.			
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:			
IV. PUBLIC HEARINGS: 6:00 P.M. –		Action	Mitch Humble
1. Request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W.S.&V, LLC. (app 2386)		Action	Mitch Humble
2. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO for property located at 510 Lincoln Street, c/o 200 South Developers, LLC/Fran Florence. (app.2383)			Elvia Caldera
3. Request to ban all tobacco products from five neighborhood parks and around specific park amenities, such as playgrounds c/o Elvia Caldera, South Central Health District.			
V. ADJOURNMENT:			

**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: Lance Clow, Trip Craig, Don Hall, Dave Johnson, Greg Lanting, Will Kezele, Lee Heider

Absent: None

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, Staff Sergeant Dan McAtee, Parks & Recreation Director Dennis Bowyer, Utility Services Director Sherry Jeff, Deputy City Clerk/ Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and led the pledge of allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

Approved the following changes to the Consent Calendar:

Removed:

4. Special Use Permit Amendment c/o Sherry Keyt and Findings of Fact, Conclusions of Law and Decision.
5. Special Use Permit for Twin City Auto c/o David Hall and Findings of Fact, Conclusions of Law, and Decision.
The items will be on the September 27, 2010, Agenda.

Added:

Consideration to approve Alcohol License Application to Purity Spa Salon Boutique located at 2221 Addison Avenue East. (Wine: Retail Sales for consumption off premises only.)

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for September 13 – 20, 2010.
2. Consideration of the Amended August 23, 2010, Minutes and the approval of the September 7, 2010.
3. Consideration of a request from Patrick Scheidt, owner of Von Scheidt Brewing Company, to host an outdoor music event in the parking lot of their location at 157 2nd Avenue West on Saturday, October 2, 2010, from 12:00 P.M. to 9:00 P.M.
4. Special Use Permit Amendment c/o Sherry Keyt and Findings of Fact, Conclusions of Law and Decision.
5. Special Use Permit for Twin City Auto c/o David Hall and Findings of Fact, Conclusions of Law, and Decision.

MOTION:

Councilperson Lanting made the motion to approve the Consent Calendar with the following changes:

Removed:

4. Special Use Permit Amendment c/o Sherry Keyt and Findings of Fact, Conclusions of Law and Decision.
5. Special Use Permit for Twin City Auto c/o David Hall and Findings of Fact, Conclusions of Law, and Decision.
The items will be on the September 27, 2010, Agenda.

Added:

Consideration to approve Alcohol License Application to Purity Spa Salon Boutique located at 2221 Addison Avenue East. (Wine: Retail Sales for consumption off premises only.)

Vice Mayor Heider seconded the motion and roll call vote showed all members present voted in favor of the motion.
Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to approve the 2011 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission.

Darrell Buffaloe, Chairman of the Historic Preservation Commission and Ryan Horsley, Vice Chairman of the Historic Preservation Commission, explained the request.

Community Development Director Humble stated that the action requested by the Commission is to authorize the Mayor to sign the grant application. There is no significant impact associated with the Council's approval of the request. HPC is applying for a \$6,000 grant that has to be matched dollar for dollar. In the past the HPC has used their time and staff's time to make the match. The HPC is planning on using time as the match again this year.

Discussion followed:

Councilperson Clow asked if there will be any parameters the consultant will be required to follow on the design guidelines.

Darrell Buffaloe stated that there are members on the HPC Commission that have either engineering and/or architect degrees who will be involved in the project. The HPC will hold public hearings and are planning to work closely with the City Economic Development from the City for input. The HPC will make a recommendation to the City Council for final approval of the design guidelines.

Community Development Director Humble stated that this is a historic preservation document which will require some research in the history of the area, in which the guidelines design should reflect that history. Direction will also be received by the City Council.

MOTION:

Vice Mayor Heider made the motion to approve to authorize the Mayor to sign the City of Twin Falls, Idaho FY 2011 CLG Grant Application. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of the Final Plat of Eaglefield Commercial Subdivision 4.3 (+/-) acres consisting of 8 lots and located north of Kimberly Road and east and west of Meadowview Lane c/o Scott Allen/The Land Group on behalf of Dirk Parkinson.

Community Development Director Humble reviewed the request.

On September 22, 2009, The Planning & Zoning Commission unanimously approved the preliminary plat for Eaglefield Commercial Subdivision subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.
3. Subject to be recorded Cross-Use Agreements being provided prior to recordation of final plat.
4. Subject to note on the Preliminary Plat that reads, "Additional off-site sanitary sewer improvements as outlined in Technical Memorandum Sewage Collection System Modeling Results for Eaglefield Commercial Subdivision, Twin Falls," prepared by Murray, Smith & Associates shall be completed prior to Final Plat and Construction Drawing approval. Approval of this Preliminary Plat in no way guarantees a commitment by the City of Twin Falls to provide sanitary sewer service to this subdivision.

Community Development Director Humble stated that condition 4. has been met with an alternate plan discussed with the applicant and is no longer required by staff.

Should the City Council approve the final plat of the Eaglefield Commercial Subdivision staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.
3. Subject to be recorded Cross-Use Agreements being provided prior to recordation of final plat.
4. ~~Subject to note on the Preliminary Plat that reads, "Additional off site sanitary sewer improvements as outlined in Technical Memorandum Sewage Collection System Modeling Results for Eaglefield Commercial Subdivision, Twin~~

~~Falls," prepared by Murray, Smith & Associates shall be completed prior to Final Plat and Construction Drawing approval. Approval of this Preliminary Plat in no way guarantees a commitment by the City of Twin Falls to provide sanitary sewer service to this subdivision.~~

Discussion followed:

- Existing turn lane on Kimberly Road.
- Speed limit inside the City limits (35 mph)

Scott Allen, representing the applicant, stated that he concurs with staff recommendations.

Motion:

Councilperson Johnson made the motion to approve the Final Plat of Eaglefield Commercial Subdivision 4.3 (+/-) acres consisting of 8 lots and located north of Kimberly Road and east and west of Meadowview Lane c/o Scott Allen/The Land Group on behalf of Dirk Parkinson with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.
3. Subject to be recorded Cross-Use Agreements being provided prior to recordation of final plat.
4. ~~Subject to note on the Preliminary Plat that reads, "Additional off-site sanitary sewer improvements as outlined in Technical Memorandum Sewage Collection System Modeling Results for Eaglefield Commercial Subdivision, Twin Falls," prepared by Murray, Smith & Associates shall be completed prior to Final Plat and Construction Drawing approval. Approval of this Preliminary Plat in no way guarantees a commitment by the City of Twin Falls to provide sanitary sewer service to this subdivision.~~

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

3. Consideration of contract with PSI Environmental Systems to collect residential solid waste and curbside recyclables.

Assistant City Manager Rothweiler reviewed the request. The contract before the City Council has been reviewed by members of the Council's Finance Committee, the City Manager and the City Attorney. PSI has also reviewed the contract and have agreed to the terms and conditions contained therein. The proposed contract is now ready for the City Council's collective consideration.

Discussion followed:

- Councilperson Kezele asked what the solid waste tipping of \$5.64 entailed.

Assistant City Manager Rothweiler stated that the tipping fee is a fee that the City is assessed by having the right to place debris and solid waste into the landfill. Twin Falls County is the only county in the eight service region that does not include this on their tax notices. Every ton of debris and solid waste the City sends to the landfill costs the City \$34.50. The City has experienced a drop in tonnage taken to the landfill creating a savings for the tipping fee from \$5.64 to \$4.39. That fee then is then averaged over the course of a year then the City will assess and provide that fee forward. The City and PSI took a look at the fees that are assessed and found the City is generating fewer tons; as a result, the tipping fee can drop from \$5.64 to \$4.39, which is the current staff estimate. That savings is directly passed on to the customers.

-Vice Mayor Heider stated that we just negotiated a fee with PSI and asked if the reduced collection fee is part of the bundle package and is that reflected in the contract.

Assistant City Manager Rothweiler stated that right now of the \$14.97 per month, PSI assesses a fee to the City of \$7.07 per customer. Under the new contract, this is to take effect on October 31, that same service would cost a resident \$6.51. That savings is directly passed on to the customers.

Councilperson Clow stated that in the current accounting the City is accumulating about \$200,000 more than needed because of tipping fees. The amount of tonnage going to the landfill is less than what has been budgeted. Staff has estimated that this is about a \$1.25 per customer. If the Council were to take the risk and not continue to collect that \$1.25 or \$1.00, the City could lower the fee to the customer by a \$1.00 at this time. If the City decides to go through a different recycling program, a calculated estimate can be made as to how much the tipping fee will go down and include that in the reduction of whatever fees are being considered.

Acting City Manager Rothweiler stated that a rate resolution will be presented to the Council. Staff is recommending that for the base fee, which is the exact same level of service we have now, that fee, in totality, is reduced from \$14.97 per month to \$13.16 per month per customer which will be included in the next rate resolution. The committee learned that basically going through some estimates, and bringing in some folks that know recycling and diversion, estimated there is probably another 30 pounds of solid waste that could be converted. The Committee calculated that the tipping fee can be decreased even further and there would be a savings of approximately \$82,500 a year and 2,390 tons will be diverted from going to the landfill.

Vice Mayor Heider stated that in two different landfills, one in Island Park and in northern Idaho, the citizens in the community do not have to pay a fee to take solid waste to the landfill since the fee is included in their property tax. He asked why the City of Twin Falls pays a tipping fee.

Utility Services Director Jeff stated that several years ago when a new landfill was sited, a committee was developed to discuss tipping fees. Twin Falls County opted not to go with the Southern Idaho Waste District. There are 8 counties in that district. Twin Falls is the only County that does not have that built in their property tax. Twin Falls pays for solid waste by the ton which is assessed on all the residential bills. .

Councilperson Clow asked that if a comparison was made by the previous contract and the proposed contract are they identical. Assistant City Manager Rothweiler answered in the affirmative.

Motion:

Councilperson Clow made the motion to approve the contract with PSI Environmental Systems as presented. The motion was seconded by Councilperson Lanting.

Discussion followed:

-Councilperson Kezele asked about rates and rate adjustments.

Assistant City Manager Rothweiler stated that the term of the contract is 5 year and 3 months. No rate adjustment shall be considered any sooner than Fiscal Year 2012, and will not be implemented any sooner than October 2011, and only if mutually agreed upon by the contractor and the City Council. Any rate adjustments must come before Council for review and consideration and must be adopted by the Council before any rate adjustments can occur.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The Council directed staff to:

1. Bring back a rate resolution that implements the Single-Stream Curbside Recycling Program and also include the \$1.25 estimated by staff, and \$.65 in recycling value that the new program will put in place, plus the value of the actual recycled material.
2. Go forward and set a public hearing and offer a workshop or more informational style session so that questions can be answered in advance.

Councilperson Johnson stated that as Chairman of the Recycling Committee, the Committee is recommending a single-stream and City based recycling program.

Councilperson Clow shared thoughts on the recommendations by the Commission. The single stream would cost \$3.80 more than technically not doing the single stream program per household per month. He also explained the different recycling programs discussed.

Currently there is \$200,000 surplus in the budget which calculates to a \$1.25 per household. With the new recycling program, conservatively speaking, there is a possible savings of 30 pounds per household where other communities are doing 60 pounds per household. Currently there is a surplus in the sanitation account that would give the City a cushion if the calculations are slightly off. The suggestion is Council direct staff bring back a resolution that does include the recycling and includes the \$1.25 that was estimated by staff and estimating another \$.65 in recycling value that the new program will put into place and the value of the actual recycling materials . A recycling program can be implement which may increase the cost to a \$1.90 above this new rate.

Dave Grantham, Manager of PSI, stated the recycling containers are similar to the garbage containers. The difference will be a different color and the lid. The container would have on top of the container indicating what can and cannot be recycled. Contamination in recycling is 2% or less.

Councilperson Johnson stated that the Committee listened to landfill folks, recycling folks, sanitation carriers, and came to the conclusion that the cleanest option is the single stream curbside recycling program.

The City Council directed staff to do the following:

1. Bring back a rate resolution that implements the Single-Stream Curbside Recycling Program and also include the \$1.25 estimated by staff, and \$.65 in recycling value that the new program will put in place, plus the value of the actual recycled material.
2. Go forward and set a public hearing and offer a workshop or more informational style session so that questions can be answered in advance.

4. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Lanting gave an update on improvements at the golf course.

Councilperson Clow gave an update on the Twin Falls Public Library Golf Scramble.

Recess at 6:00 P.M.

Reconvened at 6:10 P.M.

Councilperson Craig dismissed himself at 6:09 P.M. due to illness.

Mayor Hall went over the public hearing procedures.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W.S.&.V, LLC. (app 2386)

Tim Vawser, EHM Engineers, representing the applicants, explained the request. On item 3 of Exhibit C as well as item 4, which also addresses medical services, they would like remove the restriction of "one doctor". On property development standards, specifically during the Planning and Zoning Commission meeting the applicant asked for and received under Item (D) a. Minimum of 15% and a Maximum of 85% of the project to be residential development. On Item (D)5. Building Size: requested the maximum building size is 14,000 sf.

Community Development Director Humble reviewed the request. Staff supports the request as presented.

On August 24, 2010, the Planning & Zoning Commission unanimously recommended approval of the request a presented and subject to the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards and approval of a PUD agreement prior to recordation of a final plat.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City Standards upon development or change of use of the property.
3. Subject to development meeting or exceeding R-6 Pro Code requirements and required improvements (10-11-1 through 9) and/or subject to compliance with attached – EXHIBIT “C” WS & V – proposed R-6 Pro PUD, whichever is greater.
4. Subject to an approved/recorded PUD agreement prior to development.

Community Development Director Humble stated that condition item 4. *Subject to an approved/recorded PUD agreement prior to development.* can be removed from the conditions since the condition is covered in item 1.

Staff recommends approval of the changes requested by the applicant.

Discussion followed:

-Vice Mayor Heider asked if Cheney were to come through within 200' north of the property would the developer seek to develop that 200' or purchase that parcel to whoever owns the parcel to the north and seek to expand the development up to Cheney Road. Tim Vawser stated that more than likely no.

-Access roads

Councilperson Clow stated that he was trying to sort through access roads. He asked what the eventual access is to Pole Line Road and asked the applicant to address the traffic flows.

Tim Vawser stated that the drawing shows an access easement into the middle parcel. This property is similar to Locust Grove with a private drive throughout the interior. The actual access to Pole Line is limited based on controlled access. Creekside Way is the only road ITD allows to access Pole Line to Grandview and the next road over. Fieldstream will tie into presumably Cheney and will not have any further development other than private feed within that subdivision as Pole Line is blocked at that point.

Doug Vollmer, applicant, stated that you can take Cheney, angle to the north and meander through as long as you come back out to the point to the west where it would hook up to further Cheney.

Community Development Director Humble discussed the plans for Cheney Road.

The public portion of the hearing was opened.

Brad Wills, 222 Shoshone Street West, stated for a point of clarification that he is not a partner in the section being discussed. Spoke in favor of the request.

John Straubhar, applicant, spoke in favor the request.

Councilperson Clow asked for clarification on the guidelines in the PUD agreement original said only one doctor. Where did this come from? Community Development Director Humble stated that the standards were developed cooperatively with the applicant and staff.

The public portion of the hearing was closed.

Deliberations.

MOTION:

Councilperson Johnson made the motion to approve a Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W.S. & V, LLC. (app 2386) with the following changes in the WS&V Proposed R-6 PUD agreement dated August 25, 2010:

1. Page 1, (A) 3. Medical Facilities:
 - a. Doctors Office, ~~limited to one doctor at a time~~
2. Page 3, (D) 5. Building Size: The maximum building size is ~~40,000~~ 14,000 sf (a larger building may be permitted with a Special Use Permit.)

and the following recommendations:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards and approval of a PUD agreement prior to recordation of a final plat.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City Standards upon development or change of use of the property.
3. Subject to development meeting or exceeding R-6 Pro Code requirements and required improvements (10-11-1 through 9) and/or subject to compliance with attached – EXHIBIT “C” WS & V – proposed R-6 Pro PUD, whichever is greater.
4. ~~Subject to an approved/recorded PUD agreement prior to development.~~

The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO for property located at 510 Lincoln Street, c/o 200 South Developers, LLC/Fran Florence. (app.2383)

Fran Florence, representing the applicant, explained the request.

Community Development Director Humble reviewed the request.

On August 24, 2010, the Planning & Zoning Commission unanimously recommended approval of the request as presented.

Staff recommends approval of the request.

Discussion followed:

Councilperson Clow stated that currently there are parking problems already in the area because Starbuck and Syringa cars overflow onto Lincoln Street.

Fran Florence stated that the original Starbucks property was developed by 200 South Developers and has since been sold.

Community Development Director Humble stated there will be adequate parking on site. The development will have to meet City code requirement which is one space per 300 square feet.

The public portion of the hearing is now opened.

Kevin Ranalli, 858 Fairway Drive, stated his concern of parking and traffic on Lincoln Street. He suggested making Lincoln Street a dead-end to the residence and using the street for parking for the commercial area.

Councilperson Clow stated that the request is for a zone change. The Special Use Permit would address what we place upon the property owner which would include parking when they come back with a specific plan for the property. A dead-end on Lincoln Street stated that property owners may not agree. Fire access in and out of Lincoln would cause problems.

The public portion of the hearing is now closed.

Deliberations.

Councilperson Lanting made the motion to approve the Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO for property located at 510 Lincoln Street, c/o 200 South Developers, LLC/Fran Florence. (app.2383) as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion.

Recess – 7:10 P.M.

Reconvene at 7:16 P.M.

3. Request to ban all tobacco products from five neighborhood parks and around specific park amenities, such as playgrounds c/o Elvia Caldera, South Central Health District.

Elvia Caldera, applicant, explained the request. She also reviewed the survey and press release by South Central Health District.

Karen Goodall, South Central Public Health District, stated that the percentage of smokers in the Magic Valley is 18% give or take.

City Manager Courtney stated that the proposal is from South Central District; therefore, staff has no comment.

Councilperson Clow asked for clarification what SCHED is proposing.

Elvia Caldera stated that the request is to ban all tobacco products from five neighborhood parks to be completely smoke-free and a perimeter of 25' to 50' to be set around the playground area, picnic tables, shelters, and bleachers.

Parks & Recreation Director Bowyer stated that Oregon Trail Youth Complex, and any facility that the City leases from the School District are tobacco-free.

Councilperson Kezele stated the request was recommended for approval by the Parks & Recreation Citizen's Committee.

Parks & Recreation Director Bowyer stated that the request was approved by the Parks & Recreation Commission. The Commission made a recommendation to the City Council to ban smoking at the five following parks: Cascade, Clyde Thomsen, Drury, Harry Barry, and Sunrise. The motion passed by a vote of 4 – 3.

The public portion of the meeting is now open.

Nancy Livingston, 653 Cindy, spoke against the request.

Lande Lambert spoke in favor of the request.

Mark Livingston, 3338 N. 3300 E., spoke against the request.

Jeremy Sasser Collins, 189 Fillmore St., spoke against the request.

Karen Goodall, applicant, stated the request is for approval of a policy and to have signs posted in strategic places in the park.

Elise Gilbert, 174 W. 300 N., Jerome, Idaho, spoke in favor of the request.

The public portion of the hearing was closed.

Deliberations.

- Punishing children whose parents smoke
- Possibly posting no smoking signs at the parks
- Parks where smoking is acceptable

Councilperson Lanting made a motion to suspend the rules and place Ordinance 2991, entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE § 8-3-7 BY PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC PARKS WHERE PROHIBITED BY POSTING.

on third and final reading by title only. The motion was seconded by Councilperson Kezele. Roll call vote showed Vice Mayor Heider, Councilperson Kezele and Lanting voted in favor of the motion. Councilperson Clow, Mayor Hall, and Councilperson Johnson voted against the motion. Failed 3 to 3.

MOTION:

Councilperson Kezele made a motion to instruct staff that it is Council's recommendation that the five parks (Cascade Park ClydeThomsen Park, Harry Barry Park, and Sunrise Park) as recommended by the Parks & Recreation Commission prohibit smoking in the parks be implemented. The motion was seconded by Vice Mayor Heider and roll call vote showed Vice Mayor Heider and Councilperson Kezele voted in favor of the motion. Councilperson Clow, Mayor Hall, Councilperson Johnson and Lanting voted against the motion. Failed 2 to 4.

Discussion followed.

MOTION:

Councilperson Lanting made a motion to establish a tobacco-free perimeter within 50 feet of playground equipment, picnic tables, shelters, and bleachers. The motion was seconded by Councilperson Kezele and roll call vote showed Mayor Hall, Vice Mayor Heider, Councilpersons Kezele and Lanting voted in favor of the motion. Councilperson Clow and Johnson voted against the motion. Approved 4 to 2.

V. **ADJOURNMENT:** The meeting adjourned at 8:37 P.M.

Leila A. Sanchez, Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON				GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 September 27, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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 accounts payable for September 21–27, 2010. 2. Consideration of the September 13, 2010, Minutes. 3. Consideration of a request to approve the Parade Application for the Homecoming Parade to be held on Friday, October 1, 2010. 4. Consideration of a request to approve a Car Show sponsored by the Karaoke Bar 'N Grill, to be held in the 100 and 200 Blocks of Main Avenue East and South on Saturday, October 2, 2010. 5. Consideration of a request to approve the 2010 Oktoberfest, sponsored by the Down Town Business Owners, to be held on Friday, October 1, 2010. 6. Consideration of a request to approve the Alcohol License Application (for Woody's/Blue Room/Sidewinder's Saloon located at 213, 223, 243 5 th Avenue South. 7. Consideration of a Special Use Permit Amendment for Wesleyan Holiness Church c/o Sherry Keyt and Findings of Fact, Conclusions of Law and Decision. 8. Consideration of a Special Use Permit for Twin City Auto c/o David Hall and Findings of Fact, Conclusions of Law, and Decision.	<u>Action</u>	<u>Report</u> Sharon Bryan Leila Sanchez Dennis Pullin Dennis Pullin Dennis Pullin Sharon Bryan Mitch Humble Mitch Humble
ITEMS FOR CONSIDERATION: 1. Consideration of a slate of candidates for the newly created the City of Twin Falls Citizen Finance and Planning Committee. 2. Consideration of a request by Jubilee House, Inc. Board of Directors to present more information to the Council for abatement of the paving requirement. 3. Consideration of a request to authorize the Mayor to sign and submit a grant application to the U.S Environmental Protection Agency (EPA) for funds to complete environmental assessments of several suspected brownfield properties in Old Town and Downtown Twin Falls. 4. Consideration of a request to approve plan for remaining Business Improvement District cash. 5. Consideration of a request to authorize the Mayor to sign the Lease Agreement Addendum with the Church of the Ascension. 6. Consideration of a request to award the bid on the 2010 Ascension Restroom Project to Petersen Brothers Construction. 7. Consideration of a request to award the bid on the 2010 Sunway Soccer Restroom Project to Stanley Associates. 8. Public input and/or items from the City Manager and City Council.	Action Action Action Action Action Action Action	Travis Rothweiler Vicki Adams/ Jubilee House, Inc. Carleen Herring/ Region IV Mitch Humble Dennis Bowyer Dennis Bowyer Dennis Bowyer
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		

MINUTES

September 27, 2010

Page 2 of 8

IV. PUBLIC HEARINGS:	6:00 P.M. –	Action	Darren Huber
1. Public Hearing to amend the budget for Fiscal Year 2009-2010.			
V. ADJOURNMENT:			

Present: Lance Clow, Trip Craig, Don Hall, Lee Heider, Will Kezele, David Johnson, Greg Lanting

Absent: None.

Staff Present: Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, City Engineer Jacqueline Fields, Parks & Recreation Director Dennis Bowyer, Staff Sergeant Dennis Pullin, Staff Sergeant Dan McAtee, Staff Engineer Mike Trabert, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and led the pledge of allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

Assistant City Manager Rothweiler requested removing Item for Consideration 7.

- 1. Consideration of a request to award the bid on the 2010 Sunway Soccer Restroom Project to Stanley Associates.

The cost to extend power to the facility was not included in the bid price. Staff would like the opportunity to go back and examine the project to see if there are cost savings that can be incorporated in the project. The power cost range is between \$22,000 to \$30,000. Currently, the project is \$13,000 over budget.

MOTION:

Councilperson Lanting made the motion to amend the agenda removing Items for Consideration 7.

- 7. Consideration of a request to award the bid on the 2010 Sunway Soccer Restroom Project to Stanley Associates.

The motion was seconded by Vice Mayor Heider and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

- 1. Consideration of accounts payable for September 21–27, 2010.
- 2. Consideration of the September 13, 2010, Minutes.
- 3. Consideration of a request to approve the Parade Application for the Homecoming Parade to be held on Friday, October 1, 2010.
- 4. Consideration of a request to approve a Car Show sponsored by the Karaoke Bar 'N Grill, to be held in the 100 and 200 Blocks of Main Avenue East and South on Saturday, October 2, 2010.
- 5. Consideration of a request to approve the 2010 Oktoberfest, sponsored by the Down Town Business Owners, to be held on Friday, October 1, 2010.
- 6. Consideration of a request to approve the Alcohol License Application (for Woody's/Blue Room/Sidewinder's Saloon located at 213, 223, 243 5th Avenue South.
- 7. Consideration of a Special Use Permit Amendment for Wesleyan Holiness Church c/o Sherry Keyt and Findings of Fact, Conclusions of Law and Decision.
- 8. Consideration of a Special Use Permit for Twin City Auto c/o David Hall and Findings of Fact, Conclusions of Law, and Decision.

Councilperson Clow stated that Item 6. Consideration of a request to approve the Alcohol License Application for Woody's/Blue Room/Sidewinder's Saloon located at 213, 223, ~~243~~ 5th Avenue South. The business name should read Daniel S. Fuchs and Business should read Woody's/Blue Room/Sidewinder's Saloon.

Councilperson Lanting made the motion to approve the Consent Calendar with the changes from Councilperson Clow.

Vice Mayor Heider seconded the motion and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a slate of candidates for the newly created the City of Twin Falls Citizen Finance and Planning Committee.

Assistant City Manager Rothweiler reviewed the request. The Committee recommends for approval the appointment of Darrell J. Buffaloe, Brent Jussel, Debbie Lattin, Brandi Turnipseed, and Brent White. The Committee's suggestion is to appoint members by alphabetical order by last name to one, two, and three year terms. All members attended the meeting.

MOTION:

Councilperson Johnson made the motion to appoint the slate of candidates in alphabetical order by last name as follows: two members to one year terms, two members to two year terms, and one a three year term.

Darrell J. Buffaloe 1 year term
Brent Jussel 1 year term
Debbie Lattin 2 year term
Brandi Turnipseed 2 year term
Brent R. White 3 year term

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

2. Consideration of a request by Jubilee House, Inc. Board of Directors to present more information to the Council for abatement of the paving requirement.

Applicant was not present so the item was rescheduled to a future meeting.

3. Consideration of a request to authorize the Mayor to sign and submit a grant application to the U.S Environmental Protection Agency (EPA) for funds to complete environmental assessments of several suspected brownfield properties in Old Town and Downtown Twin Falls.

Carleen Herring explained the request. The City has the opportunity to receive roughly \$400,000 to complete environmental assessments on several suspected brownfield properties in Downtown and Old Town Twin Falls.

Staff has reviewed the application.

Discussion followed:

Councilperson Kezele asked what happens next if the ground is found to be contaminated.

Carleen Herring stated there are different programs available under the EPA brownfield's banner. Region IV also runs a program in cooperation with other planning districts and the Idaho Department of Environmental Quality that is a brownfield's clean up fund. There are other avenues for matching grants, direct loans to property owners and other financial resources for the cleanup piece.

Councilperson Kezele asked if the properties that are being evaluated are privately owned properties.

MINUTES

September 27, 2010

Page 4 of 8

Carleen Herring stated that properties that will be evaluated are owned by the City and/or URA and if there are other sufficient funds, other properties will be evaluated.

Councilperson Johnson asked if we are inviting the federal government in for unfunded mandates.

Carleen Herring stated that not under the program and guidelines. In talking to other communities who participated in previous rounds it appears to be a helping hand to identify issues.

Councilperson Lanting stated for clarification that the properties that are to be evaluated have the perception to have a problem and, because of this, it is hard to find people to invest in the properties.

Carleen Herring stated that EPA's intent with this program is to do a study on properties that have a perception of having issues with the real estate. EPA will attempt to identify categorically and, if there is a problem, will make a recommendation for clean up. If the real estate is found clean, it will help make the property marketable.

Councilperson Craig stated that the Urban Renewal Agency has used the resources mentioned and have used some brownfield projects. If contaminants are found, the source has to be found and eliminated. If the study is not done the properties will not be marketable.

Carleen Herring stated this is a non-matching grant. The City does not have a commitment to this grant. EPA is looking to 100% fund this scope of work.

Councilperson Clow asked if this is a Level 1 assessment.

Carleen Herring answered in the affirmative. In the budget it has been costed out to do Level 1 assessments on 6 of the parcels in each category. Should there be an issue, the funds have been budgeted to go onto a Phase 2 assessment, then clean up and a remediation plan.

Carleen Herring stated that from her understanding of the Phase 2 assessment, EPA will try to find that source.

Councilperson Clow stated that an EPA study has been done on the property next to AmeriPride, and contaminants from dry cleaning fluids were found. EPA found very minute petroleum. He asked if EPA would track down the source if there is minute contamination.

Carleen Herring stated there is an inventory component to find out what DEQ has already inventoried. There will be use of the existing studies to identify places.

Councilperson Kezele asked what the federal government will do if contaminants are found.

Carleen Herring stated that looking at the program guidelines and previous proposals, she did not find strings attached to this project. In working with EPA's brownfield staff, this program is looking to be proactive to access problem issues and deal as intrusively on the cleanup.

Councilperson Johnson asked what happens when the money runs out right in the middle of a study.

Carleen Herring stated that what was done in the budget is identify a rough estimate of what a Phase 1 and Phase 2 will cost. RFP's will be done. A study will be done on the highest priority of sights downtown. The cost will be negotiated with the consultant. The EPA has identified more than 12 sites in the preliminary inventory.

Councilperson Johnson asked if there are qualified consultants in the market to do the study. Carleen Herring answered in the affirmative.

Assistant City Manger Rothweiler stated that there are individuals in our local area that can do a Level 1 assessment and there may be consultants that have the expertise to do a Level 2 assessment.

MINUTES

September 27, 2010

Page 5 of 8

Councilperson Craig reiterated that there are no strings attached. A brownfield study has been done on places Down Town and has gone to a Phase 2 assessment, in which remaining funds from Phase 1 were used in the Phase 2 assessment. This is the third time that the City has applied to receive grants. The study has been targeted for Down Town lots. He has seen no repercussions from the EPA.

MOTION:

Councilperson Craig made a motion to authorize the Mayor to sign and submit a grant application to the U.S Environmental Protection Agency (EPA) for funds to complete environmental assessments of several suspected brownfield properties in Old Town and Downtown Twin Falls and adopted Resolution 1856, entitled:

A RESOLUTION OF THE COUNCIL, CITY OF TWIN FALLS, IDAHO, AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO PARTIALLY FINANCE THE ASSESSMENT OF BROWNFIELD SITES IN THE OLD TOWN/DOWNTOWN AREA OF TWIN FALLS.

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

4. Consideration of a request to approve plan for remaining Business Improvement District cash.

Community Development Director Humble reviewed the request. A committee consisting of Mayor Hall, Councilman Clow, and City staff met to review remaining cash and suggests a solution for the BID's remaining cash.

- 1) Dedicate \$13,000 for two years of Christmas Spray expenses. Some merchants pledged for 5 years and this amount would take care of that.
- 2) Dedicate \$50,000 for deferred downtown parking improvements. The BID was responsible for parking maintenance during the many years it managed the downtown parking and some of the funds the City received from the BID in 2008 included parking revenues (the dollar amount is not known). Staff will work with Streets Department into their fall 2011 maintenance schedule.
- 3) Dedicate the balance of the fund (approx. \$31,288.09) to develop a match program for downtown property owners to use to repair sidewalks and install new landscaping.

If the Council agrees with these suggestions, the remaining balance will be \$0.

Discussion followed:

Councilperson Johnson asked if the Down Town merchants or former BID members were involved in the recommendations presented by staff. Community Development Director Humble stated the committee consisted of only the two Councilmen and City staff.

Councilperson Kezele stated that he is uncomfortable of disbursement of the funds presented by City staff where Down Town and former BID members were not involved. He asked why downtown merchants were not on the Committee.

Community Development Director Humble stated that the former BID Board has not met for several months. The idea is to present the plan for approval.

Councilperson Craig stated that in looking at Minutes from previous meetings the recommendation from the Council was to involve the Old Town and former BID members in the disbursement of funds.

Councilperson Clow stated that in 2008 when the City took over the record keeping of the former BID, basically a lump sum of money came over to the City and at that time it was estimated by Finance that \$50,000 was from deferred parking maintenance. At the time the City passed a resolution to dissolve the former BID, direction or assignment was given to staff to make a recommendation to the Council as to how the funds would be distributed. A substantial amount of money had been refunded and distributed to the former BID property owners and the remaining funds as to the distribution was discussed.

Councilperson Craig reiterated for clarification that money has been refunded to former BID members. Before 2008 it was unclear of who paid and not paid their assessment dues. The money is parking meter money, parking lease money and some dues were paid to go ahead to refurbish or update parking lots and so that is where the \$50,000,00 has come from.

MINUTES

September 27, 2010

Page 6 of 8

Mayor Clow stated that in 2009 and 2010 dues were refunded back to the membership. Remaining was the last \$90,000, in which the Committee recommends to distribute as presented. The Committee felt that this way the best way to disburse the remaining funds.

Mayor Hall explained reasons the Committee chose to distribute the remaining funds. The guidance of the Council was to have a Committee for recommendations.

MOTION:

Councilperson Lanting made a motion to approve the plan as presented for the remaining Business Improvement District cash. Councilperson Clow seconded the motion.

Discussion followed:

The will of the Council is to allow public input.

Michele Hamilton, 212 Lincoln Street, former BID Board, stated that the remaining funds came from BID assessment fees and parking. The parking lots are City property and should be maintained by the City and not by the Down Town merchants. She spoke against the request.

Robert Myrland, 117 Main Avenue East, stated that he was under the impression that expenses would be paid and the remainder of the money would be refunded to the BID. He requested that the Council form a Committee including those from Down Town. He spoke against the request.

Lisa Fairbanks, 123 Main Avenue East, stated that she would like Woody Cullen to remain as the Parking Coordinator. Now that the parking lots have been turned over to the BID, the City should maintain the lots. She spoke against the request.

Sarah Taylor, 424 4th Avenue, she recommended that the downtowners have a say as to how the money is to be spent.

Deliberations:

-Councilperson Lanting he stated that he disagrees that the \$50,000 is merchant money. The money was collected was from parking receipt money.

Councilperson Clow stated that maintenance of the parking lot improvements have been deferred by the former BID, while accumulating money. He stated that if the parking meter revenue was collected by the City, the \$50,000 would not be in the former BID fund.

Councilperson Kezele stated that the former BID wasn't working and the merchant's downtown struggle with unity. A separation should be made between Down Town and the City. Former BID members should be involved with the decision making of the funds remaining.

Councilperson Craig stated that he believes that if former BID members had been involved in the disbursement of funds they would see that that money was parking meters and parking spaces, etc.

Mayor Hall stated there were no ill intentions from the recommendations. The Committee tried to do the right thing. Perhaps former BID members should have been involved with the decision making of the disbursement of funds.

Councilperson Heider stated that improving parking lots would benefit the businesses Down Town. The City should not be involved in the parking meter business for the Down Town and suggested that they buy the parking lots and maintain them without City involvement.

Councilperson Johnson believes the Committee was not give enough direction and thanked them for the work done. If the money was collected form parking collection system he would support dedicating \$50,000 for parking improvements.

Councilperson Heider asked for a point of clarification of staff where the \$50,000 came from.

MINUTES

September 27, 2010

Page 7 of 8

Chief Finance Director Race stated that when the BID came back to the City of Twin Falls she was working with Amanda Capps with Cooper Norman. They did not separate the BID funds from the parking fund. Approximately \$50,000 shows that the funds are parking dollars and is able to make that verification. Ruth Stevens Pierce tried to go back in the records from Cooper Norman but was unable to determine how much was in the parking and former BID funds.

Councilman Craig called for the question.

Roll call vote showed Councilpersons Clow, Vice Mayor Heider, and Lanting voted in favor of the motion. Councilpersons Craig, Hall, Johnson and Kezele voted against the motion. The motion failed. Failed 4 to 3.

Council directed staff to solicit input from downtown business owners, then re-submit plan for Council consideration at a later date.

Council gave direction to staff to form a committee to include former BID members.

5. Consideration of a request to authorize the Mayor to sign the Lease Agreement Addendum with the Church of the Ascension.

Parks and Recreation Director Bowyer reviewed the request. Don Acheson and Jeff Gooding are available for questions.

Staff recommends for the City Council to authorize the Mayor to sign the Lease Agreement Addendum with the Church of Ascension.

Councilperson Johnson asked if the 40 year term would obligate other future City Councils'.

Assistant City Manager Rothweiler stated that there is no exchange of dollars in association with the lease, therefore, it is appropriate to have a 40 year lease.

MOTION:

Councilperson Lanting made a motion to authorize the Mayor to sign the Lease Agreement Addendum with the Church of the Ascension as presented. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

6. Consideration of a request to award the bid on the 2010 Ascension Restroom Project to Petersen Brothers Construction.

Parks & Recreation Director reviewed the request.

Staff recommends awarding the bid on the 2010 Ascension Restroom Project to Petersen Brothers Construction.

MOTION:

Councilperson Craig made the motion to award the bid on the 2010 Ascension Restroom Project to Petersen Brothers Construction not to exceed \$72,066.00. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

7. Consideration of a request to award the bid on the 2010 Sunway Soccer Restroom Project to Stanley Associates.

Approved to remove from the agenda. Item will be rescheduled for consideration at a future Council meeting.

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

Clark Parish, 160 Gooding Street West, stated the downtown merchants need the parking lots downtown and suggested not selling them.

Recess at 6:39 P.M.

Reconvened at 6:47 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. Public Hearing to amend the budget for Fiscal Year 2009-2010.

Budget Coordinator explained the request. The amendment will ensure the City of Twin Falls' compliance with State code.

Discussion followed.

Assistant City Manager Rothweiler stated that \$2,152,000 was taken out of the street fund but will ultimately be paid back to the City. The City advanced the funds for the Washington Street Project the calendar year. Funds will be received the next fiscal year. On the arsenic project, the City does not budget for the total capital cost of the project, but rather the debt service payment each year.

Budget Coordinator stated for clarification that the \$8,000 reserved for Fireworks fund is not in the \$22,414 listed in the budget.

The public hearing portion of the meeting was opened and closed with no input.

Councilperson Johnson made the motion to suspend the rules and place Ordinance #2991, entitled:

AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO, AMENDING ORDINANCE NO. 2976, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF TWIN FALLS, IDAHO, IN THE SUM OF \$22,031,228; AND PROVIDING AN EFFECTIVE DATE

on third and final reading by title only. The motion was seconded by Councilperson Lanting 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 Craig made the motion to adopt Ordinance #2992 as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

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

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



Minutes
 Meeting of the Twin Falls City Council
 October 4, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:30 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 accounts payable for September 28 – October 4, 2010. 2. Consideration of the September 20 and 27, Minutes.	Action Action	<u>Staff Report</u> Sharon Bryan Leila Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request by Jubilee House, Inc. Board of Directors to present more information to the Council for abatement of the paving requirement. 2. Public input and/or items from the City Manager and City Council.	Action	Vicki Adams/ Jackie Fields
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 1. Urban Renewal Block 133 Downtown Revitalization Project public hearing with project status update by Staff, Candy McElfresh of Region IV, and Tim Vawser of EHM Engineers.		Lee Glaesemann
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: Lance Clow, Trip Craig, Don Hall, Lee Heider, Will Kezele, David Johnson, Greg Lanting

Absent: None.

Staff Present: City Manager Tom Courtney, City Attorney Fritz Wonderich, Community Development Director Mitch Humble, City Engineer Jacqueline Fields, Staff Engineer Lee Glaesemann, Staff Sergeant Dennis Pullin, Staff Sergeant Dan McAttee, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:30 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and led the pledge of allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for September 28 – October 4, 2010.
2. Consideration of the September 20 and 27, Minutes.

MOTION:

Councilperson Johnson made the motion to approve the Consent Calendar with the exception of 1. Consideration of accounts payable for September 28 – October 4, 2010. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request by Jubilee House, Inc. Board of Directors to present more information to the Council for abatement of the paving requirement.

Kathryn Bausman, Executive Director of Jubilee House, explained the request. Jubilee House is a faith based recovery home. State and Federal funding is not received. Jubilee House, Inc. is fully self-supporting through private donations and grants and fundraisers. Jubilee House has been in operation since February 2008 where doors opened as a 501 C-3. The property is leased from the Community Christian Church. The House is not in the City limits but in the area of impact.

In 2008, the Council gave Jubilee House three years to meet the requirements to hard pave the lane. It is estimated that paving would cost \$25,000 to \$32,000, which is well over 25% of their entire budget. At this time if the House is required to hard pave or chip seal at a cost of \$12,000, they would have to close their doors. There has been a significant downturn in the economy since the opening of Jubilee House in 2008 and non-profit facilities are having a much more difficult time remaining open.

Anita Taylor, 315 Grandview Drive, graduate of Jubilee House, spoke in favor of the request.

Gerald Martens, 621 North College Road, spoke in favor of the request.

Mike Smit, 2175 Julie Lane, serves on the Board of Directors for Jubilee House, spoke in favor of the request. Currently the House is planning to pursue funding issues.

David McClusky, 124 Fillmore Street, President of the Mustard Seed Clinic, spoke in favor of the request.

Ray Wiman 975 Welch Lane, Trustee for the Salvation Army, spoke in favor of the request.

City Engineer Fields stated that Code section provides an opportunity to provide deferrals on paving. The Code requires that maneuvering surfaces are hard surfaced with Portland Cement or plant mix, except in industrial zone which this is not. The Code also allows that when the costs of the improvements are large that the City can place a 3 year deferral on those improvements, which is what happened 2 years 8 months ago. The intent of these Code sections is to put the City in a position where maintenance issues are associated with dirt on the roadway can be addressed. Much of the dirt always ends up in the Rock Creek or in the Snake River. At some point the EPA will require the City to stormwater in an aggressive and proactive manner. Jubilee House asked for consideration of a double chip as compliance with the hard surfacing requirement. Double chipping does not comply with the code. Staff offered to bring forward to extend the deferral for the life of the double chip of 3 or 4 years. For the City there is no immediate project impact associated with not conforming to this road section. The City does not maintain the road. There is fire access. It is not staff's purview to accept the driveway without a hard surface on it

Staff recommends that the Council approve the deferral on paving the driveway for another 3 years. Council can exercise an option to extend the deferral when it's called, then can wait until we have complaints, or until the EPA gets us on storm water, etc.

Discussion followed:

The Engineer can write to the person who holds the deferral to basically plan to conduct the improvements.

-The driveway is privately owned and graveled.

Councilperson Johnson asked if the deferral can be extended by the Council.

Councilperson Clow asked if having a deferral when it's called is it a City code specifically or is in the building code we adopt in general.

City Engineer Fields stated that deferrals are a specific in Code sections 10-11-01 and 10-11-4b.

Councilperson Kezele asked if when we set up one of these deferrals to call can we make sure that it goes as long as the property is used for the purpose in which we deferred it, and if it changes ownership or purpose then it could be called. City Attorney answered in the affirmative.

MOTION:

Councilperson Lanting made a motion to extend the deferral until it is called by the City Engineer. The motion was seconded by Councilperson Kezele.

Discussion followed.

Lance Clow made the comment there could have properties within the city limits today that are 50 years ago that had a paved driveway and is now broken down, and the City virtually have no control over it because they met the code and was signed off at one time. Unless there is a complaint on dust, no action can be taken.

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

The Council instructed staff to look at a code amendment to give more flexibility on deferrals.

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

Vice Mayor Heider stated that 30 volunteers are needed to participate in a simulated emergency response on October 6, 2010, at 9:00 A.M. at the Airport.

Mayor Hall stated on October 6, 2010, at 7:00 P.M., Dave Peltzer, author of A Child called it, will be speaking at the CSI

Fine Arts Auditorium.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. Urban Renewal Block 133 Downtown Revitalization Project public hearing with project status update by Staff, Candy McElfresh of Region IV, and Tim Vawser of EHM Engineers.

Staff Engineer Glaesemann explained the request. As a requirement of the block grant, a public hearing must be held during construction to give residents an opportunity to raise questions or issues once the project has started and to inform citizens of the status of the project, dollars spent and any changes in the schedule.

Candy McElfresh, representing Region IV and the City explained the request. For clarification she stated that (1) the Department of Commerce is always wanting opportunities to provide public information and to get feedback from current projects. A second public hearing is required in an effort to have communication with the community, and (2) The funding is HUD money and requires Davis Bacon Wages. She explained in detail the *City of Twin Falls Downtown Revitalization, Block 133 – Economic Development 2nd Public Hearing-Status of Project ICDBG-10=IV-27-ED* and the *City 2010 Urban Renewal Agency, Block 133 Twin Falls Townsite Improvement Project handouts*.

Tim Vawser, EHM Engineers, explained in detail the project using overhead projections.

Discussion followed:

- The trees that are to be placed in the area are ornamental trees. The plan is to work with the Parks and Recreation Department staff for input.
- The Master Landscaping Plan is being utilized for this project.

The public comment portion of the hearing was opened and closed with no input.

V. ADJOURNMENT: The meeting adjourned at 6:30 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 October 11, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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 accounts payable for September 21 – 31, 2010, total: \$492,092.83; September 29, 2010, total: \$49,468.42 October 1 – 11, 2010 2. Consideration of the October 4, 2010, Minutes.	<u>Action</u>	<u>Report</u> Sharon Bryan Leila Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to present POST Certificates to the following individuals before the City Council: Officer Adam Dixon, Officer Nate Silvester and Lieutenant Craig Stotts. 2. Consideration of a request to award the bid on the 2010 Sunway Soccer Restroom Project to Don Anderson Construction. 3. Consideration of a request to allow greater than standard building height for a proposed new building addition to be constructed on property located at 2320 Orchard Drive in accordance with Twin Falls City Council 10-7-3. 4. Public input and/or items from the City Manager and City Council.	Presentation Action Action	Jim Munn/ Bryan Krear Dennis Bowyer Mitch Humble
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 1. Consideration of the citizen recycling committee's recommendation to change the City of Twin Falls' current recycling program to an incentive-based single-stream program.	Action	Travis Rothweiler
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: Lance Clow, Trip Craig, Don Hall, Lee Heider, Will Kezele, David Johnson, Greg Lanting

Absent: None.

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Zoning & Development Manager Renee Carraway, Police Chief Jim Munn, Captain Bryan Krear, Parks & Recreation Director Dennis Bowyer, Staff Engineer Lee Glaesemann, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and led the pledge of allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for September 21 – 31, 2010, total: \$492,092.83;
September 29, 2010, total: \$49,468.42;
September 30, 2010, total: \$31,011.76;
September, 30, 2010, Fiscal Year, total: \$2,507,695.07;
October 1 – 11, 2010, total: \$46,696.74.
2. Consideration of the October 4, 2010, Minutes.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to present POST Certificates to the following individuals before the City Council: Officer Adam Dixon, Officer Nate Silvester and Lieutenant Craig Stotts.

Captain Bryan Krear introduced the officers.

Chief Munn, Mayor Hall and Vice Mayor Heider presented POST Certificates to: Officer Adam Dixon, Officer Nate Silvester and Lieutenant Craig Stotts.

2. Consideration of a request to award the bid on the 2010 Sunway Soccer Restroom Project to Don Anderson Construction.

Parks & Recreation Director Bowyer reviewed the request.

As part of the Park Dedication Ordinance, funds can be expended within one mile of the boundaries of the project where the funds originated if no needs or facilities are identified in the square mile. In the square mile to the south of Sunway Soccer Complex, the City collected \$38,756 of in-lieu of fees from two developments. Staff proposes to use \$16,976.22 of those Park Development funds to cover the balance of \$143,354.35 needed to construct the Sunway Soccer Complex restrooms.

Staff recommends awarding the 2010 Sunway Soccer Restroom project to Don Anderson Construction in the amount of \$134,354.35 and allowing staff to use in lieu funds from within one mile of the boundaries of the project from which the funds originated to help fund this project.

Discussion followed:

- Location of the sewer line
- School District is allowed to use the facilities at no charge and the City is allowed to use their facilities at no charge
- Parking lot

MINUTES

October 11, 2010

Page 3 of 9

Staff Engineer Glaesemann stated that recycled asphalt used to pave the parking lot was from the excess of an Airport project. The parking lot is paved but would not be acceptable in a residential area.

Councilperson Clow asked if a park is planned in the 80 acre area shown on overhead projection. The concern is using in-lieu contributions from one area to use in another area.

Parks & Recreation Director Bowyer stated that a park is planned for that area but cannot determine when that might be. The developer is only responsible for irrigation and seeding of the park. The City is responsible for any amenities placed in the park. The plan is to have a City owned park in the area once the development happens or to budget funding out of the general fund.

Councilperson Clow asked if we are breaching agreements with the developers who are paying in-lieu fees for a neighborhood park but then using the in-lieu funds elsewhere.

Parks & Recreation Director Bowyer stated that this is the only park within a mile even though Sunway Soccer Complex is a regional park. Other neighborhood parks do not have restrooms but still fit as a neighborhood park. A neighborhood park is a park with playground equipment, bathrooms and shelters. Many neighborhood parks are substandard.

Councilperson Johnson asked if there are 12 soccer fields. Parks & Recreation Director Bowyer answered in the affirmative.

Councilperson Johnson asked if the restrooms being proposed will be sufficient for a large crowd. Parks & Recreation Director Bowyer stated that if the bathrooms are not sufficient for larger groups such as the Soccer Association, the City will require port-a-potties to be placed.

Councilpersons Lanting and Craig stated that they would prefer using in-lieu funds right now rather than using monies from the general fund.

MOTION:

Councilperson Craig made the motion to award the 2010 Sunway Soccer Restroom project to Don Anderson Construction in the amount of \$134,354.35. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

MOTION:

Councilperson Clow made the motion that the funding for the project for the Sunway Soccer Complex be funded 50% from in lieu fees from that square mile and 50% from the contingency funds for the 2010-2011 budget that was just approved. The motion was seconded by Councilperson Lanting. Roll call vote showed Councilpersons Clow and Lanting voted in favor of the motion. Councilpersons Craig, Mayor Hall, Vice Mayor Heider, Councilpersons Johnson and Kezele voted against the motion. Failed 5 to 2.

Discussion followed

-Clarification of motion.

Councilperson Craig stated that the Rotary Club has asked the Parks & Recreation Committee to build a pocket park by Oregon Trail School in which the Club would be able to fully fund but are looking for approximately \$50,000 from the Parks and Recreation Department. The Rotary Club has been told that the City does not have the money for the pocket park. The question is, what do you tell them if money is taken out of the general fund to build restrooms at the Sunway Soccer Complex?

City Manager Courtney stated that during the budget process that money was put into contingency with the idea that the City is facing somewhat of an uncertain future this next year. If revenues were falling short then the idea is to use the money to cover whatever the shortage is so services would not have to be cut back.

Councilperson Kezele stated that he was uncomfortable using contingency funds for playground equipment because of more pressing issues. There is a current need for bathrooms at Sunway Soccer.

MINUTES

October 11, 2010

Page 4 of 9

Councilperson Clow stated that in-lieu funds were paid by the developers and paid for by the people who bought the lots in those neighborhoods with the expectation of having playground equipment in a neighborhood park. The property south of the Sunway Soccer complex is owned by the school district, likely to be held for eventual school properties. The property to the north becomes more of a challenge to get sewer to those properties. The properties in the section to the south are in preliminary plat stages and developers have made certain amounts of commitments and purchases and investments in that section. Development to the north of Sunway Soccer could be developing faster. The in lieu funds should be used for a neighborhood park but not for Sunway Soccer Complex.

Councilperson Johnson stated that he supported not moving across the mile with in-lieu of funds. Developers intended for that money to be used in that mile as agreed. The \$126,378.13 for the restrooms should come out of in lieu funds and the balance should come from the contingency fund.

Mayor Hall stated that he was not in support of taking \$70,000 out of the contingency fund, but rather taking \$16,000 out of the contingency fund is acceptable to him.

Roll call vote showed Councilpersons Clow and Lanting voted in favor of the motion. Councilperson Craig, Mayor Hall, Vice Mayor Heider, Councilpersons Johnson and Kezele voted against the motion. Failed 5 to 2.

MOTION:

Councilperson Lanting made the motion that instead of transferring funds from out of the square mile to the south of the proposed project, that the money remains intact, and to take money out of contingency fund in the amount of \$16,976.22. The motion was seconded by Councilperson Heider.

Discussion followed.

Roll call vote showed Councilpersons Clow, Mayor Hall, Councilperson Johnson and Lanting voted in favor of the motion. Councilperson Craig, Vice Mayor Heider, and Councilperson Kezele voted against the motion. Approved 4 to 3.

MOTION:

Councilperson Lanting made the motion to approve \$9,000, to extend power to the site. The motion was seconded by Vice Mayor Heider and roll call vote showed Councilperson Clow, Mayor Hall, Vice Mayor Heider, Councilpersons Johnson, Kezele and Lanting voted in favor of the motion. Councilperson Craig voted against the motion. Approved 6 to 1.

3. Consideration of a request to allow greater than standard building height for a proposed new building addition to be constructed on property located at 2320 Orchard Drive in accordance with Twin Falls City Code 10-7-3.

Zoning & Development Manager Carraway reviewed the request. A letter was received from Gary Pool, Plant Manager for the Amalgamated Sugar Company, LLC, and Twin Falls Facility requesting City Council approval of additional building height in accordance with Twin Falls City Code Section 10-7-3. The property is zoned M-2 within the Area of Impact. The standard allowable building height in the M-2 zone is 50 feet. The plant is asking to be allowed to construct an addition with a maximum height of 80 feet. In addition, they are requesting that the additional height not be restricted by the addition of sprinkler system as required by 10-7-3. The proposed addition will be used to house equipment for cooling and drying of the final sugar product. The plans are still under design; however, the anticipated wall height is 75 feet. The location of the proposed addition is approximately 600 feet south of Orchard Drive and would be surrounded by existing building/structures/towers some of which exceed 125 feet. The addition will be used to house equipment handling the final sugar product; the installation of a sprinkler system would be undesirable due to potential product contamination or product loss from sprinkler activation.

Staff recommends the Council grant the request for additional building height and a waiver of the installation of a sprinkler system, as presented, subject to the following conditions:

1. Receipt of a waiver from the applicant releasing City of Twin Falls from all fire protection responsibility and liability from the approval of waiving the installation of a sprinkler system.
2. Subject to site plan amendments as required by Building, Fire, and Zoning Officials to ensure compliance all applicable City Code requirements and standards.

Discussion followed.

MINUTES

October 11, 2010

Page 5 of 9

MOTION:

Councilperson Lanting made the motion to approve to allow greater than standard building height, not to exceed eighty feet (80'), for a proposed new building addition to be constructed on property located at 2320 Orchard Drive and in accordance with Twin Falls City Code 10-7-3, as presented, subject to the following conditions:

1. Receipt of a waiver from the applicant releasing City of Twin Falls from all fire protection responsibility and liability from the approval of waiving the installation of a sprinkler system.
2. Subject to site plan amendments as required by Building, Fire, and Zoning Officials to ensure compliance all applicable City Code requirements and standards.

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

4. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Lanting stated that the Golf Advisory Commission October 13, 2010, meeting has been cancelled.

Councilperson Clow stated that the Animal Shelter Advisory Commission meeting has been cancelled.

Councilperson Craig gave an update on the URA meeting held on October 11, 2010, in which funding for a mural on the silos in Old Towne was discussed.

The Parks & Recreation Commission will be meeting on October 12, 2010, at 11:30 A.M.

The Library Board of Trustees will be meeting October 13, 2010, at 4:30 P.M. Library Board Room.

Councilperson Kezele stated that he was contacted by individuals in the community requesting a dog park. Councilperson Craig stated that the Parks & Recreation Commission will be meeting October 12, 2010, to discuss a dog park.

Councilperson Lanting stated that an Open House will be held on October 12, 2010, from 5 – 7 to discuss bicycle regulations.

Recess at 6:08 P.M.

Reconvened at 6:14 P.M.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. Consideration of the citizen recycling committee's recommendation to change the City of Twin Falls' current recycling program to an incentive-based single-stream program.

Assistant City Manager Rothweiler reviewed the request. The Mayor appointed Councilpersons Johnson and Clow to the Committee. Councilperson Johnson served as the committee's chairman. John Ellis, Sherry Olsen-Frank, Tereasa Nichols, Les Reitz, Terry Schultz, and Curtis Stewart were the community members that served on the Committee. Sherry Jeff and Travis Rothweiler staffed the committee.

The members of the citizen committee recommend the City change its current recycling program to be an incentive based, curb side single stream program. This recommendation is based on the following thoughts and observations:

- 1) Maintain the current level of service for City's recycling program.
- 2) Promoting the philosophy and value of recycling... everyone should do it.
- 3) Improve opportunities to recycle...A system that is more "user friendly"
- 4) Blending affordability, efficiency and effectiveness
- 5) "Green(\$)" v. "Green (Environment)"... the program must strike a balance
- 6) Explore other recycling opportunities... grass, yard debris, plastics
- 7) Develop education & communication strategies that encourage recycling
- 8) Rethink what we are doing in the area of recycling.

He gave background information on the current recycling program and gave background information on Single-Stream Recycling Program.

Discussion followed

-Phonebooks will be in the single stream recycling program.

MINUTES

October 11, 2010

Page 6 of 9

Dave Grantham from PSI gave a PowerPoint presentation on the Recycle Bank. Recycle Bank is a company that provides incentives to people to recycle. A container very similar to a garbage container would be filled with recycled material, and a PSI employee will pick up the recycled material and will record whether or not the resident set the container out that day. At the end of the day when the truck is emptied all the residents that set the container out that day will receive a credit for the amount of tonnage dumped. Recycling will be simple and the resident will receive rewards.

Bill Wolfram with Recycle Bank showed a video which consists of a collage of news clips from press coverage on Recycle Bank. Recycle Bank started about five years ago and is presently in a million and one-half households scattered around the country and in 30 to 35 communities. The program is relatively simple in which Recycle Bank awards 2.5 recycle points for every pound of recycled material that is on the route in the week. A resident would simply go on line to set up an account with Recycle Bank and shop with the points awarded. The program shows that residents redeem their points three times a year. The program is to keep the customer's attention, to keep them focused on recycling, and to divert material from the landfill. Recycle Bank receives national and regional coverage which helps inspire the residents to take part of the program. Recycle Bank has been recognized by the United Nations in a world economic forum for innovative technology.

Assistant City Manager Rothweiler stated that when the committee took a look at the report there were several observations as follows:

- The current program was ineffective and did not deliver desired results and outcomes, as only an estimated 20% of the City's residential customers participate in the City's recycling program.
- The 18-gallon tote was cumbersome, requires sorting, and causes littering when the wind blows.
- Sorting is burdensome and may deter City residents from participating in the City's recycling program.
- A City-sponsored recycling program should allow plastics, magazines, office paper, and other similar products to be recycled
- Yard waste and yard debris significantly increase the amount paid by residents in the form of tipping fees
- The City should explore alternatives and develop a diversion program for yard waste, one that would lessen the amount of yard waste and yard debris that is in the City's solid waste streams

The possible rate adjustment process requires the City, by law, to publish a notice of a public hearing two times within a two week period prior to a hearing. The first publication was made on October 7, 2010, and the second publication will notice on October 14, 2010, in which a public hearing on the utility rate resolution will be presented to Council October 18, 2010, for approval. The meeting tonight is to give the public the opportunity to give input on the single stream recycling program proposed and for staff to receive general direction from the Council.

Discussion followed:

Councilperson Lanting stated that most professional lawn care people take grass clippings, etc., to a feed lot south of Twin Falls. He asked if the PSI will be able to deliver to feedlots.

Dave Grantham stated that PSI does not have a composting facility that can be used. PSI would like to look at some kind of composting facility before moving forward with setting a yard debris program.

Councilperson Clow asked if computer printers, cell phones, and regular batteries are recyclable. Bill Wolfram stated that printers and batteries would not be part of the program, but that cell phones are recyclable.

Councilperson Clow stated that one of the disadvantages of single stream is that you end up with a theoretical price per ton. More money is received for aluminum cans than for newspapers and cardboard. He asked if there is a market value now per ton. Dave Grantham stated that right now the value is \$10 a ton paid to PSI, in which PSI and the City would split. PSI loads recycling into a truck that compacts it, and it is then dropped off at a local facility, baled and sent off to another facility that would then sort it. The market value has to do with the amount of volume we give the processor as well.

Councilperson Clow stated that one of the problems with glass is that when it breaks it contaminates everything else that is being recycled.

Councilperson Clow asked how recycling points are redeemed.

MINUTES

October 11, 2010

Page 7 of 9

Bill Wolfram stated that there are several ways to redeem points. First of all some of the reward partners are national partners that allow the resident to redeem on line. A majority of the rewards can be printed at home, or a call to a customer care center is opened where customers can call in to redeem.

Vice Mayor Heider asked if everyone that contributes receives the same amount of awards points. Bill Wolfram answered in the affirmative.

Councilperson Johnson asked for clarification that the Recycle Bank costs about a \$1 per household and the expected earn back per household is \$8 to \$10 per month in coupons or gift certificates based on our 30 pound estimate. Bill Wolfram stated that the 30 pound estimate is on average, and a customer will be receiving 75 points per month. Although the value of the reward to point ratio varies on average, the popular typical awards have a value of \$10 per every hundred points. Other towns are in the 60 to 70 pound range which would be 180 points so there would be \$18 worth of a value per month.

Assistant City Manager Rothweiler stated that when the City bid the project a single stream option would cost the residents \$9.31 just for the right to single stream without an incentive based program. The opportunity to earn points and earn coupons value is \$8 to \$10. The cost for the incentive based recycling program is \$10.31.

Public input:

Suzan Salazar, 498 Heyburn Avenue West, spoke in favor of recycling but is concerned of a rate increase in the water bill.

Rueben Salazar, 498 Heyburn Avenue West, stated that the recycle program should be optional for residents and asked if all residents would be required to participate.

Assistant City Manager Rothweiler stated that when PSI presented their price it was on a total customer count inside the community. The fee is based on the recycling program, participation is voluntary; however the ability and choice to pay is not.

Rueben Salazar stated that people would be paying a \$1.48 for the recycling program; whereas people could make \$1.48 by recycling on their own.

Janet Russelle, 2660 Eastgate Drive stated that she does recycle but does not want fees to increase.

Paul E. Ostyn, 945 Greenway Way, stated that he believes in recycling but opposes raising rates.

Jolinda Tatum, 452 Woodland Court stated that she likes the idea of a recycling program but suggested that instead of using a recycle bank to earn incentives that those who recycle are given a credit on their water bill.

Closed the public portion of this hearing.

Discussion followed.

Councilperson Lanting stated that the City based the price using the single stream option with the reduction in the tipping fees. He asked if this is based on the 30 pounds. Assistant City Manager Rothweiler answered in the affirmative.

Councilperson Lanting stated that if 60 pounds is recycled per household, like most of the communities that have adopted the program, in a year from now, savings will be passed onto the consumer because of a decrease in the tipping fee.

Assistant City Manager Rothweiler stated that the sanitation fees are basically collected and designed to pay for that service. The Sanitation fund is not designed to be a profit center. When a dollar is spent the expectation is to collect a \$1. If additional revenues are coming in above expenditures; it would be staff's recommendation to the Council to reduce fees.

Councilperson Clow stated that in the committee meetings that the cities recycling are about 80% of customers or better. If the City allows customers an option to pay a fee for recycling or not recycling, PSI's costs don't change because the trucks still need to go to every neighborhood.

Councilperson Lanting stated that what continues to be left out of our current program for recycling is the emerging number of apartment buildings. He suggested requiring all apartment buildings to use PSI like we require every citizen in the city to use PSI so they can be involved in the recycling program.

Assistant City Manager Rothweiler stated that there is an Idaho Supreme Court case which is basically between the city of Fruitland and an individual. In that case cities have the opportunity to set up a franchise, if you will, on residential component and not on the commercial component associated with solid waste handling. When you look at the industrial business and

MINUTES

October 11, 2010

Page 8 of 9

customers they have a right of choice. The Recycle Bank has not found success with the system when they integrate that into a larger scale of apartment style complexes and housing units.

Bill Wolfram stated that the multi housing is a challenge for communities across the country. The Recycle Bank have focused on single family households, but are going to do a pilot in San Jose, California, with another waste connection subsidiary. The program is a little different than the single family program and hopes the product is available for sale sometime in the next year.

Councilperson Clow stated one thing we need to be clear on is that apartment buildings and commercial properties that have their waste picked up by PSI are not included in the cost of the City in any way, shape or form. They are paying for their tipping fees and their pickup directly to PSI. The fact that they don't recycle doesn't impact any of the rates.

Assistant City Manager Rothweiler stated that we have an estimation of 13,700, residential customers and estimating that about 30 pounds per household per month will save about 2,390 per year and that diversion saves about .51 cents per customer per month. If you say that 60 pounds per household is an accurate figure and something we could realize here, that tipping fee of \$3.88 could be reduced by .51 cents. Staff prepared the costs on a conservative basis. If you elect to go forward with that and believe that the 30 pound estimate might be slightly lower than what we realize here, you have the opportunity _____. We felt that we wanted to give it an opportunity to give that program a year to see what was happening before we jumped on board with those more robust estimates.

Mayor Hall stated that we are extremely concerned with the economy today. We were just hit with an increase of \$11.15 to comply with the arsenic mandate.

Assistant City Manager Rothweiler stated for clarification that right now we are paying \$14.97 for every customer in our community for solid waste and recycling services. If you maintain that same service the 95 gallon can with an 18 gallon tote our citizens will see a reduction of that fee by a \$1.81 and they will pay \$3.16. If you go to a single stream option without recycle bank, it is \$9.31 and so the fee to a residence will be a fee of \$15.45. That was an option that was not presented tonight because the members of the committee said the incentive is the piece that sparks and may encourage recycling. The fact that we go to a single stream option and allow for additional items to be diverted does not necessarily mean that it is not going to happen. The members of the committee felt that the incentive based single stream option of \$10.31 was far better option than going to the option of \$9.31. If you elect to maintain the same level of service the fee will be \$13.16. If we elect to go through the single stream option without the incentives base it will be \$15.40 per month.

The members of the citizen committee recommend the City change its current recycling program and implement an incentive-based, curb-side single stream program. Because a single-stream recycling program is easier for the customer and allows for additional items to be recycled, the members of the committee believe recycling would increase. The program would cost all residents \$1.48 more per month, from \$14.97 to \$16.45. Based on participation estimates, the City and RecycleBank believe participating residents will earn approximately the equivalent value of \$8 to \$10 per month in the form of coupons from national, regional and local retailers and vendors. If the Council elects to maintain the current level of service, the residents would pay \$13.16 per month or \$1.81 less than what they are currently paying now.

A public hearing will be held on October 18, 2010.

Continuation of announcements:

Councilperson Johnson asked staff to reschedule the meeting with the Citizen Finance Committee Meeting that is to be held on October 25, 2010.

Councilperson Heider reported on a tour with Parks & Recreation Director Pole Line and ITD to look at the bridge on Pole Line. ITD would like to meet with Council to make a decision on the fill at the bottom of the canyon. City Manager Courtney stated that he and staff members will be taking a tour at this location on October 12, 2010, at 3:00 P.M.

Mayor Hall reported that a Public Information Meeting on China Mountain Wind Farm will be held on October 20, 2010, at CSI's Herrett Center from 11:30 A.M. to 2:00 P.M. and to please RSVP to Laurie Lickley at 208-420-7975.

V. **ADJOURNMENT:** Adjourned at 7:37 P.M.

Leila A . Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 October 18, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: **5:30 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. CONSENT CALENDAR: 1. Consideration of accounts payable for October 12 – 18, 2010. 2. Consideration of the October 11, 2010, Minutes.	<u>Action</u>	<u>Report</u> Sharon Bryan Leila Sanchez
II. ITEMS FOR CONSIDERATION: 1. Consideration of Contract Amendment No 9 from CH2M Hill (OMI) for the operation and maintenance of the Waste Treatment Plant, industrial pre-treatment program and associated sewer lift stations. 2. Public input and/or items from the City Manager and City Council.	Action	Jon Caton Shawn Moffitt
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 1. A public hearing and consideration of Resolution #2992, a resolution of the Twin Falls City Council to increase utility rates in the water, sewer, and sanitation funds.	Action	Lorie Race
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.*

5:30 P.M.

Present: Lance Clow, Trip Craig, Don Hall, Lee Heider, David E. Johnson, William Kezele, Gregory Lanting
Absent:
Staff: City Manager Tom Courtney, City Attorney Fritz Wonderich, Utility Services Director Sherry Jeff, Finance Director Lorie Race, Public Works Director Jon Caton, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:30 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and led the pledge of allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

Addition to the Consent Calendar of an Alcohol License Application: Business Name The Smoke N Head Inc., dba The Smokin Head Smoke Shop, Business location: 1440 Blue Lakes Blvd North for BEER: Bottled for consumption off premises only and WINE Retail Sales for consumption off premises only.

PROCLAMATIONS: None.

I. CONSENT CALENDAR:

1. Consideration of accounts payable for October 12 – 18, 2010, total: \$292,797.82
2. September FY 2009/2010, total : \$559,542.30
3. October 15, 2010, Payroll, total: \$105,217.50
4. Consideration of the October 11, 2010, Minutes.

Councilperson Lanting made the motion to approve the Consent Calendar with the following addition:

Alcohol License Application: Business Name The Smoke N Head Inc., dba The Smokin Head Smoke Shop, Business location: 1440 Blue Lakes Blvd North for BEER: Bottled for consumption off premises only and WINE Retail Sales for consumption off premises only.

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

II. ITEMS FOR CONSIDERATION:

1. Consideration of Contract Amendment No 9 from CH2M Hill (OMI) for the operation and maintenance of the Waste Treatment Plant, industrial pre-treatment program and associated sewer lift stations.

Public Works Director Caton reviewed the request. The total cost of service that CH2M Hill is proposing is \$2,811,823.00. Amendment #9 is the tenth and last amendment in the CH2M Hill ten year contract, which was initially set up in 2001. The contract allowed for a 22% overhead and profit increase to the contract. Amendment #9 is an 18% to 19% increase. The contract decreased by \$35,000.

Discussion followed:

Vice Mayor Heider asked if the actual contract of \$2,811,823.00 is a \$36,000 decrease over CH2M Hill's bid for this year.

Public Works Director Caton stated that the contract is \$35,756 less than what it was for FY 2009-2010. The City did not take the \$35,000 out of this budget for the fiscal year.

Vice Mayor Heider asked if there will be a rebate on this contract for this year's contract.

Shawn Moffitt, CH2M Hill/OMI, Project Coordinator, stated that there will be a rebate this year of approximately \$60,000.

Vice Mayor Heider stated that we have a UV system that is very costly, and asked if there is a projection that the system will need to be replaced anytime soon and if the cost of the UV system is included in the contract.

Minutes

October 18, 2010

Page 3 of 7

Shawn Moffitt stated that the UV system will need to be replaced. CH2M Hill has received two violations that came up because of the UV system.

Public Works Director Caton explained the long term plans for the UV system. Bill Leaf, CH2M Hill design engineer, has put together a facility plan for a new efficient UV system. Currently City Attorney Wonderlich is working on a judicial confirmation process, in which we need to prove that this is an ordinary and necessary expense, and then we can move forward with this design.

MOTION:

Councilperson Clow made the motion to approve Amendment No. 9 to the CH2M Hill contract for the wastewater treatment plant in the amount of \$2,811,823.00. The motion was seconded by Vice Mayor Heider and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

Shawn Moffitt stated that CH2M/OMI is coming to the end of a ten year contract. CH2M Hill has been with the City since 1985. Overall the company has received many awards for excellence and has been heavily involved in the community.

Vice Mayor Heider stated that the City will be replacing the old UV system with a new system, and asked if there was any way CH2M Hill can be involved in that process to save money on engineering and design.

Shawn Moffitt stated that Bill Leaf and Troy Thrall from the Boise office are working on the system. Replacement costs of the UV system have currently been at a cost to \$80,000 a year. The lamp life for that system runs about four to five thousand hours. Systems that are currently being looked at are getting about 15,000 lamp hours.

City Manager Courtney stated that the CH2M Hill/OMI contract expires September 2011, and is requesting direction from the Council as to whether the Council would want to solicit proposals, renew the existing contract, or extend the contract on a short term basis, which would allow the City to get through some of the construction projects and to also allow the hiring of a new City Manager. An extensive period of time will be required to go through a selection process, if Council directs staff to solicit proposals.

Vice Mayor Heider stated that his opinion is to give direction to the City Manager to continue to work with CH2M Hill and to extend the contract.

Councilperson Clow stated that ten years ago he did not support the renewal of the contract without going out to bid; however, since there will be change in senior management and the City is in the middle of several projects he would agree to extend the contract a year or two.

Councilperson Johnson stated that he would like to see other proposals, but in the short term a two to three year extension is appropriate.

Mayor Hall stated that he would like the contract to go out for and would be in support of a two to three extension to the contract.

Councilperson Kezele stated that he agrees with putting out the contract for proposal and extending the current contract for a short term.

Councilperson Lanting stated that he would be willing to renew the contract to ten years, but if it is the will of the Council he would agree to a three extension to the current contract.

Mayor Hall stated in that in the near future the Council would like staff to discuss a two to three year extension to the contract.

City Manager Courtney asked if he should work with CH2M Hill to prepare the draft for an extension in the two to three year range and bring back to the Council. Mayor Hall answered in the affirmative.

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

III ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Mayor Hall reported that a Public Information Meeting on China Mountain Wind Farm will be held on October 20, 2010, at CSI's Herrett Center from 11:30 A.M. to 2:00 P.M.

Recess at 5:57 P.M.

Reconvened at 6:05 P.M.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. A public hearing and consideration of Resolution #2992, a resolution of the Twin Falls City Council to increase utility rates in the water, sewer, and sanitation funds.

Chief Finance Director Race reviewed the request. This resolution not only sets the utility rates but other utility fees. Those fees are permit fees and connection fees for both the water and wastewater systems, water service fees, new services and repair, meter tampering and customer deposits.

The wastewater permit fee is a \$10.00 fee to cover time and paper processing. Staff is requesting increasing the fee to \$15 which is much more representative of the time being spent.

The sewer fund has increasing operating costs and capital needs. Throughout the budget process staff discussed the need for rate adjustments to cover the costs. The budget includes a 6% rate adjustment but at this time staff is proposing a 3.5% rate adjustment. This will allow the City to sustain operations and to cover the estimated revenue shortfall from one of the City's major industrial users shutting down one of their production lines. In the future staff will be coming back and presenting options to the Council for wastewater treatment improvements and for the Rock Creek Lift Station.

Water service fees are charged for after hour turn-on fees and meter tampering fees. Currently the City is charging a \$10 fee and staff is requesting an \$80 fee which is more representative of the cost to the City. There are customers that have been turned off due to non payment and have tampered with their meter. Many times the customer will cut the lock and damage the pipe. Currently the fee for tampering is \$30 and staff is requesting that fee be increased to \$200.

The last items to be discussed are sanitation fees. Assistant City Manager Rothweiler discussed this at length at the October 18, 2010, Council meeting, and provided the Council with an email with a detailed analysis of the current fee. Additional information has been received and reviewed on tonnage going to the landfill, tonnage being diverted from the landfill and the additional tons that could be diverted from the landfill using the single stream recycling program, and a reduction of street sweeping. Staff believes the City could cover all but .61 cents of the increased fee. Assistant City Manager Rothweiler stated in his email this would cost approximately \$98,000 dollars. The additional cost of .61 cents can be taken out of reserves for the first year if the Council chooses to do so. The average monthly bill, with an estimated usage of 18,000 gallons, would increase from \$64.22 per month to \$66.23 per month. This is \$2.01 per month or a 3.1% rate adjustment.

Staff recommends that the Council adopt the new utility rate resolution, effective October 18, 2010. Water rate increases were effective October 1, 2010.

Discussion followed:

Councilperson Clow stated Amendment #9 with CH2M Hill has been approved showing a slight decrease for wastewater and asked why a 3.5% increase is being requested. He asked for an explanation as to the costs that are not included in the contract that need to be covered by a 3.5% increase.

Chief Finance Officer Race stated that there is a higher rate in the expenditure estimates but that only generates about a \$36,000 surplus if revenues continue to come in without any change. There has been some decline in revenues.

Councilperson Clow asked if the meter tampering should it be in the form of a fee or the form of a penalty.

City Attorney Wonderlich stated that the word in the actual resolution is called a fee.

Minutes

October 18, 2010

Page 5 of 7

Chief Finance Director Race stated that the resolution does address an emergency allowance. If flooding occurs in the home and the customer does not call the water department to have the water shut off the City Manager or his designee can say it is an emergency allowance and the customer would not be charged a meter tampering fee.

Councilperson Clow asked how much is in reserves in the sanitation fund that could be used to offset any increase to implement the recycling program without an increase in those fees.

Chief Finance Director Race stated that the .61 cent cost per customer would cost about \$98,000. There is money in reserves in the sanitation fund. The City has a total of approximately \$800,000 in reserves.

Councilperson Johnson asked about wastewater and water demands.

Chief Finance Officer Race stated that there is about \$2,500,000 of reserves in the sewer fund. The plan was to use \$771,000 of reserves in 2009-2010, but due to declining revenues the City ended up using approximately \$1,139,000.

Councilperson Johnson asked if meter tampering is a misdemeanor.

City Manager Wonderlich stated meter tampering is a crime, but there is always a problem in proving who actually turned off the meter or destroyed it.

Chief Finance Director Race stated that in water reserves there is a total of approximately \$2.5 million dollars.

Vice Mayor Heider asked if meter tampering is prevalent in the community.

Utility Services Director Jeff stated that meter tampering happens quite often. Violators will cut the lock, put a pipe in and jump it. Basically they are stealing water from the City. Staff has a shut off list and it is checked to see if the meter is shut off and typically find the meter has been tampered with.

Councilperson Johnson asked how many people are on the list.

Utility Services Director Jeff stated that at any time there could be 10 to 15 on the list, which is being worked on every week. Customers have every opportunity to make arrangements to pay their water bill. The elderly are not being shut off.

Opened the public hearing portion of the meeting:

Letters and comments were received by Paul Short, 1817 Candleridge Drive, Phil Hafer 1609 Falls Avenue East, Kathryn M. Cooper, 2669 9th Avenue East, Jeanett Grim, and Ruth Lindgren, 570 Woodland Drive and placed on the overhead projection.

Jane Garrett, 533 Ballingrude Drive, spoke in favor of the curbside recycling.

James Hoepker, 682 Sunrise Blvd N., spoke against the single stream recycling program and raising the fee to .61 cents. He owns rental in the City and asked if the .61 cents goes to each unit or for the whole building. He also asked whether the Engineering Department has looked into a hydro plant in the canyon to produce electricity to run some of the City street lights around the town.

Utility Services Director Jeff stated that the City only bills single and duplex units, and a few tri-plexes. Owner has the opportunity to contract with one of the private licensed haulers inside the City.

Dan Kriz, 2790 9th Avenue East, spoke in favor of the recycling program.

Pete Johnston, Twin Falls, stated that the City of Twin Falls needs a better recycling program. He disagrees on raising the fee for the single stream recycling program. He agrees with raising the fee for those who are tampering with the water meters.

Marty Hoffman, 508 Butte Drive, stated that he moved from Iowa 15 years ago. About 20 years in a town of 10,000 people they had a full recycling program. The customer had a choice to participate. If you chose not to participate you were charged a surcharge for adding more weight to the landfill. The program created jobs for those to sort the recyclables, which helped pay their salaries. He stated that the current recycling program needs some readjustments.

John Ellis, 2092 White Cloud Circle, member of the Recycling Committee, spoke in favor of the single stream recycling program.

Marilyn McSherry, 2088 Bitterroot Drive, spoke in favor of the single stream recycling program.

Jody Hendrickson, 609 Picabo Drive, spoke in favor of the single stream recycling program.

Fred Bartell, 2088 Bitterroot Drive, spoke in favor of the single steam recycling program.

Minutes

October 18, 2010

Page 6 of 7

Rick Snyder, 4070 Cypress Way, spoke in favor of the single stream recycling program.

Nancy Callen, 842 Delmar Drive, spoke in favor of the single stream recycling program.

Flo Ostrander, 445 5th Avenue North, spoke in favor of the single stream recycling program.

Jay Markle with Western Waste Services asked of the .61 cents increase to the customers, how much of the increase, if any, does PSI receive according to their proposal back in the spring.

Chief Finance Director Race stated that right now PSI is paid \$7.71 per customer per month. If no changes were to take place, PSI's fee decreased to \$6.51 per customer per month. Under the single stream recycling with Recycle Bank, PSI will be paid \$10.31.

Councilperson Kezele asked if the .61 cents would constitute a \$98,000 annual cost.

Chief Finance Director Race stated that there are 13,368 customers x .61 cents x 12 months equals \$97,853.76.

Councilperson Kezele stated that we have \$800,000 in reserves that have been saved up by the citizens in their sanitation account and asked if there is anything that forbids the City from using the reserve money to offset the \$98,000.

Chief Finance Director Race stated that we have reserves in the sanitation fund that can cover the .61 cents at least for the first year.

Councilperson Kezele stated that Jay Markle with Western Waste Services presented a question as to whether the original PSI bid had the additional fee associated with that shown on overhead projection. Councilperson Kezele asked if the single stream recycling is implemented, is PSI the lowest bidder.

Councilperson Johnson stated that PSI was the lowest bidder with single stream recycling program as well as the current recycling program.

Councilperson Clow stated that Mr. Hunker asked about hydro in the canyon and stated that the subject has been discussed and the end result was that it is not practical to place a hydro system down in the canyon.

Councilperson Clow asked for clarification on recycling issues presented by customers as to removing labels off cans and notes being placed by PSI refusing the recycled items.

Dave Grantham, Manager of PSI, stated food waste should be removed from all cans being recycled to prevent contamination. Cans with labels are being accepted for recycling. Also, if recycling is not done properly the driver will leave the customer a note.

Councilperson Kezele stated that for the record that the bidding process for Waste Western Management had not procured the bid because the bids were a bit higher than PSI. He complimented Western Waste Management bidding on the project. It forced competition which is part of capitalism.

Councilperson Lanting asked what type of recycling bin will be provided to the customer with this new program.

Dave Grantham stated that the container will look like the trash can that is used now. It will have an inlay on top of the container that will show what can be put in it and what you can't put in it. It is going to be serviced every other week on the day of garbage pickup. One section of the City will be done on an A week cycle and the other section on a B week cycle. Customers will receive a calendar as to when the recyclables will be picked up. At the end of the day it is weighed and will be dropped off at a facility, barreled, and shipped off to a facility.

Vice Mayor Heider asked if the proposed recycling program is not implemented what would the customer pay.

Chief Finance Director Race stated that the City can reduce the street sweeping fee and the landfill fee can also be reduced. If we were to maintain our current level of service we are estimating \$12.80 per month compared to the \$14.97 that we are right now.

Councilperson Kezele asked if the trash can sizes be an option.

Dave Grantham stated that the trash cans will all be the same size.

Marty Hoffman, 508 Butte Drive, asked if the single stream recycling program will include glass.

Minutes

October 18, 2010

Page 7 of 7

Councilperson Clow stated that glass if broken can contaminate the entire recycling container. Right now there is no good market for glass.

Councilperson Johnson stated that the committee is committed to reconvene and to look at other recycles including glass and yard debris.

Rick Snider, 470 Cypress Way, asked if points can be built over time with the proposed recycling program. He asked if the Recycling Committee will continue to look for options for recycling for apartment buildings, including schools, churches and light industry.

Councilperson Clow stated the points accumulate from month to month and there is a 12 month expiration date. Commercial buildings, schools, and apartments, are not on the city program. We have encouraged PSI and Recycle Bank to incorporate something for commercial and apartments

Vice Mayor Heider asked for a point of clarification of recyclables being baled and shipped to Boise. Does the City of Twin Falls have a recycling station?

Dave Grantham stated that currently Twin Falls does not have a recycling process so the recyclables are shipped to Boise. He stated that he would call Western Recycling for verification.

The public hearing portion is closed.

Deliberations:

MOTION:

Councilperson Clow made the motion to adopt Resolution ~~2992~~ 1857 with the modification to the sanitation rate from \$15.58 to \$14.97. The motion was seconded by Councilperson Kezele.

Deliberations followed.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Please note that the assigned Resolution 2992 was incorrect and has been corrected to Resolution 1857.

V. **ADJOURNMENT:** The meeting adjourned at 7:13 P.M.

Leila A. Sanchez

Deputy City Clerk/Recording Secretary

<p>IV. PUBLIC HEARINGS: 6:00 P.M. –</p> <ol style="list-style-type: none"> 1. Request for the annexation of a 35 (+/-) acres for property located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering Inc. on behalf of BCM&W, KLS&M, and Canyon Vista Limited Partnership. (app.2390) 2. Request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 Business Park PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering, Inc., on behalf of BCM& W, KLS&M,, and Canyon Vista Family Limited Partnership, Lazy J. Ranch – Linda Wells. (app.2389) 	<p>Action</p> <p>Action</p>	<p>Mitch Humble</p> <p>Mitch Humble</p>
<p>V. ADJOURNMENT:</p>		

**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: Don Hall, Lee Heider, David E. Johnson, Gregory Lanting, William Kezele

Absent: Lance Clow, Trip Craig,

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Public Works Director Jon Caton, City Engineer Jackie Fields, Community Development Director Mitch Humble, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and led the pledge of allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.
PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for October 19 – 25, 2010; total: 565,906.44;
FY-2009/2010 September, total: \$75,801.02;
October 19, 2010, total: \$2,857.70
2. Consideration of the October 18, 2010, Minutes.
3. Consideration of an Alcohol License Application: Business Name: Jawdat Mansour DBA Kwik Mart, Business address: 120 Ramage Street for Beer: Bottled for consumption off the premises only and Wine: Retail Sales for consumption off premises only.
4. Consideration to accept the following agreements:
 - a. Deferral agreement for curb, gutter and sidewalk on property located at 1487 Falls Avenue West c/o Carol Peluso.
 - b. Deferral agreement for curb, gutter and sidewalk on property located at 797 Eastland Drive South c/o J.R. Simplot Company.
 - c. Deferral Agreement for curb, gutter and sidewalk on property located at 3228 Highlawn Drive c/o Jay Bride and Julie A. Ellis.
 - d. Deferral agreement for curb, gutter and sidewalk on property located at 762 All Street c/o Jeff Miller.
 - e. Deferral agreement for sidewalk improvements on property located at 441 Madrona Street North c/o Rosanna L. Jones.
 - f. Deferral agreement for the construction of the required maneuvering and parking area surfacing located in the alley way behind 560 Main Avenue South c/o Dean and Ginny Kulm.

MOTION:

Councilperson Lanting made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Heider and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request by the Magic and North Snake Ground Water Districts to lease up to 1 cfs of our Pristine Springs water right for a period of 5 to 20 years.

Lynn Carlquest, Chairman of the North Snake Water District, explained the request.

City Manager Courtney reviewed the request.

Staff recommends: 1) approving, in concept, a lease with the Districts with the understanding the lease can be terminated if the City determines it needs the water right, and 2) instruct the City Attorney to work with the Districts to prepare a lease agreement or the final review by the City Council.

Discussion followed:

- Funds received will go back to the Water Fund.
- Market Value.

City Manager Courtney stated that the lease rate of \$20,000 per cfs per year is considerably reasonable according to information on the Idaho Department of Water Resources web site for the State Water Bank.

-Blue Lakes Trout Farm

City Manager Courtney stated this will not impact the Blue Lakes Trout Farm.

-Process to complete the lease.

City Manager stated that the first step is to have the water rights released from the Water Bank Trust, and to have the City Attorney prepare a lease with the district.

MOTION:

Councilperson Johnson made a motion to 1) approve, in concept, a lease with the Districts with the understanding that the lease can be terminated if the City determines it needs the water right, and 2) instruct the City Attorney to work with the Districts to prepare a lease agreement for final review and approval by the City Council. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

2. Consider of Resolution No. ~~2993~~-1858 establishing the local limits of 10 pollutants for the Wastewater Treatment Plant.

Public Works Director Caton reviewed the request.

Staff recommends the Council approve the resolution as presented.

Discussion followed.

Councilperson Lanting made the motion to adopt Resolution No. 1858, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ESTABLISHING LOCAL LIMITS FOR WASTEWATER DISCHARGE.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, THAT THE FOLLOWING LIMITS ARE HEREBY ESTABLISHED FOR WASTEWATER DISCHARGE INTO THE CITY'S WASTEWATER COLLECTION SYSTEM:

Discussion followed:

The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

3. Consideration of adoption of the following two ordinances:
 - a. Request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 PRO PUD for 20 (+/-) acres for the development of a mixed use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W.S.&V., LLC. (app 2386)
 - b. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO for property located at 510 Lincoln Street, c/o 200 South Developers, LLC/Fran Florence. (app.2383)

Community Development Director Humble reviewed the request.

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinances #2992 and #2993, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

on third and final reading by title only. The motion was seconded by Lanting and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Deputy City Clerk Sanchez read the ordinance title for Ordinance #2992.

MOTION:

Councilperson Johnson made the motion to adopt Ordinance #2992 as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Deputy City Clerk Sanchez read the ordinance title for Ordinance #2993.

MOTION:

Councilperson Johnson made the motion to adopt Ordinance #2993 as presented. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

4. Consideration of a 3rd one-year extension of the final plat of the Desert Falls Subdivision, 58.36 (+/-) acres with 45 single family residential lots located at the southeast corner of 3300 East Road and Falls Avenue East, c/o Rod Mathis/Riedesel Engineering on behalf of FRS,LLC/Doug Strand.

Community Development Director Humble reviewed the request.

Councilperson Lanting made the motion to recommend for approval to the Board of Commissioners of a 3rd one-year extension to expire January 16, 2012, of the final plat of the Desert Falls Subdivision, 58.36 (+/-) acres with 45 single family residential lots located at the southeast corner of 3300 East Road and Falls Avenue East, c/o Rod Mathis/Riedesel Engineering on behalf of FRS,LLC/Doug Strand, as presented, with the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or build to current City standards upon development of the property.
3. Subject to no lots in the subdivision shall be permitted to have access onto Falls Avenue East, 3300 East Road or Stadium Boulevard.

The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

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

The status for the search for a City Manager and the replacement for Vice Mayor Lee Heider.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Johnson stated that the Citizen Finance & Planning Committee will meet on November 1, 2010, at 2:30 P.M. in the City Council Chambers located at 305 Third Avenue East.

Recess at 5:35 P.M.
Reconvened at 6:00 P.M.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. Request for the annexation of a 35 (+/-) acres for property located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering Inc. on behalf of BCM&W, KLS&M, and Canyon Vista Limited Partnership. (app.2390)

Gerald Martens, EHM Engineers, representing the applicant reviewed the request.

The request went before the Planning & Zoning Commission several weeks ago and they had several issues and concerns that came out of that meeting. I don't believe any of them had specifically to do with this annexation. They were questions to the development, timing and schedule being proposed in the PUD request. There are no immediate plans to develop this property. There is *no user in wings* standing by ready to buy the property and waiting to develop it. There are two reasons why we are doing it now. Washington Street and Pole Line have been completed or substantially completed, the accesses have been identified, however, Cheney Street development is now looming in the very near future. This is a CSI and City of Twin Falls sponsored project. Cheney is on the south boundary of this property and is a key component of the development of this property. Before we move forward with any right of way dedication, which is a platting process, normally dedicated through the platting process, obviously we have to get annexed and zoned. So that is specifically the reason for this request. The master plan which is being represented as part of the PUD incorporates both this property and Lazy J mobile home park as phase two of the development, but I don't believe the master plan needs to be part of the request for annexation and zoning. The request on this specific hearing is to have C-1 PUD zoning for the property to be incorporated into a larger PUD that includes the entire 70 acres. The other parcel to the east of the Lazy J mobile home park is already annexed.

Community Development Director Humble reviewed the request.

The two hearings are about similar properties. This annexation does not include the current mobile home park. It only includes the vacant property adjacent to Washington Street. The next request is a request to zone both of these properties together, about 70 acres combined. This hearing is strictly whether or not to annex the vacant property. I want to make that clear because my understanding of the proceeding at the Planning & Zoning Commission meeting concerns and questions seemed to be about the development related to the plan unit development which is the next request, not this request. The current zoning on the property is R-4 designation. We are annexing what is not yet annexed. It is contiguous on all four sides and is eligible for annexation. The request is simply is to annex it and leave the zoning as R-4. The next item is whether to include it in a PUD or not. On this issue of the annexation, the Planning & Zoning Commission recommended on September 28, 2010, that should City Council decide to annex the property retain the current R-4 with two conditions. The two conditions are 1) subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards, and 2)subject to arterial and collector streets adjacent or within the property being built or rebuilt to current City standards upon development of the property. Staff would recommend having one more condition because we understand where the applicant wants to go with this and if the second request of the PUD is not approved then the applicant does not want to proceed with the annexation. One more condition, staff recommendation is subject to this property being included in and approved as part of the Sun West C-1 Business Park PUD. This is important for us because the future land use plan for this property calls this property out as commercial. So R-4 is actually not an appropriate designation for this property. We can support this annexation as R-4 with this condition that it later be zoned a C-1 because that complies with the future land use plan.

Discussion followed:

Vice Mayor Heider asked Community Development Director Humble if we are approving this annexation contingent upon the approval of rezoning, which will be the next public hearing item. Community Development Director Humble answered in the affirmative and stated that the annexation would be withdrawn if the later PUD request were denied.

The public hearing was opened and closed with no input.

Deliberations: None.

MOTION:

Councilperson Lanting made the motion to approve the annexation of a 35 (+/-) acres for property located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering Inc. on behalf of BCM&W, KLS&M, and Canyon Vista Limited Partnership. (app.2390), as presented, with the following conditions:

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to this property being included in and approved as part of the Sun West C-1 Business Park PUD.

The motion was seconded by Vice Mayor Heider and roll call vote showed all members voted in favor of the motion. Approved 5 to 0.

2. Request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 Business Park PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering, Inc., on behalf of BCM& W, KLS&M,, and Canyon Vista Family Limited Partnership, Lazy J. Ranch – Linda Wills. (app.2389)

Gerald Martens, EHM Engineers, representing the applicant reviewed the request.

We are requesting a PUD Business Park zoning to develop the entire piece of property that now has been conditionally annexed to the City, and the approval of the PUD agreement subject to final language negotiation with staff. There were five issues that came up by the neighbors at the Planning & Zoning Commission meeting. The first issue that came up was a concern about building height. The original height of the PUD asked for heights in excessive of the zoning ordinance. Heights have been typically approved in the area with a Special Use Permit. We have withdrawn or modified the PUD draft to eliminate that. The height of any building is 35' unless additional height is allowed. The second concern is sign language. Signage will meet all sign ordinances. In early discussions with the CSI, pylon signs would be located in a manner on interior streets, Washington Street, Harrison Street, or Pole Line Road. There was significant testimony about interior streets, primarily the road that has been changed and developed. Cheney Street and how it will impact Lazy J mobile home park is out of the hands of this development. We anticipate that Cheney Street will be built before any development is made at the Lazy J mobile home park. At this point and time the alignment for Cheney Drive has not been finalized. The last and biggest issue at the hearing was the impact to the Lazy J mobile home park. The mobile home park has been included in the PUD for several reasons. We are required by the City to master plan all the contiguous property. The exact location on the master plan is not defined. As discussed at length at the Planning & Zoning Commission meeting, this property will be developed from west to east. There is one mobile home dead center in the roadway. In the PUD agreement it states (Nothing to preclude the owner from continued operation of the existing Lazy J-mobile home park in part or in its entirety until the time the owner or the owner's successor elect to begin redevelopment of the area in conformance with PUD. Redevelopment of the Lazy J-mobile home park area the property owner shall require City Council approval for an amended PUD & Master Development Plan.) That would include additional submittals to the City. What would eventually end up before this group is: a revised plan, an amendment to the PUD agreement, how it was developed, how it will be developed in phases, what would happen to mobile homes, and when that would happen. The PUD agreement is a contractual agreement between the City and the developer. I would like to go into more detail for the obvious reasons. We are in favor of this project now that we are officially required to present a plan for all property, secondly economic reality. The taxes on this property went up 600% two years ago, the vacancy is at 23%, there are 35 vacant spaces, there are two homes that moved in the last eight years. It is a good operation and the owners very much appreciate their tenants and would like to continue operating it as a mobile home park as long as possible.

In closing, I would like to emphasize there is currently no plan for this property. It is part of a long time planning process. We do know it is a cooperative effort and we will be back to Council with a final plat, amended PUD agreement, and a master plan.

Discussion:

Councilperson Heider asked if the crook in the road (Cheney Drive), as shown on the overhead project, is a two lane road with a turn lane.

Gerald Martens

The crook is to add an additional lane to enter into the accesses and secondly to get it up lined up to Washington. This is a four lane road, two lanes each way and a turn lane on the north. This probably will be two lanes on the south when CSI develops an intro plan. Again CSI and the City have seen this design several times in the planning process, but it is not necessarily the design that will come out in the planning process.

Councilperson Kezele

If the proposal is a vision for the future, and as far as the mobile home park is concerned, are there any plans to cause any change to in the lives of the people who are in the mobile home park currently, and if that does come forth, it will come forth for another vote from the Council that is not being proposed in what you are proposing today.

Gerald Martens

This was correct. There will be no change in the land use but none of these roads such as this road going through will happen until we come back. We are not going to be building a road in the middle of it, we are not going to be building Harrison or the Harrison connection until we are back to see you again in the platting process and the revised master plan. You will see that in the second plat of the second master plan.

Councilperson Kezele

For clarification there is a road going through the middle of the lot and where there is one home?

Gerald Martens

There is one home that will need to be relocated to another space if that is what the owner necessitated. That is a decision beyond us. ITD with a long negotiations constructed the accesses and turn lanes in the middle of the property. That approach cannot move.

Mayor Hall

Obviously the concern for most of the folks here, is that this is their home. A lot of them have lived there a long time and have a substantial investment in their home. But do you have any sense of the development of this location and of a timeline for the citizens concerned?

Gerald Martens

I can only answer that based upon my experience of what has happened. To move forward from both the privy of this PUD, the next step would be moving forward with the platting. This property is not developable without Cheney Drive being in place because it is a key element. I believe it is at least two, three, or four years for construction. There are 35 acres to develop. The 35 acres at the north fork on the north side of the road has been a similar project and has been 15 years in development. The property to the west where Walmart is located has been 7 to 8 years now. I think that optimistically it will take 10 years to build up the 35 acres to necessitate a significant demand of commercial property in this community. The real purpose is it have a master plan is to move forward with the CSI and then we can move forward with the planning of the property. The marketing of the property is seven years at the soonest.

Community Development Humble

For the record that there is a requirement for zoning cases where the property owner needs to notify property owners within 300'. There is at least one property owner that did not get that letter, but that property owner is in attendance tonight.

This request is for the planning of a 70 acre planning unit development with a C-1 base zoning district. The future land use plan request this exact zoning for this property. The zoning conforms with the master land use plan. The phasing of the development is anticipated to be in two phases. With a PUD you need to have an approved master development plan. You can see that on the right half that all the mobile homes are in place. There is language in the document that says the homes are going to be there and have to be there and cannot be developed until we go through this process again. Other concerns that came up at the Planning & Zoning Commission meeting is height. That language now says this property will develop under the C-1 regulations for height. The original request had conflicts with terminology that was used in the City sign code versus what was put in the PUD. The changes have been removed. The PUD language now says developed per chapter 9 of the code, which basically refers to the sign code with the two exceptions; if there are signs along Cheney they have to be monument style signs with a maximum height of 10', that's a more restrictive sign regulation that we currently have in our code. Then the signs that would comply with code which would need to be along Washington or Pole Line. There is one inclusion in the PUD that is probably noteworthy. In the commercial zone retail uses in our zoning ordinance have the hours of operation limit where they can be opened from 7:00 a.m. to 10:00 p.m. You can get extended hours through the Special Use Permit process. This PUD has an inclusion that removes all hour restrictions from all uses. That is different from what we normally see and that is why it is worth pointing out. The Planning & Zoning Commission did not have a problem with that. This was heard by the Planning & Zoning Commission on September 28, 2010, there were several concerns at that time. Gerald

Martens has addressed some of those concerns. One of the concerns had to do with Cheney Drive in some of the construction of the arterials and collectors that are adjacent to this property. That is what the code reads and what we require of people. The adjacent arterials on Pole Line has pretty well been developed. Washington has been pretty well developed or will be shortly. So we are talking about collectors here. Cheney is a required to be a collector, Harrison is a ½ mile collector. So they show these two streets on there primarily because City Code requires them to build them when they develop. The City cannot require them to build a street for us prior to development. They can if they chose to build it prior to development. This master development plan conforms with our street master plan. So it shows Cheney in a rough alignment like our street master plan shows Cheney. It shows the ½ mile collector in that location it needs to be. That's all this plan is good for showing general locations. This plan isn't going to tell you that this can't shift up or down 30', it can. Those things will be determined when development occurs. This alignment of the little connection from Harrison across to Cheney might look a little different when it's finally built. It will roughly be something like that. Obviously this requires cooperation with another property owner that could influence how this all looks in the end. So we might see small tweaks, but generally the alignment of the collectors shown here is what rules. So there is a concern at the Planning & Zoning Commission meeting, that potentially that the traffic on Cheney might overpower or be more than the two lane could handle. When this develops in phases again, the first phase being on the left side when it develops, they will build their half unless they already done it sooner. When the other half develops at some point they have to build their half unless it hasn't been done already. The applicant tonight indicated that they do not have plans to do that in which would impact these homes in the corner. They would prefer to let it go with the south side being built and they would do the north side when they develop. That is all we can require. The Planning & Zoning Commission on September 28, did not recommend approval. The motion was to approve the request in which it failed 2 to 3. So there is no recommendation for approval coming to you from the Commission tonight. If the Council would like to grant this request, staff recommends the following conditions be added to the approval:

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls to be built or rebuilt to current City standards upon development of the property.
3. Subject to the City Council approval of annexation of the westernly 35 acres of the property, included in this request. The City Council has approved the annexation and would need to adopt an ordinance.
4. Subject to recordation of a PUD agreement prior to development.

With those conditions staff does support this request.

Discussion followed:

Councilperson Kezele

When the request went before the Planning & Zoning Commission did it have all these recommendations?

Community Development Director Humble

The applicant has changed as a result of the Planning & Zoning Commission hearing, changed their height restriction just to be what the City Code said about height. They changed the sign language to conform to City Code. They added more language to clearly define the phasing. When or how can we develop the right side of the property or the east side of the property.

Open the public hearing for the item:

Rich Carpenter, 450 Pole line Road, #96

First of all I'd like to thank EHM for passing out notices to every resident in the park. In the Planning & Zoning Commission situation we didn't have that kind of notice and we were a little behind the eight ball, so to speak, when we got involved in this. That helped a lot that every resident knew about the meeting tonight. I'm her to speak for several residents at Lazy J and for myself and I will reiterate of what I spoke about when I spoke at the Planning & Zoning Commission but I won't go into the detail I went into. In July 15, there was a letter that came out to all the residents from the owners and the letter stated, 1. A plan unit development was in the works and had been motivated by a road, Cheney Drive essentially, and CSI. It also said it would be a complicated, which it is. and also said there were no immediate plans to close the park which I believe and that Lazy J has been a vital part of their family for over 40 years and they want to continue as long as possible. Very positive statements really and the letter was something the residents needed to know when we got it. It did create some problems and it didn't take long for the problems to surface. All kinds of anxiety, all kinds of questions, all kinds of apprehension, all kinds of rumors. The concern basically was over the future. What am I going to do? What's going to happen to me?

Lazy J is a senior park. We are all seniors. We don't have an opportunity to go back to work to start building a future. Our future is this park. So that is a lot of concern. Part of the apprehension was there aren't many parks from here; I am talking about a 40 mile radius that can take the homes at Lazy J. There is just too many of them. There may be one park out in Kimberly that can take maybe 25 or 30 mobile homes at the most. It also created a situation immediately where the value of the homes plummeted. Everybody knows someday Lazy J will be gone. Nobody is going to buy, nobody is going to come in there and buy a mobile home. My guess just in talking to some of the residents is that mobile homes probably dropped to the point where they are only 25% of their value so if a mobile home is worth \$20,000, boom, they have lost 75% of it. Rumors, this came from all over that management says this, the county says this, the city says this, and the neighbors say these things like it will be 10 years, it will be 5 years, and it will be 15 years. This happened in July and nobody knew what was going on and to be prepared for. With everything that happened when that letter came out really created a lack of clarity. It really created a lot of anger among some residents. Nothing serious from a standpoint of being mean or anything like that. It just created anger that this is happening to me and shouldn't happen. Lazy J is the best maintained mobile home park in this area with a (+/-) 40 mile radius. I've looked about just everything from Glenns Ferry to Kimberly to Hansen to Murtaugh and everything else and this is the best one. It is beautiful, it well taken care of. There are a couple of reasons for that, the management has a good set of rules, the residents make efforts to follow those rules and maintain the park. It is the pride of the both parties, the management and the residents. In this park if you don't zone it C-1 it will continue to be an asset to the City. There is no doubt about that. The residents that live there have invested a majority of their savings in their mobile homes and improvements of their mobile homes and that type of thing. The letter when it came out and the decision to request the change, think, not the letter has a created a loss of site related to the impact of the seniors. Many of these people have been there a long time some for 35 plus years, some of them are in their 80's and some are in their 90's and it's quite a thing for everyone of us to have something like this to have it happen. The decision has also put a burden on the Lazy J residents. Essentially they are in a bind. They can't sell their mobile homes and can't move them very easily. There aren't any places to move them for one thing, and for the second thing the moving costs are astronomical as far as we're concerned. If you have to move a mobile home, a single wide, \$9,000 to \$15,000 to get it to a brand new location. There aren't any locations, there's a few but not very many. So there is a limit where the seniors can go. I want to reiterate that it can be life threatening to a lot of these people. They got into these mobile homes and into the Lazy J mobile home park. Somebody mentioned "change" a little ago and asked the question, I think it was Will, I'm not sure but I think he is the one that asked the question. He said if there would be any change, and the answer was no, but the answer is there has been a major change. You can't say there's not going to be any change. It could be 15 years out, 20 years out or tomorrow or dead, from the standpoint of selling the mobile home or moving the mobile home. Some of the comments from the residents and these are quotes: "I can't sell my mobile home, I can't afford to move my mobile home, it's a 1973 mobile home, if I could afford to move it nobody would buy it, if they rezone, I'm zoned right out of my home." If you look at Lazy J requirements a lot of parks have them. The age of your mobile home has to be 10 years or less. They have to inspect that mobile home and everything before you can move in. Those are good requirements, don't get me wrong, but many other mobile home parks have that requirement. People aren't going to be able to get in with their mobile homes if they're old. This is an interesting comment from a gentleman that I met on Saturday, "People in the Cities all over are making noises related to green space, high crime rates, and taking care of their seniors". Lazy J is green, really green. It is a green space. There is not a way to get around it. It almost has an unmentionable crime rate. I don't know what the crime rate is but it has to be low. It already provides an excellent place for seniors to live." That is something to keep in mind because if Lazy J disappears, some of the items I mentioned, could end up costing the city some money after it is over with. Higher crime rates, a place to put the seniors and somebody's is going to want a green space someplace. Some of the words we are hearing, this is from a lady, "I hear words like maybe, probably, could be, if, and unlikely". They're no comfort; they're no assurance for people who live there. It doesn't matter because the major damage is already done. It's going to get worse if it is zoned C-1. In the Times News today I saw a couple of quotes based on what I heard tonight I think they are pretty accurate. It's just a scary thought to have somebody say things might not happen for another decade because we don't know, we just don't know. Another thing that was in the paper that there is a proposed detailed phasing plan for the mobile home park. I'm not sure, I've learned a little more tonight, I have learned a lot more tonight, but I wouldn't call it a detailed phasing plan, especially with mobile homes in the back part of the park, mobile home along Harrison, mobile homes along that new road that's there. When some of those roads are put in, if they are put in before Lazy J is developed, there are several people, I figured out there's about 20 to 25 mobile homes that are going to be impacted. Not just necessarily having to be moved but they are going to be impacted by the closeness of the roads and a lot of other things. I think the road issue really needs to be reviewed and make sure everybody gets that road right if it's zoned and we are going to put all those roads in. In closing, I am going to make some requests to the City Council. One is to have the request to have this zoned commercial be denied, and if not, that the City Council make no decision tonight. Take your time, deliberate and schedule more public hearings. I think too that all the City Council members need to take time, I'm not saying you haven't, to drive through Lazy J mobile home park, stop and talk to the residents if you get an opportunity, knock on their door, they don't mind talking to you. They didn't mind talking to me when I started walking around getting signatures and I don't think they wouldn't mind talking to any one of you. Also, before any rezoning takes place some serious consideration has to be taken if you're going to zone it C-1 for the seniors that are there. The other request is that the City, CSI, the developers, the owners, they set up and contribute to a fund when this happens, and I am not talking 5 years from now, 10

years from now. If this gets zoned C-1 it should start immediately building up some fund because they are going to need it, they are going to need it really bad. I think my last question that has been answered, so if there are any questions for me.

Jim Schouten, 229 Tyler Street

I am a member of the Planning & Zoning Commission and I was against this at the first vote and now that they reworded it and changed things around it to make it adequate to what are expectations were, and to hold onto the trailer park to where they got to come back for a PUD to change anything there and go further with the residents and being able to talk to them. I am changing my mind to be more in favor of this project. The only thing that I have an issue with still is Cheney Drive. You got the hospital going in at on one end of Cheney Drive; you got the school for the hospital at the other end of Cheney Drive. There is going to be a lot of traffic in the near future once that's developed. That be the biggest consideration I have with that. You guys just approved tonight another 20 acres out at Cheney Drive, a little bit further for Doug Vollmer. That's going to impact what happens on Cheney Drive. There's going to be a lot of future progress on Cheney Drive that will be impacted and need to be looked at in the platting process to make sure we got the traffic adequate to go through that area and sustain what we are going to end up in the future with the college that's there. Other than that, I am in favor of this.

Della Mattice, 1828 Bridgeview Estates

I use to live at Lazy J. My address now is 1828 Bridgeview Estates. I moved in July to Bridgeview Estates because of our age. My husband is 93 and I am 87. In July we got a letter from the manager telling us about this project and she told me at the end of the letter your house will be first to go because I'm facing Pole Line. I have up my house for sale now and I had to reduce the price twice and I put in \$13,000 in order to get a good price and now I am now going to let it go for \$9,000 and nobody's going to buy it. It's all I got say. I want to know what's going to happen to my house. I am still paying \$400 rent there. Plus that all I'm interested in what is going happen to my house, they say it's the first to go.

Glen Spencer, 450 Pole Line Road, Space #11

I appreciate all the things I have heard here tonight and it is a little clearer in my mind. I guess the concern that I have is they try to give us a time and they say, well it won't happen for 10 years. Well if it's zoned C-1 there is not going to be anymore homes going into that park. There probably is not going to be anyway because of what's going on. The idea that we have just lost the value of our home is a concerning thing. But most of us in the park, I am probably one of the younger ones in that park and I'm 67 years old. and I feel like in 10 years the owners of the park are going to have a real problem over there because they are going to have about a 70% vacancy rate and no way to collect enough rent for them to make any money and they're going to be anxious to sell this property. I don't blame them for that; I would do the same thing or at least be concerned about that. I feel like I am one of the people who don't feel that we have ten years in any way, shape and form. I feel that if we get 5 we will be lucky. Thank you.

Debbi Roberts, 450 Pole Line, Space #139

I live next to Della. We are out there at the end of the cul-de-sac. We are on the northwest side. This gentleman here was talking about building heights. Building height is a very big concern but so are the hours these businesses can run. It is 24 hours. I am concerned about the lighting and what about the setback of Cheney Road from the property line. I mean, I feel like they are going to be right in my backyard, I am going to have to move my shed. That's after Della's is taken out. The next home that is going to come out is Leila's. She is a very sick woman and she doesn't have the finances to move, she doesn't have the finances to go to a retirement place, what is she going to do? We need to look at it a little bit better. The people that are on the south side, I am afraid they're going to be wiped out with this Cheney Road. I don't understand that why in the future the cross one has to go in. Why can't it just go to Cheney and take a left or a right. Why does it have to go through the park? We need to keep the park. We just lost all the value. We did and it's disheartening and that's what I'd like to say. Thank you.

Verna Jean Carrico, 450 Pole Line Raod, Space #105

I have lived there for 19 years. I was born and raised in Gooding. In 1991 my husband Don and I moved to Twin Falls to be closer to our son Rick and our doctors. Don passed away in 2006. At this time, I have my house up for sale due to health concerns and have had some people shown interest in buying it, but with the possibility of turning the park into a business complex, it's hard for anyone to commit to buying a home when they might they have to get out in the next few years. The people in the park are all senior citizens and many of them have health concerns. When we moved here it was with a feeling we would be able to live here for the rest of our lives. Now it seems that our future is of no concern to the ones involved in making this a commercial development. I think it is fine to make the business development in the area west of the park, but I can see no reason why the residents of Lazy J be routed out of their homes. There has been no solution suggested as to any reimbursement or relocation of the houses and it will certainly put a burden on the

seniors citizens involved. Go ahead and make the west section of Washington Street commercial but please leave Lazy J as a residential park. Thank you.

Katie Breckenridge, Box 685, Picabo, Idaho

I wouldn't want to sit in your shoes. This is an emotional gut ripper to listen to these people. I have been their neighbor longer than they than they have been there. My grandpa came in 1906. I remember when the Williams, Linda was my good friend, we galloped our horses up and down Pole Line Road, we played pony express we did all sorts of thing that if I spoke about them tonight you won't approve of it because of Linda and what she did. However, having said that, it's interesting that it is changed now. When the Williams chose to put in the trailer park we were farming beside them and as more people moved into the trailer park it created conflict between farming the residence. Now the residents finds themselves caught between what the next the development phase is going to be. My key interest tonight is not to address that, but my key interest is to address the way that Harrison Street forms into Cheney. Rob and I would have been here earlier however we are the ones that weren't notified and we did not know about it, and there would be absolutely no way that we would roll a stone in front of this process so we said we will just go forward, but I wished we would have had these comments for you earlier. My concern again is how Harrison Street hooks into Cheney and the reason that I am concerned about that is on the white side of that is where the Breckenridge Endowment Farm is. That is the 30 acres that was gifted by my parents to be a farm in the middle of a city. If you take the curve that is presently showing there you will cut into the farm and you will also cut into through the wetlands. My suggestion to be would be to move the sweep of where it is connected, move it farther that direction, which would be to the west, and then you alleviate the small two triangles of where there is dead space. You are also on the other side of the coulee, and there is a national barrier there already. So I would ask that Harrison Street be on the developer, if they choose to do that, and but you leave Harrison Street, the connection into Cheney, move it a little bit farther. Does that make sense to you without pointing? That's what I would suggest. Again, in closing, I would say, if there's any way that the City can make it possible for the Williams family to continue to own this piece of property through tax reductions, bonuses, anything that you can use your imagination with, so there it is worthwhile to the Williams to maintain the property and that as a mobile home and would allow the mobile home people to stay there. I think that could be possible to be a win win for everybody. But as private property person and someone that owns land there has to be an incentive, some type of incentive for the Williams to stay rather than in the predicament that they are in now. So I would ask that you would look into that form. I have no idea what that would look like, it might take some real imagination, you have great planners, but I think perhaps a win win can come up in some manner. Again I have tremendous empathy here and I totally understand there. Thank you for your time.

Margrette Cook, 450 Pole Line Road, Space #76

As I look at this plat my house is going to be done away with again. I moved here from Orem, Utah, because 800 North in Orem, Utah, went right through my living room. I don't know what the name of the road that is going in; it's not Cheney, what is the name of the one up above? (Gerald Martens stated Sun West). I realize it's going to be 10, 15 years supposedly, maybe, we don't know. My concern is what happens to those people who live there? Where do they go? We've been told that if you have to move your house you have 180 days to go. That's one thing I have concern about. I have concern about what Twin Falls City have in their plans or their things for senior citizens. I know you have senior housing that you have put in other places, but why not ban together and purchase a piece of property that can be used here that where people are living independently and not having to live in a very small place. I have a double wide. Now interesting enough, my double wide has been for sale for 2 years last August, 2 years, and this came out in July. What do you think it did to the value? Right down the tubes. I have been offered \$10,000 for my home. I am not going to take it; I am not going to take it. It disgusts me, I'm concerned about it, I think we need to do something more than what we're doing. Think about seniors. I'm sorry. I am one of the younger ones so, thank you.

Marion Cook, 450 Pole Line Road, Space #76

Since my wife spoke first, I don't have too much to say. But I do have a genuine concern. Now she mentioned that they put a highway through our home in Utah, and we were compensated for it. I have not heard anybody talk about compensation, just compensation, at all. This needs to be addressed. If they take my home it is right in line with that upper road there, If they take it and they don't give me just compensation they may have to remove me with it, then I'm going to have to find out what compensation I do, I have to keep it, because it's very unlikely that we are going to sell it. It's all about what I have to say.

Carter Killinger, 21390 Highway 30

I own and operate the Highway 30 Garage. My father use to live in Lazy J and at the time, we'll get to that in just a moment. Rezoning is not in the best interest of the resident's at Lazy J. They are taxed even though they are renting the rent pays taxes; they are taxpayers of the City of Twin Falls direct and indirectly. There's a saying that the one with the gold makes the rules. I am begging for social justice and respect for our elderly. I request that any zoning request to rezone Lazy J Mobile Home Park be adamantly denied. Many or most of the Lazy J residents bought their mobile homes in good faith with a reasonable expectation that they could live out the rest of their lives at

Lazy J. The regional and perhaps subsequent owners are bound by present zoning. Consider when the Just-A-Mere Inn was bought and the aged were displaced. I don't know if many of you know where Just-the Mere Inn is. It's right across from the courthouse. It's a nice looking building and there was a bunch of old folks there, they were kicked out so the attorneys could have office space right across the courthouse. As the Times News reported it was traumatic for the old folks to be uprooted and have to move from their homes for the convenience of the attorneys. Consider the residents of the Blue Lakes mobile home park who in good faith rented space to park their trailers and their mobile homes only to be evicted because of a rich man wanting to sell the property to enhance his riches. The evictions in these caused residents great financial loss and distress resulting in some trailers being abandoned onsite and towed away. I towed some of the mobile homes away. If Lazy J is rezoned commercial and developed that resulted in the eviction of Lazy J residents, would you call that against public interest, persecution or discrimination of the elderly? Perhaps even sacrilege if you have respect for the elderly. Remember, the elderly were once young, great pioneers that founded and developed our great nation. If you have little respect for our elderly perhaps you would support euthanasia. It would cause great distress to the residents and cause a great financial loss and unsettling emotionally. It's unlikely that most can find a place to move their homes to. I know that if you had a bunch of those for sale if they consider them worth \$30,000 to \$40,000 now, you might not even get \$1,500, because there is no place for all those mobile homes. My opinion, if Lazy J is rezoned all the people that it facilitated the rezoning would all have dirty hands. Keep your hands clean. I beg of you do not rezone Lazy J.

Rebuttal:

Gerald Martens

Value, it was brought up by numerous other people impacting the value of their property. The value, certainly I don't doubt, has been impacted somewhat, but I think that impact is by nature of the fact that their location is in property that the comprehensive plan calls for commercial and it's somewhat related to the economic conditions and the marketing and the options for housing today, as we said earlier, really has been to move in. That was a very popular style of housing for many years for the '70's, '80's and into '90's. This was going from up to 151 units in the very beginning, it's now going in the other direction and the economics are forcing some of these decisions along with the zoning and the taxes that come because it is zoned commercial. It's a commercial activity. The questions regarding the street, the street that is drawn through the center of the property is not a specific line. It just shows we made have a connection across there someday to ultimately to develop that property. We cannot get any access from off of Pole Line so we had to illustrate the access to the property, but that will not be developed until we come back with an updated master plan, and phasing plan and a plat and that would be at a later phase. None of that construction will take place until we come back with a phase II master plan. I think that this phase II master plan and the pud amendment that we alluded to that we tried to put into this agreement to alleviate a lot of the concerns will address many of things that came up. I would like to talk about Katie's comments on being created. Certainly some of this property because of its location in the back, in the back corner, is not really desirable commercial property. Its secondary commercial or high density residential property I think is more comparable to residential property that's benefitted the college. I do like her suggestions that to bring something that we could work with the City, CSI and the landlord to try to find a means to do that. I think that will be a significant part in the future alignment. I would expect the relocation and use of property and phasing will be an important part of that. Finally, the Williams family is very proud of the Lazy J. I think we heard comments on how the nice place it is and the way that's it's landscaped. It is the Williams intent to run a mobile home part as long it is economically viable to do so. We have to come back with new PUD's and how we are going to develop it in the future. But I think that the residences should take some heart that this is the legacy of the Williamson family. They are not to harm anyone, they are not out to kick anybody out of their home, they are looking for a way to make this transition. Once it was a farm then it was a mobile home park and someday will be something else and if we can work here and finds a way how we can accomplish that. That is what we are trying to do by putting the language in the PUD agreement.

Mayor Hall

The hours and the lighting and those kind of issues with the 35 acres that could be developed while the trailer park is still there.

Community Development Director Humble

In straight commercial zoning without a PUD retail operations have hours of operation restrictions from 7:00 a.m. to 10:00 p.m. There is an inclusion in the PUD that says hours of operation, none. Basically there are no restrictions of hours of operation. That only applies to retail uses in the code, so non retail uses like an office park; for example, don't have those same limitations even though those uses are permitted in the C-1 zone, so really it only applies just to retailers. They're proposing to remove the hours of operation restriction. That is part of the request, and that is up to you to decide whether or not to approve it, I guess. There is a question about setbacks. So along the streets and I'll say this internal street here because it's separating the residential from the non residential. There is a requirement in the PUD that says that these streets need to have a 15' landscape buffer from the roadway, so at least they will be 15' back, so likely you'll have parking and drive aisles as well. As for lighting there is statement in the PUD that all exterior lighting has to be in the soffits or shielded from adjacent residential properties. So those are the inclusions of the PUD for those 3 specific questions that you asked.

Mayor Hall

So there are some landscaping buffers between the two areas, along the street, and lighting softening mechanisms.

Community Development Director Humble

In the soffits, the soffits are the overhang so the soffits are recessed up there so they basically shine down or if they are not in the soffits they are shielded so there pointing inward or downward not flooding the adjacent properties.

Mayor Hall

The roadway that goes through, why?

Gerald Martens

We are not proposing that until phase II. There would have to be a roadway at that point and time. Not necessarily exactly along that line but you can't put any driveways from Pole Line, it is control access, so we need the ability to access that property that fronts on Pole Line from the backside. You need some type of roadway through there. Again that will be in phase II, and it will have significant landscaping requirements, setback requirements, and certainly as part of the phase II planning, we will address its impact on any residual remaining or relocated homes that might exist at that time. At this point and time there are no specifics. It has to get from the center street over to Harrison Street. That is a transportation corridor system. Thank you.

Mayor Hall

There were several questions or concerns relocating trailers if there is some sort of a plan or a master plan. Mitch do you have anything that we have discussed regarding that?

Community Development Director Humble

As far as the relocation package or program or incentive, we, the city does not have anything creative in place to handle that. Where these are owner occupied units from ground that is leased from the owner that might be a more appropriate question to ask the property owner or Gerald. We certainly don't have any programs in place to assist the relocation of mobile homes. I would maybe add that some of the statements heard that there were not very many places to move mobile home to that is totally absolutely correct. In the city, I can speak for the City; we don't not have a place to move 160 homes to. So more than likely we are moving them somewhere out of the City.

Gerald Martens

I would expect this Council or any Council would expect the relocation plan to be part of the phase II. The modifications will come before you. In anticipation for that I would also expect that in the next in how many years when we ready to talk about phase II that any movement of trailers there would be an attempt to consolidate units in a specific area. Even in that 35 acres will be developed in phases that will allow further time for which the mobile homes to be either consolidated into a permanent area or to be relocated outside of the park. As I noted earlier that southeast corner of this property because of the canal and the lack of exposure is not high end commercial property. It would be better served as an apartment project area or something that would be as commercial. All of which is the latter a C-1 PUD zoning. Again it is part of a long process and specific to your question I would expect the relocation plan be part of that discussion when we come back to see. Thank you.

Dixie Siegel, 2030 Candlewood Circle

I am here as a friend, a fellow parishioner of some of the member here, and also as a voter. I will tell you I know a little bit about this. I had heard from my minister's wife actually about it in July and when I saw the docket tonight I thought I wanted to come and find out what was going on. In listening to everybody this is a heart wrenching situation. I can see both sides, but I would say to the City Council and to the owners also, I think that Katie has a real good point, and what I don't really understand, and I am not a guru on zoning problems, it sounds to me as if that the owners are going to have to come back in many times to present new plans, to have upgrades, and phase II's, I don't really understand why we couldn't keep the residential zoning plan R-4 in place until we actually have somebody to buy this land. I understand the City has a long range plan, but I also know I've lived in this town over 35 year and my parents were in similar situation and their home was torn down, where I grew up, in Pueblo, and my parents were too ill and they had to move before that happened. I know that the people in the neighborhood were compensated for their homes fully. I don't know how this was done and I don't have all of the specifics but I do know that the prospect of that came over to the clients to my parents helped. I would say to you Council members as a voter and as a friend to keep them living in the area to keep them in mind that this does impact people. Thank

you for the opportunity to speak, I am a new comer to this but I would say to the property owners and to the Council, can't we get to some compromise here to prevent the least harm. Thank you.

Mayor Hall

I would agree with the idea of least harm and all those things but there might be some difference here. The property that homes are on are owned by someone else. It does throw a different kind of a spin on this situation. Why don't we keep it R-4?

Community Development Director Humble

I think there was another person who asked why we don't keep the zoning in place. I can answer from the City perspective but the applicant may want come up and tell you why they are asking for this at this time. The R-4 zone doesn't allow a mobile home park. So the mobile home park is currently called legal non-conforming, in layman's term, a grandfather use. So moving it from R-4 to C-1 doesn't offer any more or less protection of the current existing zone. You can take it or leave it from the City's standpoint, R-4 or C-1 doesn't really matter. Why they are asking for it now that's for them to answer.

Mayor Hall

If I can reiterate that it's non-conforming the way the property is now, so going to C-1 changes really nothing for the property that the folks in the mobile home park itself. Gerald would you like to address that?

Gerald Martens

There are three reasons: We are required to by ordinance that we need to master plan all of our property. At the point we are entering negotiations with the City, CSI relative to dedication donation of right of ways and we wish to reserve all right of way issues in at least one document whether it happens now or 20 years from now. We need entitlements and need to know where we stand on roadways towards Harrison and the connection to Harrison. Again, we know this is symbolic but the next step and with final negotiations, it might move around a little bit 30' one way or another to minimize impact and still provide the necessary accesses and services. Probably the most important part in the next period of time, 10 years or whatever it takes to develop the white property, to market that property, the potential property owners want to know what is around them and the current zoning. I think it is good planning to let the owners know and what's it going to be. It will affect the value of both sides of the line, but I think that to do a good job planning the property for a short term or long term uses, we would like to have the PUD agreement, and offer language that provide as much protection as we can provide and we are willing to continue discussion on that language if it helps, but we do and are requesting that we do get the PUD agreement approved for the entire property with whatever conditions are necessary. Thank you.

Councilperson Kezele

I understand that the master plan and the PUD process requires you to come and present the plan as it is but you said that Council has the authority to do otherwise. My question than would be would the owner's of the property consider leaving the mobile park zoned exactly how it is and only moving to a C-1 zone of the white space?

Gerald Martens

I guess it would depend upon on what else was in the PUD document relative to right of ways, roadways and other issues about which are of concern. If the PUD document, I do know that the underlying zoning, is important as the ultimate use of the property and the entitlements for the property, but I guess that would involve some serious redrafting of the PUD agreement, or insertion of additional stuff in the PUD document. Part of what would happen tonight in exchange for right of way is for entitlements. I think that we should be able to get to the same allowed use on a extended period whether it's zoning or just by the language in the document. It's a non-conforming use anyway; it's an allowed use in the C-1.

Councilperson Johnson

The first question, I have Mitch, is what is the comprehensive plan? I heard it tonight but I want to hear it again, and what did it anticipate this property would be zoned as?

Community Development Director Humble

The entire 70 acres are designated as retail and commercial in the comp plan. The request complies with the comp plan.

Councilperson Johnson

What is a legal zoning for a mobile home park?

Community Development Director Humble

In our code we have a mobile home overlay district that can be placed in an R-6 zone and that would be an appropriate zoning for a mobile home park. The R-4 zone is not allowed and the C-1 is technically not allowed. The PUD language that you have basically has a statement in there that extends the non-conforming status in the C-1 zone.

Councilperson Johnson

Whether it's C-1 or whether it's R-4 it's going to be non-conforming.

Community Development Director Humble

It will be non-conforming no matter what you do tonight unless what you did was zone R-6 with a mobile home overlay, which we can't do because we did not notify it that way and it doesn't comply with the future land use plan.

Councilperson Lanting

The comp plan, for which you are referring to, is the latest one or is the one from 10 years ago?

Community Development Director Humble

It is from our current comprehensive plan. I believe the previous one did not change, but I would have to double check that.

Councilperson Lanting

There has been talk about compensation and allowances and getting creative and all of these types of things and we've been created a few times before in PUD's, with both Planning & Zoning Commission and with us. Can a PUD that is approved and negotiated by the City include compensation?

Community Development Director Humble

Required compensation by the City or the private developer?

Councilperson Lanting

By the developer.

City Attorney Wonderlich

No.

Vice Mayor Heider

First of all I would like to make an observation that it is neither the City nor the City Council that is making this request. It is a citizen within our community that's the applicant that is requesting a zoning change for their property. They own the property and they have every right to make that application by virtue of the law. Fritz, if we rezoned this all C-1 can we place a timeline, a 10 year timeline or something of that development in the eastern portion, and if so, it would allow those who live there presently to make plans to anticipate the future, to natural attrition, or whatever. Can we place timelines to the development?

City Attorney Wonderlich

You're talking about delayed zoning or delayed development?

Vice Mayor Heider

I'm talking about delayed application or delayed improvements.

City Attorney Wonderlich

I will have to do some research and will come back to you with that one. I have never heard of that. But I will have to research that one.

Gerald Martens

I do believe that certainly with the PUD agreement it's a contract between the parties. I think the parties could agree to some type of a timeline, in the PUD agreement. I would prefer that it was more of a dual approach, a time line not to exceed type of agreement or an occupancy threshold that was attained. I am looking out for the interest of the property owners. At some level they cannot afford the taxes they are paying, they cannot afford to operate it and they would have to discontinue leasing to those few that were left. Now that certainly, I don't think would happen very quickly, because it is a well maintained park and they intend to continue to maintain it. I don't

think anybody is going to leave because it is not maintained or operated properly really, but we are probably willing to work with some staff on some language that would set some threshold dates or timelines or occupancy numbers so that people living there could put it on the calendar or least potential buyers, right now it's a total uncertainty. I understand their concerns but it is an uncertainty to buyers anyway. This would at least put some timeline on there. As I spoke earlier, the first is going to take several years, and I mean more than 5 to get a start on the initial phase, and that's if the economy turns around. I think it is more important for the owners to get the entitlements on the entire property even if they're some restriction on how soon they can develop the second phase. Thank you.

City Attorney Wonderlich

I am concerned about Council imposing on the developer a delay in their development. If the developer on the other hand has every right to come to you and say that we would like a delay, in that way you are not imposing on them, they are offering it as some kind of incentive to approve their zoning. If Gerald has authority to do that, that might give you a little bit of flexibility in what you are doing tonight.

Councilperson Johnson

Gerald, I understand that you do not own the property and you are not the developer but you are the engineer and the spokesperson, would the property owners entertain an offer to purchase the 35 acres that is now Lazy J mobile home park?

Gerald Martens

Certainly. Obviously when they are moving forward with the planning on this property their intent is develop and to get the entitlements for the property to be marketed. I would have to think that they would entertain an offer. I can't imagine why anybody would not entertain an offer.

Councilperson Johnson

I feel the pain on both sides of this. Private property owner's rights and what rights do we really have to limit their development of their property and the social economic reality for seniors. I also have to wonder in the back of my mind if there was a rent increase. I don't know if there limited by law or what, but I am not suggesting this folks, I am just asking myself. I heard somebody say don't rezone it, keep it as a community asset. It is not a community asset although a lot of fine folks from our community live there, it's a privately owned park. I am wondering what monsters lurk if we did nothing or didn't respect a request of a private property owner. I was thinking, surely, the property owner would entertain selling that asset to folks who wanted to keep it or a group that wanted to keep it, or a developer would want to keep it as a "community asset."

Community Development Director Humble

Somebody asked of the Council why don't you go out and talk to the residents and I thought I would be fair to remind you and some of them here that you are not allowed to do that, because this is a public hearing on a zoning request. It is a quasi judicial roll for the Council and you cannot go out and do those kinds of things. You have to get your input of your request here at the public hearing. The public portion testimony was closed.

Deliberations:

City Attorney Wonderlich

The only thing you actually tonight is a public hearing in which you now have finished. You are not required to make a decision tonight, you can however, if you want to direct us to write an ordinance or not.

Vice Mayor Heider

It's obvious from the attitude of those who live at mobile home portion of this zoning request that they would desire to be there for a longer period of time. I think the C-1 zoning is an allowable and prudent request for the property. It does not change their ability to maintain their residents at the Lazy J park. I would suggest that if we approve this zoning change with staff recommendations that we place some kind of requirement on the owner of the property and City staff to develop a timeline not less than 10 years for the development for the eastern portion of the property. So they can go ahead, zone everything C-1, and that allows them for future development to have a C-1 zone, which complies with the zoning ordinance and it allows them to develop the western portion of the property and it allows the residents to stay for an extended period of time and continue their lifestyle and to look for alternate lifestyle changes in the future,. Many of them elderly and don' want to change initially but it gives them that option. I think something along that line would be the most appropriate action to take.

Councilperson Johnson

I have a good friend that lives at Lazy J and I certainly do, in case you heard my earlier remarks, I certainly do value the park but I also respect the ownership that is privately owned. If somebody wants to change that use I don't know how you block that. We are not a socialistic society, if you are going to allow folks the freedom and respect the system that we have, I think anything we do can damage to the private property owner's values as well as folks that are already impacted. As I was listening to testimony tonight I would like to set up the all the mobile homes in my backyard but unfortunately would not fit. I think you got to respect the request, and we have known Gerald Martens for years, he has come to this Council and been a quality developer. I know you don't own this property, Gerald, but I just want to say that I respect what you say. I respect what you say and I believe what you say and I believe this Council has to consider that too. This isn't an out of town cold blooded big city killer developers coming in, these are folks that sincerely want to do good and own property and they have financial realities that they are impacted with. I think we have to respect this request. Granting this request in its form that is written does not allow them to go and do anything, except submit more plans. There's still protection along the way. It's got to start somewhere and fits in the comprehensive plan. I think it makes sense as Vice Mayor Heider said, it's a sensible request, it's not outlandish and they have made a lot of compromises since the Planning & Zoning Commission meet. We have heard from one of the Planning & Zoning Commission members tonight saying he would change his vote now. That would change the outcome of that recommendation already. Sounds like there have been reasonable accommodations to this point as to what they asked us what they wanted to do.

Councilperson Lanting

I guess I have a little different take on it Dave. Part of my reasoning, part of the emotional thoughts were concerns, is that I use to live at Lazy J and it is a well maintained mobile home park and the best in the area, as mentioned. One of the parts Gerald talked about actually gives me pause on this full proposal. We talked about several other 35 and 40 acre areas in how long it takes them to develop. They develop all by themselves. They didn't need another 35 acres to go with them. So to me the western portion can be developed without changing the zoning of the eastern portion. This is a large commercial development. All of that land is probably prime commercial real estate. It has Washington on one side, it's got Pole Line on the other side, Cheney on third side and never did catch the name of the new street in through there. I am opposed to doing the whole 70 acres. I would certainly entertain a C-1 PUD or a C-1 Business Park PUD for the western 35 acres. I think that is plenty big enough. It give these people at least a realization that there's a possibility that theirs could stay the way it is for always and I know the rent is a little bit higher than when I was there. I was there in 1977, I think, and for 5 or 6 years, and I think it has been an economic profit center for the owners at this point. I can't vote for the whole 70 acres.

Councilperson Kezele

I know we don't have a motion on the floor, but I know that the Council has expressed some feelings perhaps it's okay weigh in just a little bit. This is difficult. This is difficult for me because there are principals in which I ran for, for which I ran on, the one for Council and one of those was not to change the zoning on existing homes. I stand by that statement tonight. What is difficult about this one, is that somebody owns the property and as the owner of property, there is nothing that we can do in the Council's position that forces, if you will, the owner to close that property. If the owner's of the property want to close it tomorrow and tell you that you all have to move that's their right to do. That's what makes this very difficult. There is nothing here that's going to keep the owners keeping that place in business other you all making it sense to do so. That's what makes this difficult if this was a neighborhood, that this is a no brainer for me, but as I look at this, I need to tell you too that even though you do not own the land it sits on its is you home, and to me that means your neighborhood, and for me that means that the owners take some responsibility that once they setup someone's home they respect that someone's home is there, and that they accept that responsibility going forward, but with that being said, the people who own the property have the right to do whatever they want and if they want to close it tomorrow they certainly can, and that makes it very difficult. I too have worked with Mr. Martens for several years here on the Council. He has never given us anything that he has no backed, that I am aware of. I have known that he has been in some difficult situations and he works closely with the people around him to make that work out. I am confident that he and the owners of the property will make this work out. With that all being said, I have to agree, I have to agree with the Councilman to the right, that I am not comfortable zoning the entire piece of property. I still recognize the need. I see the protection that's being placed on it. I think they have been gracious in doing so. I do believe you are protected in what you are trying to accomplish. I am just not comfortable with it. So I am going to wait and see what the motion is and how the motion turns out. Sometimes these motions come with different amendments. I would really like to see this separated if possible for right now.

Mayor Hall

Before I weigh in I want to get some clarification, we do not have to take any action tonight, and if we make a motion it has to go through third and final?

City Attorney Wonderlich

No. If you approve to have a zone change, we will have to bring an ordinance back to you. It will take three readings unless it is placed on third and final.

Mayor Hall

This is absolutely a gut wrencher. I think I've stood most of my time on Council be fairly pro business. Because I understand that in a capitalistic society, and those that run businesses and employ people, that is the life blood of our community, that is how we make a living , that's how we get our tax base to get roads and all those dynamics. I've always tried to be business friendly but I'm also a big softie when it comes to kids and our seniors. Those are two entities that we need to protect the most. Again, I am torn here. Property owner's rights on one side of the equation and then folks that are unsure and worry about their future and their investment, and their homes, on the other side. This is absolutely a gut wrencher for me because I believe in both of those. I do believe that if we did approve what's in front of us tonight you actually do have more protection, at least for the interim, because the property owner, as Mr. Kezele said, tomorrow they could say eviction, because it's a lease situation. At least in this situation, there would be a little more protection for you. I guess I'll leave it as I am struggling with this issue.

Councilperson Kezele

I do think these kind of decisions are perhaps best suited for all seven of us. We have a couple of members that are missing tonight and perhaps they ought to have an opportunity to weigh in on this decision before final decision is made and I would also like to have, before the final decision is made, perhaps the parties get together and see if we can't find that ground of comfort to give you a little more of a timeline. Perhaps there could be some commitments on some timelines. That's up to the owners. I just think there needs to have a little more understanding then just leaving it out there. Tomorrow can change, there's nothing guaranteeing that. I don't know how you feel about that or how the owners of the property feel about that. The hope is to find some common ground. Obviously that land isn't always going to be a mobile home park, we have to come to terms with that at some point. Giving everybody some time to work with that is very important. Finding them a place to go to, they could close it tomorrow, where would they move? It's difficult for all of us and it is difficult for the property owners who are also trying to pay their taxes and their property rights.

Mayor Hall

I think it is important for the other Councilmember's to weigh on this. It's very important to us. So if there is nothing further from Council we adjourn.

No action taken.

V. **ADJOURNMENT:** Adjourned at 8:18 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
 November 1, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:30 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 accounts payable for October 26 to November 1, 2010, total: \$414,898.68 Payroll October, total: \$18,635.47 September, 2010, total: \$673,381.77 2. Consideration of the October 25, 2010, Minutes. 3. Findings of Fact, Conclusions of Law and Decision: Final Plat Application, Eaglefield Commercial Subdivision c/o The Land Group, Applicant(s).	Action	Staff Report Sharon Bryan Leila Sanchez Mitch Humble
II.	<u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request for the appointment of Liyah Babayan to the Parks & Recreation Commission for a partial term starting November 2010 and ending March 2011. 2. Public input and/or items from the City Manager and City Council.	Action	Dennis Bowyer
III.	<u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV.	<u>PUBLIC HEARINGS:</u> 6:00 P.M. – 1. Consideration of the request from the Parks & Recreation Commission to amend sections of the City Code concerning regulations on bicycling in Twin Falls.	Action	Brent Jussel
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: Lance Clow, Trip Craig, Don Hall, Lee Heider, Dave Johnson, Will Kezele, Greg Lanting

Absent: None

Staff Present: Acting City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Captain Brian Pike, Parks & Recreation Director Dennis Bowyer, Deputy City Clerk/Recording Secretary

Mayor Hall called the meeting to order at 5:30 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. Boy Scout Skyler O'Donnell, Troop 76, Sponsor Freewill Baptist, led the pledge of allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

Councilperson Lanting made the motion to approve removing the 10-25-2010, Minutes from the Consent Calendar. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilperson Lanting made the motion to approve the Mayor to read the Boy Scouts of America Proclamation. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilperson Lanting made the motion to add an Alcohol License Application for Business Name: Gertie's Brick Oven Cookery, Inc., DBA Gertie's Brick Oven Cookery, located at 602 Second Avenue South, for a transfer of Beer: Bottled & Draught for consumption on premises and Wine: Wine by the Drink for consumption on premises only. TRANSFER OF OWNERSHIP. Contingent on State Approval. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Mayor Hall read the Boy Scouts of America Proclamation. He presented the Proclamation to Dan Arters.

Dan Arters

Scouting for Food will be held on Saturday, November 6, 2010. He introduced Paul Tikalsky and recognized Don Hall and Lee Heider as honorary chairs.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for October 26 to November 1, 2010.
2. Consideration of the October 25, 2010, Minutes.
3. Findings of Fact, Conclusions of Law and Decision: Final Plat Application, Eaglefield Commercial Subdivision c/o The Land Group, Applicant(s).

MOTION:

Councilperson Lanting made the motion to approve the Consent Calendar excluding the approval of the October 25, 2010, Minutes. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request for the appointment of Liyah Babayan to the Parks & Recreation Commission for a partial term starting November 2010 and ending March 2011.

Parks & Recreation Director Bowyer explained the request.

The interview committee recommends that the City Council confirm the Mayor's appointment of Liyah Babayan to the Parks & Recreation Commission for a partial term from November 2010 to March 2011.

MOTION:

Councilperson Craig made the motion to appoint Liyah Babayan to the Parks & Recreation Commission for a partial term from November 2010 to March 2011. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Britty Smith, Troop 43, Stake Center on Kimberly, introduced himself to the Council.

2. Public input and/or items from the City Manager and City Council. None.

Recess at 5:53 P.M.
Reconvened at 6:01 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. Consideration of the request from the Parks & Recreation Commission to amend sections of the City Code concerning regulations on bicycling in Twin Falls.

Acting City Manager Rothweiler stated that a Town Hall meeting was held at City Hall on October 12, 2010. The purpose of the meeting was to receive citizen input on the proposed changes to amend sections of the City Code concerning regulations on bicycling in Twin Falls.

Brent Jussel, former member of the Parks & Recreation Commission, chairman of Bike Safety sub-committee, stated that at the Town Hall meeting there was excellent dialogue, comments, and debate. It was a platform where people could express their opinions.

Councilperson Clow asked if following the Town Hall meeting had the Parks & Recreation Commission and Traffic Safety Commission reconvened to discuss the ordinance and if this is the same ordinance previously viewed. Both questions were answered in the affirmative. He asked if the bicycle helmet portion of the ordinance should be underlined as an addition.

City Attorney Wonderlich stated for clarification the underlining in existing sections is to show new language that's been added or language that's been taken out. If it is adding a new section it will say it's adding a new section. It will not contain underlining.

Opened the public hearing portion of the meeting:

Chris Anderson, 1441 Spurlock Court, stated his concern of bike lanes around schools, specifically around Perrine School. He would like to see better enforcement of parking in the bike lanes and would like to see bike lanes connect.

Kevin Dane, 422 Julie Lane, Chairman of the Parks & Recreation Commission, stated that the proposed changes are not perfect but would encourage the Council to make a decision on the proposed request.

Jason Beard, 284 Martin Street, spoke against requiring bicyclists to ride on the right side of the road, where a bicyclist is allowed to park, and requiring helmets for those who ride in a bike trailer.

City Attorney Wonderlich stated that it would be up to a police officer to determine what is regarded as staying as close to the right side of the roadway as possible.

Brent Jussel stated that there is no language in the proposed language requiring that bicyclists ride in the bike lane.

Councilperson Kezele asked for clarification of Part Section 6: 9-11-1: (C) suggesting that if there is a bike lane you have to ride on it.

City Attorney Wonderlich stated that he didn't know how a bicyclist couldn't be in the bike lane and yet not be as close as practical to the right hand side.

Councilperson Kezele stated that on the road along Sawtooth Elementary Street and down past the highway, there is parking for cars against the curb and then there is a bike lane and then the road. If a bicyclist is at the furthest right the bicyclist would be in the parking area for cars.

City Attorney Wonderlich stated that is a good point.

Councilperson Clow stated that he is trying to come up with some wording to address helmets on a bike trailer, because it was brought up in the Town Hall meeting that many of those trailers are designed not to have a helmet. They are designed specifically for the safety of the occupant. The helmet would put the occupant in an unsafe position. If the ordinance is passed the Council should amend it in advance to put some terminology to address this issue.

Jason Baird, 284 Martin Street, spoke against requiring a bicyclist to ride in the bike lane and stated that it should be up to the bicyclist to make the determination of where it is safe to ride.

Brian Pike stated that in situations like this police officers would use their discretion and take the surroundings all into consideration.

City Attorney Wonderlich stated that state code says any person riding a bicycle on a roadway shall ride as close as practicable to the right hand curb or edge of the roadway, except for passing, making a left turn. This does have an exception when reasonable or necessary to avoid conditions including fixed or moving objects, parked or moving vehicles, bicycles, pedestrians.

Larry Hartley, 516 Whispering Pine Drive, spoke against requiring bicyclists to wear a helmet.

Rocky McClymonds, 1516 Richmond Drive, spoke against requiring bicyclists to wear a helmet.

Brenda Larsen, 1809 Dorian Drive, stated that the City does not sweep, maintain, and pave the bicycle paths. Falls Avenue has been repaved but has not been repainted. She would like to see the paths connect. She spoke against requiring bicyclists to wear a helmet.

Brenda Larsen's letter sent to the Council is now in public record.

L. Max Newlin, 328 7th Avenue East stated that Dave Schwamb was going to ask the Council to consider a national register for bicycles. Mr. Newlin spoke against requiring bicyclists to wear a helmet

Jim Schouten, 229 Tyler Street, spoke against requiring bicyclists to wear a helmet. He stated that he would like to see the community educated on bicycle regulations.

Blake Johnson, 2733 Skylane Drive, stated that requiring a bicyclist to ride on bike lanes is a good idea if they are maintained. He did state his concerns requiring a bicyclist to ride on the far right. In addition he stated that traffic lights don't turn on a regular basis, so the bicyclists need the ability to ride through the light.

City Attorney Wonderlich stated for clarification that state law doesn't require you to stop.

Angelena Malberg, 322 Tyler Street, recommended education on bicycle laws. She spoke against requiring bicyclists to wear a helmet.

Councilperson Johnson stated that the Bicycle Safety Committee had 7 different points on education proposed to City Council.

Robin Seastrom, 4022 N. Canyon Ridge Drive, stated that cycling is a lifetime activity and a bicycle provides a level of intimacy that really allows one to connect with people and their surroundings. It is getting people out of their cars to interact with the community and with others. Without planning for bicycling the City's transportation network is incomplete. The route to higher levels of bike friendliness is best planned through the City, bicycle advisory committees, advocacy organizations and cyclists themselves.

Tennille Adams, 529 Crestview Drive Vice-Chairman Parks & Recreation Commission, also on the Bike Safety Committee, stated the purpose of the Committee's recommendations is to promote safety. In regards to requiring helmets the Committee's initial goal was to have helmets required of minors because children are required to be in infant carriers, and booster seats. She recommended that the Council at least vote to require minors to wear helmets.

Scott Scholes, 867 Walnut St. N., spoke against requiring bicyclists to wear a helmet. He stated that requiring both lights and a reflector is redundant.

Discussion followed:

Councilperson Kezele stated that he attended the Town Hall meeting and attendees were asked to vote on some issues. He asked for the results of those votes.

Brent Jussel stated 10 people voted helmets for everyone, 24 voted for helmets for children under the age of 16, and 34 voted for helmets at some level.

Councilperson Johnson stated that he reviewed the recommendations proposed. Nine of the recommendations were on enforcement. It appeared that the intent of the Bicycle Safety Committee was to make it safer for bicyclists.

Brent Jussel stated that was the intent. The committee learned that education is a very important part of it.

Councilperson Kezele referred to clause (H), which talks about parking bicycles. It states that no person shall park a bicycle upon any sidewalk in the city. He asked if this has become an issue.

City Attorney Wonderlich stated that the language is already in the existing code.

Brent Jussel stated the interpretation of the code is an attempt to avoid conflict for those who are joggers and pedestrians, competing for that same space.

Councilperson Johnson stated that there is a state code that addresses bicycle use on public roadways. He asked if the proposed ordinance was being redundant or if being proposed were new concepts and practices.

City Attorney Wonderlich stated that some of the language is redundant. The goal of the committee was to have city code consistent with the state code.

Councilperson Clow stated that the City does not require helmets in the skate park because of potential City liability. He asked that if the City did have a helmet rule and did not enforce it on a regular basis would the City be liable for any reason.

City Attorney Wonderlich stated that he did not believe there's a liability issue for failure to enforce a traffic law.

Councilperson Kezele stated that 9-11-1 (C) refers to requiring the bicyclist to ride on the right side of the road or as far as possible on the bike lane. He asked if this would be safest place for a bicyclist to ride.

City Attorney Wonderlich stated that state law requires bicyclists to ride on the right-hand side of the road. In Subsection 1 (C) there is an exception.

Councilperson Johnson stated that in 9-9-21, the new insertion requires a motorist to stay 3' away from a bicyclist. He asked if this was in state code.

City Attorney Wonderlich stated that it is a new section. The state law does not have this requirement.

Councilperson Kezele stated that clause (A) 9-11-1 states that a person riding a bicycle is subject to all rules and regulations applicable to all drivers in vehicles. He asked for clarification on stop signs and stop signals.

City Attorney Wonderlich stated that in general bicyclists are subject to the same rules as vehicled but there is an exception for stop signs and stop signals, which does not require a bicyclist to come to a complete stop.

Councilperson Kezele asked if requiring both a back light and a reflector is necessary.

City Attorney Wonderlich stated that the Bicycle Safety Committee wanted to improve on state code and required both a back light and reflector.

Vice Mayor Heider stated that he felt that requiring 3' between a motorist and a bicycle would be an unenforceable requirement.

Captain Pike stated that it reads "whenever possible." Enforcement would be up to the discretion of the police officer.

Councilperson Clow asked what is referred to as a brake wheel skid on dry level clean pavement.

Chris Anderson stated a fix wheel bike is when the wheel is turning the bicyclists must be pedaling. There is no coaster capability on it. The crank and the wheel are attached to one another.

Closed the public hearing portion:

Deliberations:

Councilperson Clow stated that he would like to see the proposed ordinance cleaned up and in alignment with state law.

Councilperson Johnson stated that he would like to see section 9-11-1 section cleaned up prior to voting on the proposed ordinance.

Councilperson Lanting stated that the City Council has the ability to amend ordinances.

Councilperson Heider stated that he could support the ordinance with the exception of bike helmets being required.

Councilperson Hall stated that he could support the ordinance with the exception of bike helmets being required.

Councilperson Johnson stated that he would like to have City Attorney Wonderlich lay side by side the ordinance with state law to clean up the language.

Councilperson Kezele stated that he would like to see the differences between state law and the proposed ordinance.

Councilperson Clow stated that he does struggle with the helmet law. He has mixed emotions for kids under the age of 16 not wearing helmets.

Councilperson Craig stated that the proposed ordinance needs to be cleaned up to eliminate redundancies.

Councilperson Lanting stated that he agrees with the helmet law. He stated that the Traffic Safety Commission will be looking for solutions to solve problems with the traffic at Perrine School.

MOTION:

Councilperson Johnson made the motion to direct City Attorney Wonderlich to take the proposed ordinance and review it with State Code, delete redundancies and note, in a visible fashion, for our review the more restrictive areas we are offering in this code than existing State Code. The motion was seconded by Councilperson Lanting.

MOTION:

Vice Mayor Heider made an amendment to the motion to eliminate the deletion of Section 9: "9-11-5: BICYCLE HELMETS REQUIRED: All persons riding bicycles, riding as passengers on bicycles or being towed by bicycles on a

public roadway must wear an approved helmet, and shall have either the neck or chin strap of the helmet fastened securely while bicycle is in motion.

The motion was seconded by Councilperson Johnson.

Discussion followed.

Councilperson Lanting stated for clarification that the Safe Kids Coalition would provide helmets to anyone that needed one.

Roll call vote on the amendment to the motion showed Councilpersons Clow, Craig, Mayor Hall, Vice Mayor Heider and Councilperson Kezele voted in favor of the motion. Councilperson Lanting voted against the motion. Approved 6 to 1.

Roll call vote on the main motion as amended showed all those present voted in favor of the motion. Approved 7 to 0.

- V. **ADJOURNMENT:** Executive Session (1)(a) To consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in the elective office.

Councilperson Kezele made a motion to move to Executive Session as presented. The motion was seconded by Vice Mayor Heider and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

Adjourned to Executive Session at 7:37 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 November 8, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:00 P.M.
 PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: "Idaho Nonprofit Awareness Week"

AGENDA ITEMS		Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for November 2 – 8, 2010. 2. Consideration of the October 25, 2010, Minutes and the November 1, 2010, Minutes. 3. Consideration of a request for approval of the Annual Festival of Lights Parade, sponsored by the Times-News, to be held on Friday, December 3, 2010. 4. Consideration of a request to approve the Annual Festival of Trees sponsored by the Saint Luke's Magic Valley Health Foundation. The festival will be held at 326 2 nd Avenue South, the Pioneer Carpet One Building, from December 1, 2010, through December 4, 2010. 5. Consideration of a request to approve the 20 th Annual Christmas in the Night Time Sky event sponsored by Kimberly Nurseries to be held at 2862 Addison Avenue East on November 26, 2010.	Action	Staff Report Sharon Bryan Leila Sanchez	
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Presentation of Twin Falls Fire Department Level II Firefighter Certification to Fred McDonald, T.J. Prescott, David Owens, Brian Rice, and Scott Wyatt. 2. Consideration of the Final Plat of the Romero Estates Subdivision 1.22 +/- acres, consisting of four (4) residential lots located on the north side of Filer Avenue West between Rose Street North and Sparks Street, c/o Rod Mathis/Riedesel Engineering, Inc, on behalf of Santiago Romero. 3. Consideration of the request from the Parks & Recreation Commission to amend sections of the City Code concerning regulations on bicycling in Twin Falls. 4. Public input and/or items from the City Manager and City Council.	Presentation Action Action	Ron Clark Mitch Humble Dennis Bowyer	
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>			
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 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.*

MINUTES

November 8, 2010

Page 2 of 5

Present: Lance Clow, Trip Craig, Don Hall, Will Kezele, David Johnson, Greg Lanting

Absent: Lee Heider

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Fire Chief Ron Clark, Parks & Recreation Director Dennis Bowyer, Captain Brian Pike, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag. Boy Scouts, Troop 159 LDS 9th Ward of Twin Falls led the Pledge of Allegiance.

A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

Consideration of a request from the Twin Falls Youth Council for approval of purchasing signs for the BMX Park.

MOTION:

Councilperson Clow made the motion to add: Consideration of a request from the Twin Falls Youth Council for approval of purchasing signs for the BMX Park. The motion was seconded by Councilperson Lanting and roll call vote showed all members voted in favor of the motion. Approved 6 to 0.

PROCLAMATIONS: Idaho Nonprofit Awareness Week

Mayor Hall presented the Proclamation to United Way Director Patricia Hansen. Representatives from the Magic Valley Arts Council, Bill's Place, South Central Community Action Agency Partnership, The Walker Center, The Boys & Girls Club of Magic Valley, and St. Luke's Magic Valley Health Foundation attended the meeting.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for November 2 – 8, 2010.
2. Consideration of the October 25, 2010, Minutes and the November 1, 2010, Minutes.
3. Consideration of a request for approval of the Annual Festival of Lights Parade, sponsored by the Times-News, to be held on Friday, December 3, 2010.
4. Consideration of a request to approve the Annual Festival of Trees sponsored by the Saint Luke's Magic Valley Health Foundation. The festival will be held at 326 2nd Avenue South, the Pioneer Carpet One Building, from December 1, 2010, through December 4, 2010.
5. Consideration of a request to approve the 20th Annual Christmas in the Night Time Sky event sponsored by Kimberly Nurseries to be held at 2862 Addison Avenue East on November 26, 2010.

MOTION:

Councilperson Lanting made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

Consideration of a request from the Twin Falls Youth Council for approval of purchasing signs for the BMX Park.

Jonathan Bruce explained the request. He stated that the Youth Council would like to draw \$400 from their designated fund. Currently the balance of the fund is \$1,400.

MOTION:

Councilperson Clow made the motion to approve the request to provide the Youth Council a budget of \$400 to expend on the signage needed at the BMX Park. The motion was seconded by Councilperson Lanting and roll call vote showed all members in favor of the motion. Approved 6 to 0.

MINUTES

November 8, 2010

Page 3 of 5

1. Presentation of Twin Falls Fire Department Level II Firefighter Certification to Fred McDonald, T.J. Prescott, David Owens, Brian Rice, and Scott Wyatt.

Chief Ron Clark, Mayor Hall, and Councilperson Kezele presented certificates to Brian Rice, Scott Wyatt, Fred McDonald, David Owens. T.J. was not present to accept his certificate.

2. Consideration of the Final Plat of the Romero Estates Subdivision 1.22 +/- acres, consisting of four (4) residential lots located on the north side of Filer Avenue West between Rose Street North and Sparks Street, c/o Rod Mathis/Riedesel Engineering, Inc, on behalf of Santiago Romero.

Community Development Director Humble reviewed the request.

Should the Council approve the final plat of the Romero Estates Subdivision as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to development of curb, gutter and sidewalk at the time of development on Filer Avenue West.
3. Subject to a deferral for street, curb, gutter, and sidewalk on Wirshing Avenue West.
4. Subject to Twin Falls Canal Company approval of the private irrigation system.
5. Subject to compliance with Special Use Permit #1137.

Discussion followed:

Private irrigation system requirements.

Access easement from Filer to Wirshing.

MOTION:

Councilperson Johnson made the motion to approve the Final Plat of the Romero Estates Subdivision 1.22 +/- acres, consisting of four (4) residential lots located on the north side of Filer Avenue West between Rose Street North and Sparks Street, c/o Rod Mathis/Riedesel Engineering, Inc, on behalf of Santiago Romero as presented, with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to development of curb, gutter and sidewalk at the time of development on Filer Avenue West.
3. Subject to a deferral for street, curb, gutter, and sidewalk on Wirshing Avenue West.
4. Subject to Twin Falls Canal Company approval of the private irrigation system.
5. Subject to compliance with Special Use Permit #1137.

The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Consideration of the request from the Parks & Recreation Commission to amend sections of the City Code concerning regulations on bicycling in Twin Falls.

Parks & Recreation Director Bowyer reviewed the request.

The Parks & Recreation Commission and the Traffic Safety Commission recommend amending sections of the City Code concerning regulations on bicycling in Twin Falls as presented.

Discussion followed:

-Under the influence of alcohol.

City Attorney Wonderlich explained that no person shall ride a bicycle under the influence of alcohol as stated in Section 9-11-4, of the proposed code. Any person violating this section shall be guilty of reckless bicycling and if found guilty, may be sentenced to jail for up to six (6) months and fined up to \$1,000.00, which is a standard penalty for a misdemeanor.

MOTION:

Councilperson Lanting made the motion to suspend the rules and place Ordinance ~~#2993~~ #2994, entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §§9-1-6, 9-2-2, 9-11-1,9-11-2, 9-11-4, AND ENACTING NEW §§9-9-21, 9-9-22, AND 9-9-23, PROVIDING FOR IMPLEMENTATION OF BICYCLE SAFETY RECOMMENDATIONS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

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

MOTION:

Councilperson Lanting made the motion to adopt Ordinance Ordinance ~~#2993~~ #2994, as presented. The motion was seconded by Councilperson Johnson.

Discussion followed:

Section 1:

-Definition of a multi-cycle.

Section 2:

MOTION:

Councilperson Johnson made an amendment to the main motion to replace Section 2: 9-9-21 with language deferring to Idaho Code of that section. The motion failed for the lack of a second.

Discussion followed on Section 6: 9-11-1 (B) Riding On Bicycles: "...No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

City Attorney Wonderlich stated for clarification that the Bike Safety sub-committee did not change any language in Section 6: 9-11-1:(B). The State Code states, "An adult rider may carry a child securely attached to his person in a backpack or sling or in a child carrier attached to the bicycle.

MOTION:

Councilperson Lanting made an amendment to the main motion to strike Section 6: 9-11-1 (B) and to replace with the State Code. The motion was seconded by Councilperson Craig.

Discussion followed.

Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Discussion followed on Section 6: 9-11-1: (H).

Councilperson Kezele asked for clarification from City Attorney Wonderlich the penalty for parking a bicycle upon any sidewalk in the city.

City Attorney Wonderlich stated that the penalty is a \$100 infraction. Reckless riding a bicycle is a misdemeanor.

Discussion followed on Section 7: 9-11-2: Bicycle Equipment.

Councilperson Craig stated that the Bike Safety sub-committee is proposing that a bike be equipped with both a rear light and reflector, whereas State Code only requires the bike be equipped with reflectors in the rear.

MOTION:

Councilperson Johnson made an amendment to the main motion to delete the content in Section 7 9-11-2 and defer to Idaho Code 49-723 and 49-724. The motion was seconded by Councilperson Craig.

Discussion followed.

City Attorney Wonderlich stated that any violation of the ordinance would be an infraction and a cost of \$100.00.

Roll call vote showed Councilpersons Craig and Johnson voted in favor of the motion. Councilpersons Clow, Hall, Kezele, and Lanting voted against the motion. Failed 4 to 2.

Discussion followed on Section 8: 9-2-2: REQUIRED OBEDIENCE TO TRAFFIC CODE:

Councilperson Kezele stated that a \$100 fine is not appropriate for bicyclist parking a bike on the sidewalk.

City Attorney Wonderlich stated that all infractions are a \$100.00 fine.

MOTION:

Councilperson Lanting made an amendment to the main motion to replace the fines of all bicycle infractions to \$50.00. The motion was seconded by Councilperson Kezele.

Discussion followed:

Councilperson Johnson asked for clarification if the \$50 fine would also include reckless bicycling.

City Attorney Wonderlich stated that reckless bicycling is a misdemeanor and not an infraction.

Discussion followed.

Roll call vote showed Councilpersons Johnson, Kezele, and Lanting voted in favor of the motion. Councilpersons Clow, Craig, and Hall against the motion. Failed 3 to 3.

Deputy City Clerk Sanchez read the ordinance title.

ROLL CALL VOTE ON THE AMENDED MAIN MOTION:

Roll call vote on the main motion as amended showed all members present voted in favor of the motion. Approved 6 to 0.

Discussion followed.

Council directed staff to work with the City Attorney to bring back the question of requiring minors (16 and under) to wear helmets.

Council directed staff to work on solution opportunities on how children would be obtaining helmets.

1. Public input and/or items from the City Manager and City Council. None.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

V. ADJOURNMENT: The meeting adjourned at 6:16 P.M.

Leila A. Sanchez, Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
 November 15, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:00 P.M.
 PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: *Youth Appreciation Week 2010*

AGENDA ITEMS		Purpose	By:
I.	<u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for November 9 – 15, 2010. 2. Consideration of the November 8, 2010, Minutes. 3. Consideration of a request to accept right of way on property fronting Amazing Grace Fellowship whose address is 1061 Eastland Drive North.	Action	Staff Report Sharon Bryan Leila Sanchez
II.	<u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of the appointment of Travis Rothweiler to the position of City Manager effective April 1, 2011. 2. Public input and/or items from the City Manager and City Council.	Action	Don Hall
III.	<u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV.	<u>PUBLIC HEARINGS:</u> 6:00 P.M. – None.		
V.	<u>ADJOURNMENT:</u>		

Present: Lance Clow, Trip Craig, Lee Heider, Don Hall, David Johnson, Greg Lanting

Absent: Will Kezele

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich,
Parks & Recreation Director Dennis Bowyer, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag. Boy Scout Sam Keilman led the Pledge of Allegiance.

A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: *Youth Appreciation Week 2010*

Mayor Hall read the proclamation and presented it to Dennis Bowyer, Optimist Club.

Boy Scout Troop 9, sponsored by the LDS Stake House located on Hankins, was in attendance.

I. CONSENT CALENDAR:

1. Consideration of accounts payable for November 9 – 15, 2010, total: \$399,148.35;
Payroll total: \$106,454.37
2. Consideration of the November 8, 2010, Minutes.
3. Consideration of a request to accept right of way on property fronting Amazing Grace Fellowship whose address is 1061 Eastland Drive North.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of the appointment of Travis Rothweiler to the position of City Manager effective April 1, 2011.

Mayor Hall summarized the agenda report.

On November 1, 2010, the City Council met in an executive session to discuss the position of City Manager. While no decision can be made in an executive session, the clear consensus of the City Council was to appoint Travis Rothweiler to the position of City Manager effective April 1, 2010.

Discussion followed.

MOTION:

Councilperson Johnson made the motion to accept the recommendation of the Selection Committee and appoint Travis Rothweiler to the position of City Manager effective April 1, 2011. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

MINUTES

November 15, 2010

Page 3 of 3

Assistant City Manager Rothweiler stated that he is truly humbled to hear the words that the Council said and looks forward to the opportunity to serve as City Manager.

2. Public input and/or items from the City Manager and City Council. None.

Vice Mayor Heider stated that he has been elected to the State Senate and will relinquish his seat as Councilmember at the end of December.

At the November 22, 2010, Council meeting, the City Council will have an open discussion on how to proceed with the selection process of filling Vice Mayor Heider's seat for the remainder of his term.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None.

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

V. ADJOURNMENT: Adjourned at 5:26 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 November 22, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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 accounts payable for November 16 – 22, 2010. 2. Consideration of the November 15, 2010, Minutes.	Action	Staff Report Sharon Bryan Leila Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Update report by Dan Aters, Snake River Council, BSA, Scouting for Food. 2. To recognize the awards the Twin Falls County Youth Baseball Inc. and the Twin Falls County Youth Baseball Trust received from the Idaho Recreation & Park Association. 3. Consideration of a request to approve proposed Ordinance #2995, repealing Chapter 10 of Title 2 of the Twin Falls City Code, which provided for a BID board. 4. Consideration of a revised Final Plat for Morning Sun #8, formerly Eagle Parke Subdivision, consisting of 30.47 acres (+/-) with 91 single family residential lots and 1 tract on property located at the southwest corner of Falls Avenue East and Hankins Road (aka 3200 East), excluding the Boy Scout property. 5. The City Council will have an open discussion on how to proceed with the selection process of filling Vice Mayor Heider's seat for the remainder of his term. 6. Public input and/or items from the City Manager and City Council.	Update Presentation Action Action Discussion	Dan Aters Dennis Bowyer Melinda Anderson Mitch Humble Don Hall
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. – 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: Lance Clow, Trip Craig, Don Hall, Lee Heider, David E. Johnson, William A. Kezele, Greg Lanting via telephone.

Absent: None.

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Economic Development Director Melinda Anderson, Parks & Recreation Director Dennis Bowyer, Public Relations Coordinator Julie Pence, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag. Boy Scouts representing several troops were present at the meeting.

A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

Addition to the Consent Calendar:

Consideration of approval of an Alcohol License Application for Business Name: Entrepots & Pans DBA: Cucina Gemelli located at 653 Blue Lakes Blvd. N., Twin Falls, ID 83301, for a Beer: Bottled & Draught for consumption on premises and Wine: Wine for consumption on premises only subject to the condition of receiving a State License.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for November 16 – 22, 2010, total: \$1,531,746.31
November 22, 2010, total: \$500.00.
2. Consideration of the November 15, 2010, Minutes.

Vice Mayor Heider made the motion to approve the Consent Calendar with the following addition:

Consideration of approval of an Alcohol License Application for Business Name: Entrepots & Pans DBA: Cucina Gemelli located at 653 Blue Lakes Blvd. N., Twin Falls, ID 83301, for a Beer: Bottled & Draught for consumption on premises and Wine: Wine for consumption on premises only, subject to the condition of receiving a State License. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Update report by Dan Aters, Snake River Council, BSA, Scouting for Food.

Dan Aters and Bret Belnap, Snake River Council, BSA, thanked both Mayor Hall and Vice Mayor Heider for support given to the Scouting for Food project that was held on November 6, 2010. Dan Aters stated that 65,241 items were collected.

2. To recognize the awards the Twin Falls County Youth Baseball Inc. and the Twin Falls County Youth Baseball Trust received from the Idaho Recreation & Park Association.

Mayor Hall and Councilperson Craig presented the Idaho Recreation and Park Association (IRPA) award to Bill Merritt with the Twin Falls County Youth Baseball, Inc., and Revis Turner with the Twin Falls County Youth Baseball Trust for providing funds and labor to improve City facilities for the betterment of the community.

For a point of clarification City Manager Courtney stated that in the 34 years as City Manager, the City has not sold any plows. The City has six plows and has in excess of 400 lane miles in the community to plow. The Streets Department concentrates their efforts on arterials and collectors.

3. Consideration of a request to approve proposed Ordinance #2995, repealing Chapter 10 of Title 2 of the Twin Falls City Code, which provided for a BID board.

Economic Development Director Anderson explained the request.

On April 12, 2010, the City Council approved Ordinance #2984, disestablishing the Business Improvement District as of September 30, 2010. This is a housekeeping matter to clean up the City Code. Approval will repeal the ordinance which provided for a BID Board.

MOTION:

Councilperson Clow made the motion to suspend the rules and place Ordinance #2995, entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REPEALING CHAPTER 10 OF TITLE 2 OF THE TWIN FALLS CITY CODE, WHICH PROVIDED FOR A BID BOARD.

on third and final reading by title only. The motion was seconded by Vice Mayor Heider 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 Clow made the motion to adopt Ordinance #2995 as presented. The motion was seconded by Councilperson Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a revised Final Plat for Morning Sun #8, formerly Eagle Parke Subdivision, consisting of 30.47 acres (+/-) with 91 single family residential lots and 1 tract on property located at the southwest corner of Falls Avenue East and Hankins Road (aka 3200 East), excluding the Boy Scout property.

Community Development Director Humble reviewed the request.

Staff recommends approval of the revised final plat of Morning Sun #8, as presented, subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.
3. Subject to compliance with current subdivision development standards and current PI standards.

Discussion followed:

- The alignment of Sunshine Drive.
- Separation of the Boy Scout property from the applicant's property.
- Canal

Gerald Martens, applicant, stated that he has been working with the Boy Scouts and the City of Twin Falls in regards to the completion of Hankins and Falls. Both streets will be completed up to their full width. A fence will be constructed on the property line between the two properties at no cost to the Boy Scouts. He also stated that all canals will be piped. The Morning Sun Subdivision will be part of a homeowners association and will also carry the present landscaping theme. The pond in the corner of the property will be a storm water retention pond and a major entry feature. In the interim the lift station that was built for Morning Sun was sized to accommodate this property in anticipation that it might happen. This approval is the last contingency for the Boy Scouts for closing on the property.

Vice Mayor Heider asked if the current pressure irrigation system is adequate for the subdivision.

Gerald Martens stated that the pressure irrigation station is located along Hankins Road. There are a few more lots but there will be less green space to irrigate. A lift station will be built to size to accommodate the subdivision.

Councilperson Johnson made the motion to approve the revised Final Plat for Morning Sun #8, formerly Eagle Parke Subdivision, consisting of 30.47 acres (+/-) with 91 single family residential lots and 1 tract on property located at the southwest corner of Falls Avenue East and Hankins Road (aka 3200 East), excluding the Boy Scout property, as presented, with the following conditions:

Minutes

November 22, 2010

Page 4 of 5

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City Standards upon development of the property.
3. Subject to compliance with current subdivision development standards and current PI standards.

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

5. The City Council will have an open discussion on how to proceed with the selection process of filling Vice Mayor Heider's seat for the remainder of his term.

Mayor Hall stated that Vice Mayor/soon to be Senator Heider, was elected and will be serving in the State Legislature. Vice Mayor Heider gave his resignation on November 15, 2010, stating that he wants to concentrate his time on his new endeavors. He had the ability to serve at both capacities, but in speaking with Vice Mayor Heider, for the City's sake he wants to concentrate his time at the Senate.

Mayor Hall stated that he would like to have this advertised within the next two weeks, to have the letters of interest come to the City Council, take about a week to go through the process itself, and then make a selection so that we can have whoever this individual is be able to spend a couple of weeks attending City Council meetings, meeting with City Staff to be updated on current projects, taking tours of the City facilities, and getting to know how this municipal government works. He stated that he would like to have a selection committee consisting of himself, Councilperson Clow and Vice Mayor Heider.

The State code states that the Mayor will appoint someone to succeed with the vote of the Council.

Discussion followed.

Councilperson Clow stated that this requires an interview process, a recommendation from the Mayor to the City Council and then a council vote. He recommended that a Media Release read specifically that all applicants need to apply by a certain date, and that we expect a cover letter or a resume. Verification needs to be made that applicants meet all qualifications.

For clarification City Attorney Wonderlich stated that the applicant is required to be a qualified elector at the time a letter of interest and/or resume is received.

Assistant City Manager Rothweiler will have the following placed in the Times News on Sunday, November 28, 2010, and Wednesday, December 1, 2010:

The City of Twin Falls is encouraging interested citizens who want to serve as a member of the Twin Falls City Council to submit a detailed letter of interest to Mayor Don Hall on or before December 3rd.

To be considered, candidates must be a "qualified elector," which means any person, who is eighteen (18) years of age, is a United States citizen and who has resided in the city at least thirty (30) days.

All letters must be received by Friday, December 3, 2010 at the close of business, 5:00 p.m. A list of all applicants will be presented to the public on December 6th. Interviews will take place the week of December 13th, with full Council consideration scheduled to occur on December 20th. The person selected to fill the balance of the four-year term will be sworn in on January 3, 2011.

Letters of interest should be addressed to Mayor Don Hall and sent to PO Box 1907, Twin Falls, Idaho 83303-1907 or lsanchez@tfd.org. If you need additional information, please call City Hall at 735-7271.

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

Minutes

November 22, 2010

Page 5 of 5

Julie Ruf, 2849 Rock Creek Road, recommended that the City of Twin Falls consider adopting an ordinance pertaining to an aesthetics standard to be applied to buildings.

The City Council discussed the possibility of drafting standards. The Mayor tabled the discussion so the City Council could consider the issue before making a decision on whether or not to proceed with an ordinance amendment.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Assistant City Manager Rothweiler stated that the helmet issue will be presented at the December 13, 2010, Council Meeting.

Sam Rasmussen, Chairman of the Twin Falls Youth Council, stated that the Council is looking for dirt for the BMX Park. You may contact Leila Sanchez at (208) 735-7287.

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

V. ADJOURNMENT: 6:16 p. m.

Leila A. Sanchez
Deputy City Clerk, Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
 December 6, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: **4:30 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 accounts payable for November 23–December 6, 2010, total: \$47,996.45. November 24, 2010, total: \$106,305.09 December 1, 2010, Fire Payroll, total: \$47,996.45. 2. Consideration of the November 22, 2010, Minutes.		Action	Staff Report Sharon Bryan Leila Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. The Twin Falls Police Department wishes to provide a demonstration on the E-Ticket system. 2. Consideration of an Airport Grant Offer from ITD, Division of Aeronautics, in the amount of \$20,000. <i>Proposed Resolution 1859.</i> 3. Discussion regarding the final disposition of funds in the Business Improvement District Account. 4. Council announces candidates applying to serve on the Twin Falls City Council. 5. Public input and/or items from the City Manager and City Council.		Demonstration Action Discussion	Dennis Pullin Bill Carberry Tom Courtney
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>			
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. 1. Request for a Zoning Title Amendment which would allow the modification of Twin Falls City Code; Title 10; Chapter 2; Section 1 by adding a definition for "ZIP LINE," and by adding a land use to Title 10; Chapter 4; Section 11.2(B)8 providing for a "ZIP LINE" by Special Use Permit, <i>c/o Jolinda Tatum on behalf of Magic Valley Flight Stimulation, LLC (app.2339)</i> 2. Request for a Zoning Title Amendment which would amend Twin Falls City Code 10-11-1 by adding an allowance for a deferral of improvements in cases of exceptional hardship upon approval by the City Council, <i>c/o City of Twin Falls (app.2398). Proposed Ordinance 2996.</i>			Mitch Humble Mitch Humble
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: Lance Clow, Trip Craig, Don Hall, Lee Heider, Dave Johnson, Will Kezele (arrived at 5:39 P.M), Greg Lanting

Absent: None.

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Economic Development Director Melinda Anderson, Staff Sergeant Dennis Pullin, Senior Traffic Officer J.P. O'Donnell, Captain Brian Pike, Staff Sergeant Dan McAtee, Information Services Level II Tech Dee Davidson, Airport Manager Bill Carberry, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Hall called the meeting to order at 4:30 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. Mayor Hall led the Pledge of Allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.
PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for November 23–December 6, 2010, total: \$47,996.45.
November 24, 2010, total: \$106,305.09
December 1, 2010, Fire Payroll, total: \$47,996.45.
January 6, 2010, \$5,119.18.
2. Consideration of the November 22, 2010, Minutes.

MOTION:

Vice Mayor Heider made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. The Twin Falls Police Department wishes to provide a demonstration on the E-Ticket system.

Senior Traffic Officer J.P. O'Donnell and Information Services Level II Tech Dee Davidson gave a PowerPoint presentation on electronic ticketing.

2. Consideration of an Airport Grant Offer from ITD, Division of Aeronautics, in the amount of \$20,000. Proposed Resolution 1859.

Airport Manager Carberry reviewed the request.

Staff recommends acceptance of the Idaho Transportation Department's Division of Aeronautics Grant Offer in the amount of \$230,000. The Council will need to ratify both the Grant Agreement and the City Resolution, authorizing the Mayor to sign.

Discussion followed.

MOTION:

Vice Mayor Heider made a motion to approve the Grant Agreement authorizing the Mayor to sign the Grant Offer and adopted Resolution #1859, accepting the Grant Offer. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Discussion regarding the final disposition of funds in the Business Improvement District Account.

City Manager Courtney reviewed the request.

Staff has no recommendation on this agenda item.

A letter from Curtis Eaton was placed on overhead projection and placed into the record.

Discussion followed:

Councilperson Lanting stated that his concern is that if approximately \$50,000 was collected for improvements to the parking lots from parking fees and not from BID dues, then the City should make improvements to the parking lots or into parking downtown. He would like to see the money spent on the parking lots if improvements are needed.

City Manager Courtney stated that as of right now the City is collecting enough money to pay for parking enforcement. Currently there is not enough money to pay for improvements of the parking lots.

Councilperson Craig stated that if the money was collected from lease spaces and parking meters, he would assume that money would have to be used in that capacity.

City Manager Courtney stated that once the City took over the BID two and one-half years ago, the City kept precise records of incoming money. Prior to that time it is difficult to determine the source of the funds.

Mayor Hall asked how much maintenance the City has put back into the parking and parking lots in the past ten years.

Councilperson Craig asked if the City did a parking lot assessment for Urban Renewal.

Economic Development Director Anderson stated that the BID hired and helped pay for the one day visit by a parking expert in 2008.

Councilperson Craig stated that if the collected money was specifically for parking lot improvements and improvements to parking meters, the money should be delegated parking improvements. He asked staff how much did the City collect the past two and one-half years. He asked if the amount could be taken out of the \$50,000 since the City has the exact number of what was collected and if that money could be put toward parking expenses. As City Manager Courtney stated the money the

City currently has right now will only cover a parking enforcement officer and would not include parking meter improvements and parking lot improvements.

Assistant City Manager Rothweiler stated that in looking at the 2010 budget, the City believed it was going to collect approximately \$72,000 in total parking revenues. The breakdown is as follows: \$32,000 for parking meters, \$32,000 for leased space parking, and \$3,000 for miscellaneous funds that would be collected over the course of the year. The expenses associated with the 2010 budget are approximately \$55,000. \$72,000 is directly related to employee expenses which would be a combination of salary and benefits. \$4,800 was used for operation supplies, and a miscellaneous portion of \$12,000, in capital improvements, to replace a portion of the meters in a phased cycle, which was not spent.

Councilperson Clow stated that since the City has taken over the parking, all parking revenue has been placed in a separate account. The \$50,000 being discussed now was in the BID prior to the City taking it over.

Councilperson Clow stated that when the City said deferment of parking improvements, this could be anywhere in BID where revenues were generated. This would include new meters, repairing meters, and replacing landscaping around the areas. This did not necessarily mean improvements to parking lots. For clarification the \$50,000 was not specifically designated for improvements only to the parking lots.

Assistant City Manager Rothweiler stated that the Committee's report had three elements: The first was to dedicate \$13,000 to cover the two years of Christmas spray expenses based upon the pledges made at the onset. The second was to dedicate \$50,000 to deferred parking lot improvements, and the third was to dedicate the balance of approximately \$31,028.37 to a fund that would be used in a matching grant program for installation and repair of new sidewalks, to help with landscaping, etc., for downtown.

Councilperson Craig asked who would be the administrator of the funds. Mayor Hall stated that he would assume it would be the City because there is no other entity.

City Manager Courtney stated that the committee that worked on the recommendations did not have that discussion, but believes that it would have to be the City. His recommendation is that ultimately before any monies are disbursed or spent that the Council approve them so that there is not only a process of applying for funds through staff but ultimately Council will approve the expenditure before it is made.

Councilperson Clow stated that any former BID member, anyone downtown and anyone that has a right of way type of public improvement can apply for the funds. He suggested that perhaps Urban Renewal could be the administrator of disbursing funds. Just assuming that the City has \$80,000, Urban Renewal would put in \$80,000, and the applicant would put in \$80,000. There would be a total of \$240,000 for improvements to be used for downtown. He also suggested setting a time period to receive applications and to determine how much money is available.

Mayor Hall asked if there has been discussion with Urban Renewal regarding the possibility of taking on the responsibility of disbursing funds.

Economic Development Director Anderson stated that the Urban Renewal Agency has for a number of years had a process in place where the agency would review projects brought to it by downtown property owners for reimbursement for improvements that would raise the taxable value of their property. The next Urban Renewal Board meeting will be held on December 13, 2010, which could be presented to them at that time.

Vice Mayor Heider suggested that the City could also be involved in the matching fund process for improvements of the City parking lots. This would resolve the issue of where the \$50,000 came from.

Councilperson Craig asked for clarification of what the Urban Renewal Agency can and cannot put money towards in order to comply with State Code and State Law.

Economic Development Director Anderson stated that the Idaho Statute is clear on how the Urban Renewal Agency can spend its funds. Primarily it would be areas that would be in the public sectors such as roads, sewer, water, sidewalks, landscaping, lighting, and parking.

Councilperson Johnson stated that he would not recommend the City as an entity competing for the matching fund money. He stated that he would like to see the money go to the former BID and downtown property owners for infrastructure improvements, excluding improvements to the parking lots.

Mayor Hall stated at the November 17, 2010, meeting the former BID members stated that they would like to see their obligations covered for the Christmas lights. He would like to see the money utilized for properties downtown, including parking lots, etc. He suggested having a timetable for the disbursement of money.

Councilperson Craig asked approximately how much was collected, minus fines and tickets, for leases the past two years.

Vice Mayor Heider asked if a year is adequate to have the money allocated or if it should be a longer period of time. Councilperson Johnson suggested that a year to 18 months

Councilperson Craig stated that Travis Rothweiler's testimony stated that there was basically \$33,000 for leased spaces, \$35,000 for parking, \$30,000 for leased spaces, and \$30,00 for parking, which would be \$60,000 received for a one year's time and an average of \$120,000 in two years time collected, knowing that parking was probably less than that during the recession. He suggested that the City take some kind of formula of what has been collected the past two years and take the monies and apply it to the \$50,000, and whatever is left over to put that money in a fund towards matching funds for improvements. He also asked why there has to be a time frame at all on the funds to be disbursed.

Assistant City Manager Rothweiler stated that based upon the 2009 audited statements the total parking revenues collected was \$67,619.

Vice Mayor Heider suggested a two year time frame.

Councilperson Lanting stated that \$55,000 went out for labor costs and costs directly related to enforcement and the money collected is \$67,000 to \$70,000 the last few years, so there would be \$10,000 to \$15,000 in additional funds that could go towards the parking lots. He stated his concern of the big free parking lots that are located behind the southwest of the main part of downtown, parking lots located around the Hansen Street building, and other lots that are leased. He asked where the funding is coming from to make repairs in those areas or replace the parking lots for the upkeep on the lots.

City Manager Courtney stated the money comes out of the Street Fund.

MOTION:

Councilperson Johnson made the motion that the City pays any remaining obligations to the district including costs relating to Christmas spray decorations: two years of maintenance, storage and hanging/taking down decorations which are estimated costs of \$13,000 from the BID fund. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Discussion followed:

Councilperson Clow suggested that the City take the balance of the fund of \$80,000 and basically write out a check to the Urban Renewal Agency and give them instructions of how the money could be used, such as for improvements on BID right of way or properties in the original BID and not anywhere near the Urban Renewal, which are two different boundaries. Establish guidelines that the matching funds can be used for property owners in the BID, applications to be received within one year, and complete their projects within two years; after two years if any monies are left stays in Urban Renewal for projects in that same area, and then it shall become the Urban Renewals Agency discretion as to how they would spend the money in that area.

City Attorney Wonderlich stated that all the State Code says on the disposition of assets on the disestablishment of the BID is that those funds shall be subject to disposition as the legislative authority shall determine.

Councilperson Craig asked City Attorney Wonderlich if the Urban Renewal Agency can manage money that is outside the Urban Renewal Agency boundaries.

City Attorney Wonderlich stated that he did not think the Urban Renewal Agency should be spending money out of the Urban Renewal area.

Councilperson Clow stated for clarification that the BID is within the boundary of the Urban Renewal Agency.

Councilperson Kezele took his seat at 5:39 P.M.

MOTION:

Councilperson Clow made the motion that the balance remaining in the BID account for clarification, less the \$13,000 for Christmas sprays, is to be transferred to the Urban Renewal Agency with specific guidelines towards expenditures, with the first guideline that it is to be used for matching money for projects submitted by BID property owners within the first year. Also, that

those projects must be completed and under construction and the money must be spent by the end of two years and any remaining funds at the end of two years would remain in the URA to be expended on projects within the BID boundary. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion.

AMENDMENT TO THE MOTION: (1)

Councilperson Craig made an amendment to the motion that the \$13,000 be subtracted from the original \$95,096.56, minus the \$50,000 out of that to begin with, which is \$45,096.56, minus the \$13,000 for the two years for maintenance, storage and hanging/taking down decorations for the BID. The total comes to \$32,096.56. The motion was seconded by Councilperson Lanting.

Discussion followed:

Councilperson Johnson asked for clarification as to what the \$50,000 is designated for, or is it just subtracting the \$50,000 for disbursement.

Councilperson Craig stated that his intent for the \$50,000 is to take it out and apply it towards the parking or the meters or the employment of a parking meter officer that benefits downtown.

Roll call vote showed Councilpersons Craig and Lanting voted in favor of the motion. Councilpersons Clow, Hall, Heider, Johnson voted against the motion. Councilperson Kezele abstained from voting. Failed 4 to 2.

Discussion followed:

Mayor Hall stated that if the main motion is passed that Council will direct that that Economic Development Director Anderson take the proposal to the URA for approval.

Councilperson Clow stated for clarification that the intent of his motion is the assumption that URA would accept the funds.

AMENDMENT TO THE MOTION: (2)

Councilperson Lanting made an amendment to the motion that the City of Twin Falls can also apply for the matching grant. The motion was seconded by Councilperson Clow.

Discussion followed.

Councilperson Lanting withdrew the motion and was seconded by Councilperson Clow.

Roll Call vote on the main Motion:

Roll call vote on the original motion showed Councilpersons Clow, Hall, Heider, Johnson and Lanting voted in favor of the motion. Councilperson Craig voted against the motion. Councilperson Kezele abstained from voting. Approved 5 to 1.

4. Council announces candidates applying to serve on the Twin Falls City Council.

The following candidates were announced:
Stacy Madsen

Joanna Ehrmantraut

John L. Ellis
Christine Hernandez
Erik Andersen
Chris Talkington
Kevin Cope
Jim O'Donnell
Jim Schouten
Chuck Sharp
Sherry Olsen-Frank
Jeff Gooding
Gale Kleinkopf

Mike D. Parke
Wayne Bohrn
Tom Mikesell
Sandy Hacking
Rebecca Mills Sojka
Margaret Joan Brawley
Dr. Samuel H. Barker D.C.
Robert Tim Miller
K. Cheri Wiggins, M.D.
Randy Carpenter
Mike Mathews

“A special meeting of the City Council will be held on Thursday, December 9, 2010, at 3:00 P.M. to review candidates applying to serve on the Twin Falls City Council.”

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

Recess at 5:55 P.M.
Reconvened at 6:04 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M.

1. Request for a Zoning Title Amendment which would allow the modification of Twin Falls City Code; Title 10; Chapter 2; Section 1 by adding a definition for “ZIP LINE,” and by adding a land use to Title 10; Chapter 4; Section 11.2(B)8 providing for a “ZIP LINE” by Special Use Permit, c/o Jolinda Tatum on behalf of Magic Valley Flight Simulation, LLC (app.2339)

Jolinda Tatum spoke on behalf of Magic Valley Flight Simulation. She explained the request using overhead projections. For the record she stated that she collected 565 signatures in favor of the request and she submitted an additional 146 signature list in favor of the request.

Community Development Director Humble stated that the request is for a Zoning Title Amendment to amend City Code; Title 10; Chapter 2; Section 1 by adding a definition for “ZIP Line,” and by adding a land use to Title 10; Chapter 4; Section 11.2(B)8 by providing for a “ZIP LINE” by Special Use Permit in the Open Space Zone.

For the first part, the applicant is asking to add a land use definition to City Code 10-2-1; Definitions by adding the definition of a Zip Line as follows:

Zip Line: An aerial trail system providing recreation and education activity that preserves and protects the natural environment and habitat by enabling people to transverse terrain by means of cable and trolley.

The second part of the request the applicant is proposing is an amendment to City Code 10-4-11.2(B) 8 which would add Zip Lines to the Sports Facilities classification of land uses that require a Special Use Permit.

On November 9, 2010, the Planning and Zoning Commission expressed concerns with the wording of the definition and they discussed whether or not limiting the area that could be allowed by special use permit should be considered.

Upon conclusion the Commission recommended approval of the request as presented by a vote of five (5) for and two (2) against.

Approval of this amendment would not permit zip line activity along the Snake River Canyon Rim or the Rock Creek Canyon Rim or within the Canyon Rim Overlay.

A letter from Robert E. Williams, Williams, Meservy & Lothspeich, LLP, was received and shown on overhead projection.

Discussion followed:
-Special Use Permit Process

City Attorney Wonderlich stated that an applicant would have to go through the Special Use Permit process.

City Attorney Wonderlich explained the definition of a zip line.

Jolinda Tatum stated for clarification that the zip line is not motorized but is manual.

The public portion of the hearing was opened.

Deck Waters, 3168 Highlawn Drive, recommended that "educational" be dropped from the proposed definition of a zip line.

Wayne Bohrn, 1406 Spurlock Ct., spoke in favor of the request.

Charles Legg, 1431 Kimberly Road, spoke in favor of the request.

David Mead, 2046 Hillcrest Drive, spoke against the request.

Jerry Beck, 699 Riverview Drive, asked why the zip line could be limited to private land.

Ronald Rogers, 659 Riverview Drive, stated that he would reserve his comments at this time.

Scott Record, 255 Blue Lakes Blvd. N. spoke in favor of the request.

Shawn Barigar, 898 Morning Sun Drive, CEO Chamber of Commerce, spoke in favor of the request.

Wayne Tousley, 226 Southwood Avenue, spoke in favor of the request.

John Greene, 537 3rd Avenue East, spoke in favor of the request.

Dan Fairbanks, 452 4th Avenue East, spoke in favor of the request

Bill Knopp 3452 E 4000 North, spoke in favor of the request.

Darin Fairbanks, 1176 Cortez Loop, spoke in favor of the request.

Lander Moody, 810 Sunrise Blvd., spoke in favor of the request.

David McCollum, 199 Canyon Springs Road, spoke in favor of the request.

Barry Knoblich, 1174 Skyline Drive, spoke in favor of the request

Rusty Satterwhite, 648 Wirshing Avenue, spoke in favor of the request

Barbara Beck, 699 Riverview Drive, asked for clarification of the terminology of open space.

Assistant City Manager Rothweiler gave the definition of O/S.

Randy Perrine, 2436 Dorm Drive, spoke in favor of the motion.

Skyler Hills, 3260 N 3450 E, spoke in favor of the request.

Scott King, 741 Benjamin Avenue, spoke in favor of the request.

Mason Pherigo 788 O'Leary Way, spoke in favor of the request.

Rebuttal:

Jolinda Tatum stated that the zip line would be educational. Currently she is working with David McCollum to have the zip line on private property.

Council Discussion followed:

-Proposed zip line definition from the applicant.

Jolinda Tatum stated that she used Webster's Dictionary for the definition of a zip line. She stated that traffic and noise from the customers would be minimal.

Councilperson Johnson asked for clarification if the request for a zip line was for public lands.

City Attorney Wonderlich stated that if there is a proposal for a zip line on public lands the applicant would be required to go through the special use permit process.

Community Development Director Humble stated that the C-1 zone allows an amusement park. The request would be required to go through a special use permit.

Councilperson Clow asked if language could be added to address licensing.

Jolinda Tatum stated that zip lines are operated by outfitters and guides licensed by Idaho Outfitters and Guides Licensing Board.

Councilperson Craig stated that he would like to see set standards and regulations on zip lines.

City Attorney Wonderlich stated that without an actual application it would be impossible to address potential issues.

For clarification Jolinda Tatum stated that the zip line runs on an electrical motor.

The public portion of the hearing is closed.

Deliberations.

MOTION:

Councilperson Clow made a motion approve the request for a Zoning Title Amendment which would allow the modification of Twin Falls City Code; Title 10; Chapter 2; Section 1 by adding a definition for "ZIP LINE," and by adding a land use to Title 10; Chapter 4; Section 11.2(B)8 providing for a "ZIP LINE" by Special Use Permit, c/o Jolinda Tatum on behalf of Magic Valley Flight Simulation, LLC (app.2339) as originally submitted by the applicant and in addition of the following: "Zip lines operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board." The motion was seconded by Councilperson Heider and roll call vote showed all members present voted in favor of the motion. Approved.

City Attorney Wonderlich will bring back an ordinance with the following changes:

Section 1: That Twin Falls City Code §10-2-1 is amended by the addition of a definition for "Zip Line" as follows:

"10-2-1: DEFINITIONS: ...

ZIP LINE: An aerial trail system providing recreation and education activity that preserves and protects the natural environment and habitat by enabling people to transverse terrain by means of cable and trolley."

Section 2: That Twin Falls City Code §10-4-11.2(B)(8) is amended by adding Zip Lines as a special use in the OS Open Space Zone:

"10-4-11.2: USE REGULATIONS: ...

(B) Special Uses: ...

8. Sports Facilities: ...

i. Zip Lines operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board."

Recess: 7:59 P.M.

Reconvened 8:02 P.M.

1. Request for a Zoning Title Amendment which would amend Twin Falls City Code 10-11-1 by adding an allowance for a deferral of improvements in cases of exceptional hardship upon approval by the City Council, c/o City of Twin Falls (app.2398). Proposed Ordinance 2996.

Community Development Director Humble reviewed the request. The request is to add verbiage that would allow the City Council to "defer" the construction of required improvements in cases of

“exceptional hardship” and by deleting the word “public,” thereby allowing for deferrals to be granted for private as well as public improvements.

On November 9, 2010, the Planning & Zoning Commission unanimously recommended approval of the zoning title amended as presented.

Discussion followed.

Community Development Director Humble stated that currently the paving of private parking and maneuvering areas may be deferred by the City Council but are required to be completed within three (3) years with some portion of the work being completed in each of the three (3) years. The Engineering Department has a current list of all deferrals.

Opened and closed the public hearing without any input.

Councilperson Lanting made the motion to suspend the rules and place Ordinance 2996, entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO,
AMENDING TWIN FALLS CITY CODE §10-11-1.

on third and final reading by title only. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Passed 7 to 0.

Deputy City Clerk Sanchez read the ordinance title.

MOTION:

Councilperson Lanting made the motion to adopt Ordinance 2996, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

IV. ADJOURNMENT: The meeting adjourned at 8:13 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



MINUTES
 Meeting of the Twin Falls City Council
 December 13, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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. CONSENT CALENDAR: Consideration of accounts payable for December 7 – 13, 2010, total: \$2,191,695.48. Consideration of the December 06, 2010, Minutes.	Action	Staff Report Sharon Bryan Leila Sanchez
II. ITEMS FOR CONSIDERATION: <ol style="list-style-type: none"> Consideration of a request to review a bicycle helmet ordinance. <i>Proposed Ordinance 2997.</i> Consideration of the annual impact fee report from the Development Impact Fee Advisory Committee, including a resolution waiving the inflation adjustment for the 2011 impact fee rates. <i>Proposed Resolution 1860.</i> Consideration of the extension of the approval of the Shoshone Heights PUD Subdivision, <u>No. 1</u>, Final Plat, consisting of 21.03 (+/-) acres with 19 single family residential lots located on the east side of the 1500-1900 block of Hankins Road North and South of the Snake River Canyon within the City's Area of Impact, <u>c/o Renaissance Project Development, LLC/Mark Thayne.</u> Consideration of the extension of the approval of the Shoshone Heights PUD Subdivision, <u>No. 2</u>, Final Plat, consisting of 11.87 (+/-) acres with 11 single family residential lots located on the east side of the 1500-1900 block of Hankins Road North and South of the Snake River Canyon within the City's Area of Impact, <u>c/o Renaissance Project Development, LLC/Mark Thayne.</u> Consideration of adoption of the following ordinance: Request for a Zoning Title Amendment which would allow the modification of Twin Falls City Code; Title 10; Chapter 2; Section 1 by adding a definition for "Zip Line," and by adding a land use to Title 10; Chapter 4; Section 11.2(B)8 providing for a "Zip Line" by Special Use Permit, <u>c/o Jolinda Tatum o behalf of Magic Valley Flight simulation, LLC (app.2339) Proposed Ordinance 2998.</u> Public input and/or items from the City Manager and City Council. 	Action Action Action Action Action	Dennis Bowyer Mitch Humble Mitch Humble Mitch Humble Mitch Humble
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 P.M. <ol style="list-style-type: none"> Request for the vacation of a portion of undeveloped right-of-way, aka Willow Street, located on the west side of the 150-200 block of Grandview Drive, <u>c/o Lee Harmon on behalf of Triple C Concrete, Jeff Coats, KC and Tess Belieu, and Lee and Diane Harmon. (app.2403)</u> Request for a Zoning District Change and Zoning Map Amendment from R-4 to M-2 for 6.6 (+/-) acres located at 202 Grandview Drive, <u>c/o Jeff Coats on behalf of Triple C Concrete. (app.2404)</u> Request for a Zoning Title Amendment that would amend Twin Falls City Code by adding a new City Code Section 10-4-23: Residential Business District, <u>c/o City of Twin Falls. (app.2400)</u> 	Action Action Action	Mitch Humble Mitch Humble Mitch Humble

V. <u>ADJOURNMENT:</u>		
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Present: Lance Clow, Trip Craig, Don Hall, Lee Heider, Dave Johnson, Will Kezele, Greg Lanting

Absent: None.

Staff Present: City Manager Tom Courtney, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Zoning & Development Manager Renee Carraway, Parks & Recreation Director Dennis Bowyer, Staff Sergeant Dennis Pullin, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. Mayor Hall led the Pledge of Allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

Removal: Consideration of the December 6, 2010, Minutes.

Addition: Alcohol License Application for Mezamie, Inc., DBA The Historic Ballroom, located at 122 2nd Avenue North. (Beer and Wine)

Councilperson Lanting made a motion to amend the agenda as presented. The motion was seconded by Vice Mayor Heider 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 accounts payable for December 7 – 13, 2010, total: \$2,191,695.48.
2. Consideration of the December 6, 2010, Minutes.

Councilperson Lanting made the motion to approve the Consent Calendar with the removal of the December 6, 2010, Minutes and the addition of an Alcohol License Application for Mezamie, Inc., DBA The Historic Ballroom, located at 122 2nd Avenue North. (Beer and Wine)

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to review a bicycle helmet ordinance. Proposed Ordinance 2997.

Parks & Recreation Director Bowyer reviewed the request. On November 8, 2010, the City Council directed staff to prepare an ordinance requiring bicycle helmets for children. The Council also directed staff to research and present options for children of the community to receive helmets at little or no cost. Page Geske with Safe Kids can purchase Bell helmets at a cost of \$7.75 per helmet. Page has contacted several companies for possible grants to help purchase helmets. At this time she has not been able to secure any grants.

Councilperson Johnson and members of the Council agreed education is an important element in keeping children safe.

Staff Sergeant Pullin stated that the Police Department offers bike safety rodeos for groups that request them. Helmets are provided to those who do not have a helmet.

MOTION:

Councilperson Clow made the motion to suspend the rules and place Ordinance 2997, entitled: AN ORDINANCE OF THE CITY COUNCIL OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE BY ENACTING NEW §9-2-24. REQUIRING BICYCLE HELMETS FOR CHILDREN UNDER SIXTEEN,

on third and final reading by title only. The motion was seconded by Vice Mayor Heider and roll call vote showed Councilpersons Clow Johnson, and Lanting voted in favor of the motion. Councilperson Craig, Hall, Heider, and Kezele voted against the motion. Failed 3 to 4.

Discussion followed.

Page Geske, Magic Valley Safe Kids, explained that she has applied for a grant through the Department of Transportation for \$5,000, in which the funds could be used for education. She stated that she would be applying for other grants in the future.

Councilperson Kezele stated that he would donate \$1,000 to go towards helmets.

Kevin Dane would like to know if the cost issue was the reason the ordinance was not passed.

2. Consideration of the annual impact fee report from the Development Impact Fee Advisory Committee, including a resolution waiving the inflation adjustment for the 2011 impact fee rates. Proposed Resolution 1860.

Community Development Director Humble reviewed the request. Staff recommends that the Council review the Development Fee Advisory Committee's annual report. The Committee recommends that the Council adopt a resolution waiving the automatic inflation adjusts for 2011.

Extensive discussion followed on the purchasing of right of way.

MOTION:

Councilperson Johnson made the motion to adopt Resolution 1860, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, WAIVING THE AUTOMATIC ANNUAL INFLATION ADJUSTMENT FOR IMPACT FEES FOR 2011. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion.

Discussion followed:

City Manager Courtney explained the municipal cost index.

3. Consideration of the extension of the approval of the Shoshone Heights PUD Subdivision, No. 1, Final Plat, consisting of 21.03 (+/-) acres with 19 single family residential lots located on the east side of the 1500-1900 block of Hankins Road North and South of the Snake River Canyon within the City's Area of Impact, c/o Renaissance Project Development, LLC/Mark Thayne.

Community Development Director Humble explained the request. Staff recommends the City Council recommend approval of a one-year extension of the filing requirement on the final plat for Shoshone Heights PUD Subdivision, No. 1, as presented, subject to the original 9 conditions. If approved as presented the extension will expire on December 18, 2011.

Councilperson Lanting made the motion to approve the extension of the approval of the Shoshone Heights PUD Subdivision, No. 1, Final Plat, consisting of 21.03 (+/-) acres with 19 single family residential lots located on the east side of the 1500-1900 block of Hankins Road North and South of the Snake River Canyon within the City's Area of Impact, c/o Renaissance Project Development, LLC/Mark Thayne, as presented, with the following 9 conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code Requirements and Standards, including correction of plat notes.
2. Subject to the requirements of Code Section 10-12-3.11 Park and Storm Water Retention/Detention being met.
3. Subject to the portion of the canyon rim trail included in the trade agreement being developed by the developer at such point in time when residential development adjacent to that portion of the canyon rim trail is being developed.
4. Subject to the City's gun range access being maintained perpetually throughout development of phases.
5. Subject to the resolution of any railroad easements on the property being removed.
6. Recording of the plat is subject to the execution of the Land Trade.
7. Subject to the neighborhood CCR's reflecting State landscaping requirements for individual well irrigation.
8. Subject to a Nuisance Waiver for the City's gun range being recorded with the sale of each lot.
9. Subject to Meadow Ridge Lane not being constructed east of Deer Haven Court without a letter from the Meadow Ridge Subdivision authorizing the developer to connect to Meadow Ridge Lane within the Meadow Ridge Subdivision.

The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0. This request will automatically go to the County Commissioners for final approval.

4. Consideration of the extension of the approval of the Shoshone Heights PUD Subdivision, No. 2, Final Plat, consisting of 11.87 (+/-) acres with 11 single family residential lots located on the east side of the 1500-1900 block of Hankins Road North and South of the Snake River Canyon within the City's Area of Impact, c/o Renaissance Project Development, LLC/Mark Thayne.

Community Development Director Humble reviewed the request.

Staff recommends the City Council recommend approval of a one-year extension of the filing requirement on the final plat for Shoshone Heights PUD Subdivision, No. 2, as presented, subject to the original 9 conditions.

MOTION:

Councilperson Johnson made the motion to approve the extension of the approval of the Shoshone Heights PUD Subdivision, No. 2, Final Plat, consisting of 11.87 (+/-) acres with 11 single family residential lots located on the east side of the 1500-1900 block of Hankins Road North and South of the Snake River Canyon within the City's Area of Impact, c/o Renaissance Project Development, LLC/Mark Thayne as presented subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code Requirements and Standards, including correction of plat notes.
2. Subject to the requirements of Code Section 10-12-3.11 Park and Storm Water Retention/Detention being met.
3. Subject to the portion of the canyon rim trail included in the trade agreement being developed by the developer at such point in time when residential development adjacent to that portion of the canyon rim trail is being developed.
4. Subject to the City's gun range access being maintained perpetually throughout development of phases.
5. Subject to the resolution of any railroad easements on the property being removed.
6. Recording of the plat is subject to the execution of the Land Trade.
7. Subject to the neighborhood CCR's reflecting State landscaping requirements for individual well irrigation.
8. Subject to a Nuisance Waiver for the City's gun range being recorded with the sale of each lot.
9. Subject to Meadow Ridge Lane not being constructed east of Deer Haven Court without a letter from the Meadow Ridge Subdivision authorizing the developer to connect to Meadow Ridge Lane within the Meadow Ridge Subdivision.

The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0. This request will automatically go to the County Commissioners for final approval.

5. Consideration of adoption of the following ordinance:

Request for a Zoning Title Amendment which would allow the modification of Twin Falls City Code; Title 10; Chapter 2; Section 1 by adding a definition for "Zip Line," and by adding a land use to Title 10; Chapter 4; Section 11.2(B) 8 providing for a "Zip Line" by Special Use Permit, c/o Jolinda Tatum on behalf of Magic Valley Flight Simulation, LLC (app.2339) Proposed Ordinance 2997.

Community Development Director Humble reviewed the request.

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinance #2997, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §§10-2-1 AND 10-4-11.2(B)(8) BY ADDING ZIP LINES AS SPECIAL USES WITHIN THE OS OPEN SPACE ZONE.

on third and final reading by title only. The motion was seconded by Vice Mayor Heider and roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Sanchez read the ordinance title.

MOTION:

Councilperson Johnson made the motion to adopt Ordinance #2997 as presented. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Recess at 6:24 P.M.

Reconvened at 6:31 P.M.

IV. PUBLIC HEARINGS: 6:00 P.M.

1. Request for the vacation of a portion of undeveloped right-of-way, aka Willow Street, located on the west side of the 150-200 block of Grandview Drive, c/o Lee Harmon on behalf of Triple C Concrete, Jeff Coats, KC and Tess Belieu, and Lee and Diane Harmon. (app.2403)

Lee Harmon, the applicant, explained the request using overhead projections.

Zoning and Development Manager Carraway reviewed the request. On November 23, 2010, the Commission recommended approval of the request, as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to an Idaho Power easement per conditions of Idaho Power letter dated December 7, 2009:
 - a) Easement to be a minimum width of twenty feet (20') to ensure the continued installation of new facilities and the operation, maintenance, repair, alteration, inspection and/or replacement of existing facilities.
 - b) Incorporate a legal description written by a surveyor licensed in the State of Idaho;
 - c) Include a perpetual right of ingress and egress as necessary for the full and complete use, occupation, and enjoyment of the easement reserved; and
 - d) Preserve Idaho Power's right, at the landowner's expense to cut, trim, remove trees, brush, bushes, sod, flowers, shrubbery, overhanging branches and other obstructions and improvements which may inure or interfere with Idaho Power's use, occupation, or enjoyment of the easements.
3. Subject to vacation of Willow Street not extending more than forty-six feet (46') from the centerline of Grandview Drive.

The public hearing was opened:

Ray Reynolds, 234 Grandview Drive, stated his concern of sound, dust, and eyesore.

The public testimony of the hearing was closed.

Discussion followed.

The public portion of the hearing was reopened.

Lee Harmon gave further explanation of his request.

Closed the public input portion of the hearing.

MOTION:

Councilperson Craig made the motion to approve the vacation of a portion of undeveloped right-of-way, aka Willow Street, located on the west side of the 150-200 block of Grandview Drive, c/o Lee Harmon on behalf of Triple C Concrete, Jeff Coats, KC and Tess Belieu, and Lee and Diane Harmon. (app.2403), as presented, with the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to an Idaho Power easement per conditions of Idaho Power letter dated December 7, 2009:
 - a) Easement to be a minimum width of twenty feet (20') to ensure the continued installation of new facilities and the operation, maintenance, repair, alteration, inspection and/or replacement of existing facilities.
 - b) Incorporate a legal description written by a surveyor licensed in the State of Idaho;
 - c) Include a perpetual right of ingress and egress as necessary for the full and complete use, occupation, and enjoyment of the easement reserved; and
 - d) Preserve Idaho Power's right, at the landowner's expense to cut, trim, remove trees, brush, bushes, sod, flowers, shrubbery, overhanging branches and other obstructions and improvements which may inure or interfere with Idaho Power's use, occupation, or enjoyment of the easements.
3. Subject to vacation of Willow Street not extending more than forty-six feet (46') from the centerline of Grandview Drive.

The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0. This request will automatically be scheduled for a public hearing before the County Commissioners for final approval.

2. Request for a Zoning District Change and Zoning Map Amendment from R-4 to M-2 for 6.6 (+/-) acres located at 202 Grandview Drive, c/o Jeff Coats on behalf of Triple C Concrete. (app.2404)

The applicant was not present.

Zoning and Development Manager Carraway reviewed the request. On November 23, 2010, the Commission unanimously recommended approval of the request, as presented.

Discussion followed:

Councilperson Lanting asked if screening or fencing could be required as part of the rezone.

City Attorney Wonderlich stated that screening or fencing can be part of the rezone.

Zoning and Development Manager Carraway stated that the applicant has expressed that he would be fencing the area that would comply with the screening requirement.

The public hearing was opened.

Ray Reynolds stated that fencing benefits both the neighbors and the applicant.

The public input portion of the hearing was closed.

MOTION:

Councilperson Johnson made the motion to approve a Zoning District Change and Zoning Map Amendment from R-4 to M-2 for 6.6 (+/-) acres located at 202 Grandview Drive, c/o Jeff Coats on behalf of Triple C Concrete. (app.2404) as presented, and direct staff to bring back to the City a letter of commitment that the property will be brought up to City Code. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0. This request will automatically be scheduled for a public hearing before the County Commissioners for final approval.

3. Request for a Zoning Title Amendment that would amend Twin Falls City Code by adding a new City Code Section 10-4-23: Residential Business District, c/o City of Twin Falls. (app.2400)

Zoning and Development Manager Carraway reviewed the request. On November 23, 2010, the Commission unanimously recommended approval of the amendment, as presented, subject to reducing the proposed minimum roof pitch from 5/12 to a 4/12 pitch.

Discussion followed on roofs.

The public hearing was opened and closed with no input.

MOTION:

Vice Mayor Heider made the motion to approve a Zoning Title Amendment that would amend Twin Falls City Code by adding a new City Code Section 10-4-23: Residential Business District, c/o City of Twin Falls. (app.2400), as presented, subject to reducing the proposed minimum roof pitch from 5/12 to a 4/12 pitch. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

- V. **ADJOURNMENT:** The meeting adjourned at 7:16 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
		<i>Mayor</i>	<i>Vice Mayor</i>			



Minutes
 Meeting of the Twin Falls City Council
 December 20, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 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. CONSENT CALENDAR:		Action	Staff Report Sharon Bryan Mitch Humble
1. Consideration of accounts payable for December 14 – 20, 2010.			
2. Consideration of Findings of Fact, Conclusions of Law, and Decision for the Final Plat Application for Romero Estates Subdivision c/o Riedesel Engineering.			
3. Consideration of the December 6, 9 and 13, 2010, City Council Minutes.			Leila Sanchez
II. ITEMS FOR CONSIDERATION:		Action	Jon Caton
1. Consideration of a resolution for the sole source designation on the Elgin three wheeled street sweeper.		Appointment	Tom Courtney
2. Confirmation of the appointment for Police Chief. The request is to ask the City Council to confirm the appointment of Brian Pike to the position of Police Chief.		Appointment	Mayor Don Hall
3. Appointment of a new Councilperson.			
4. Public input and/or items from the City Manager and City Council.			
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:			
IV. PUBLIC HEARINGS: 6:00 P.M. – None.			
V. ADJOURNMENT:			

**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: Lance Clow, Trip Craig, Don Hall, Lee Heider, Dave Johnson, Will Kezele,
Greg Lanting

Absent: None.

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler,
City Attorney Fritz Wonderlich, City Engineer Jackie Fields,
Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. Mayor Hall led the Pledge of Allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

Consideration of an Alcohol License Application for Woody's/Blue Room/Sidewinders Saloon dba Daniel 5 Fuchs located at 213, 223, 233 5th Avenue, for Beer, Wine, Liquor (*Transfer Fees Only.*)

MOTION:

Councilperson Clow made the motion to add the Alcohol License Application for Woody's/Blue Room/Sidewinders Saloon dba Daniel 5 Fuchs to the Items for Consideration. The motion was seconded by Councilperson Lanting 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 accounts payable for December 14 – 20, 2010, total:\$3,357,011.04;
December 15, 2010, total: \$4,208.74.
2. Consideration of Findings of Fact, Conclusions of Law, and Decision for the Final Plat Application for Romero Estates Subdivision c/o Riedesel Engineering.
3. Consideration of the December 6, 9 and 13, 2010, City Council Minutes.

Councilperson Johnson made the motion to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Heider and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

Consideration of an Alcohol License Application for Woody's/Blue Room/Sidewinders Saloon dba Daniel 5 Fuchs located at 213, 223, 233 5th Avenue, for Beer, Wine, Liquor (*Transfer Fees Only.*)

Discussion followed.

MOTION:

Councilperson Johnson made the motion to approve the Alcohol License Application for Woody's/Blue Room/Sidewinders Saloon dba Daniel 5 Fuchs located at 213, 223, 233 5th Avenue, for Beer, Wine, Liquor (***Transfer Fees Only***) as permitted on the State License. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

1. Consideration of a resolution for the sole source designation on the Elgin three wheeled street sweeper.

City Engineer Fields reviewed the request. Approval of the request will allow the City to proceed with procuring the Elgin three-wheeled sweeper. Staff recommends that the Council authorize the Mayor sign the resolution as presented.

MOTION:

Councilperson Johnson made the motion to adopt Resolution 1861, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING A SOLE SOURCE SUPPLIER FOR PURCHASE OF A STREET SWEEPER. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Confirmation of the appointment for Police Chief.

City Manager Courtney explained the request. Captain Brian Pike started with the City in 1994 as a Police Officer and worked his way through the ranks to the position of Captain. He was appointed to the position of Captain in 2004. His appointment to the position of Chief will be effective March 1, 2011.

Assistant City Manager Rothweiler stated that many in attendance are from other agencies and are present to show support of the appointment of Captain Brian Pike as Police Chief.

MOTION:

Vice Mayor Heider made a motion to appoint Captain Brian Pike as Police Chief as of March 1, 2011. The motion was seconded by Councilperson Kezele.

Discussion followed.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Captain Brian Pike stated that he was honored by the trust and confidence from City staff and the Council.

3. Appointment of a new Councilperson.

Mayor Hall stated that Vice Mayor/Senator Heider made the announcement after he was selected as a State Senator that he would be stepping down as of January 1, 2011 as Vice Mayor to the Council.

Mayor Hall explained the selection process. Letters of interest were received from 24 individuals and 23 individuals gave a 3 minute presentation in a Special Meeting held on December 9, 2010. (One individual chose to retract his letter of interest.) Vice Mayor Heider and Councilperson Clow served on a committee with Mayor Hall to help with the selection process. Six individuals out of the

23 were interviewed. Mayor Hall selected Rebecca Mills Sojka to fill in an elected position. Rebecca Mills Sojka has a diverse background. She was born and raised in Twin Falls and has shown appreciation for the community and stated that she wants to serve in this capacity.

MOTION:

Vice Mayor Heider made the motion to appoint Rebecca Mills Sojka to Council Seat #7, on January 3, 2011. The motion was seconded by Councilperson Clow.

Discussion followed.

Roll call vote showed all members present voted in favor of the appointment. Approved 7 to 0.

Rebecca Mills Sojka thanked the interview committee. It is her desire to represent the citizens of Twin Falls and take the responsibility to fulfill the remainder of Vice Mayor Heider's term.

Discussion followed:

City Manager Courtney stated that staff will contact Rebecca Mills Sojka to get her up-to-date on City government.

Mayor Hall introduced Kevin Cope.

Kevin Cope thanked the committee for the opportunity to interview for the Council Seat. He congratulated Rebecca Mills Sojka. He also stated he would be running to serve on City Council in November, 2011.

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

Brad Wills, 222 Shoshone Street West, of Wills Inc. stated that he belongs to a Developers' Council consisting of commercial and residential developers, civil engineers, and various others. The City Council created a Commission of which he is the Chairman and at this time he is giving his letter of resignation as Chairman of the Committee effective January 1, 2011. He has decided to represent many of his developers to work on the reimbursement payback process. He stated that Tony Hughes, who served on the Impact Commission, is on the State Contractor Registration Board and past president of the Homeowner's Association and has expressed interest in serving on the Commission.

Brad Wills stated that there are 800 to 900 lots that have not been built on and the Developer's Council will ask the legislature to consider giving the developers some tax relief. Development tax relief was given to developers in 2005 and 2006. The developers are not trying to take money from the County or the City; the developers are trying to encourage economic growth in Twin Falls.

Discussion followed:

-Councilperson Clow suggested that the Developers' Council contact the Association of Idaho Cities in regards to the tax relief question.

Brad Wills stated that the Developers' Council is trying to get support from the State Builder's Association, and the Idaho Association of Bankers and the Association of Commerce and Industry.

Minutes

December 20, 2010

Page 5 of 5

Mayor Hall thanked Brad Wills for his service and stated that in replacing him as Chairman his position will go through the same techniques and advertising as done previously.

-City Manager Courtney stated that City Engineer Fields will be reporting back to the Council in the middle of January as to the condition and a plan of Eastland Drive.

-The December 27, 2010, meeting has been cancelled. The next Council Meeting will be held on January 3, 2010.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

V. ADJOURNMENT: The meeting adjourned at 5:47 P.M.

Leila A. Sanchez

Deputy City Clerk/Leila A. Sanchez