

**COUNCIL MEMBERS:**

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



**MINUTES**

Meeting of the Twin Falls City Council  
**Monday, March 5, 2012**  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East - Twin Falls, Idaho

**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 INTRODUCTION OF STAFF  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
 PROCLAMATIONS: None.

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of accounts payable for February 28 – March 5, 2012, total: \$713,564.49. March 5, 2012, Payroll total: \$103,751.08. 2. Consideration of the February 27, 2012, City Council Minutes. 3. Consideration of a request to approve the Alcohol License Application for Mezamie, Inc., DBA The Historic Ballroom, located at 205 Shoshone Street North, for the addition of liquor.	Action	Staff Report Sharon Bryan  L. Sanchez Sharon Bryan
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a request to appoint members to the Twin Falls City Planning & Zoning Commission. 2. Consideration of a request to adopt a resolution authorizing the Mayor to sign and submit an application to the Idaho Department of Commerce to partially finance the water system upgrades to serve the Chobani Yogurt plant being constructed in the southeast area of Twin Falls. Proposed Resolution No. 1880	Action  Action	Mitch Humble  Carleen Herring Region IV
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u> 6:00</b> 1. For the Vacation of dedicated public rights-of-way and easements consisting of 2.7 (+/-) acres located within a portion of the Fieldstone Subdivision located south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way, c/o Brad Wills on behalf of Wills, Inc. (app. 2478)	Public Hearing	Mitch Humble
<b>V. <u>ADJOURNMENT</u></b> Executive Session 67-2345(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.		

***\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.***

Present: Shawn Barigar, Lance Clow, Don Hall, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington  
Absent: None  
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Planning & Zoning Development Manager Renee Carraway, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila A. Sanchez

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

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.**

The Council approved to adjourn to Executive Session 67-2345(1)(f) after the Items for Consideration are presented.

**PROCLAMATIONS: None.**

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for February 28 – March 5, 2012, total: \$713,564.49.  
March 5, 2012, Payroll total: \$103,751.08.  
March 1, 2012, Fire Payroll total: \$48,302.54
2. Consideration of the February 27, 2012, City Council Minutes.
3. Consideration of a request to approve the Alcohol License Application for Mezamie, Inc., DBA The Historic Ballroom, located at 205 Shoshone Street North, for the addition of liquor.

**MOTION:**

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

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request to appoint members to the Twin Falls City Planning & Zoning Commission.

Planning & Zoning Development Manager Renee Carraway explained the request.

The selection committee recommends that the Council make the following appointments to the Planning & Zoning Commission:

1. Appoint Kevin Grey and Tom Frank to a three (3) -year term on the Commission.

The selection committee recommends that the Council recommend to the Board of County Commissioners the following appointment to the City Planning & Zoning Commission to represent the Area of Impact:

1. Steve Woods to a three (3) –year term on the Commission.

**MOTION:**

Councilperson Mills Sojka made a motion to appoint Kevin Grey and Tom Frank to a three year term on the Planning & Zoning Commission, term to expire March 1, 2015, and recommend Steve Woods to a three year term on the Commission, term to expire March 1, 2015, to the Area of Impact to the Board of County Commissioners. The motion was seconded by Councilperson Munn.

Council discussion followed:

Councilperson Clow stated that Jim Schouten and Kevin Cope basically completed a partial and completed a full-term. The two consecutive term rule ended their service on the Commission. He asked City Attorney Wonderlich if the consecutive term rule is State law or in City Code. City Attorney Wonderlich stated that he will contact Councilperson Clow with an answer.

Councilperson Talkington referred to Tom Frank's letter of interest stating that Tom Frank sits on the Urban Renewal Agency and his term ends on June 30, 2012. Tom Frank states if he is appointed to the Commission he does not plan participate in any discussions or voting on any URA items that may come before the Planning & Zoning Commission until his URA term ends if he is elected to the Commission. Councilperson Talkington asked City Attorney Wonderlich if this was acceptable. City Attorney Wonderlich answered in the affirmative.

Councilperson Munn stated for the record that Neil Christensen applied for the Planning & Zoning Commission position within the city limits, but withdrew his application prior to interviews.

Mayor Lanting stated for clarification that a partial term is regarded as a term.

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

2. Consideration of a request to adopt a resolution authorizing the Mayor to sign and submit an application to the Idaho Department of Commerce to partially finance the water system upgrades to serve the Chobani Yogurt plant being constructed in the southeast area of Twin Falls. Proposed Resolution No. 1880

City Manager Rothweiler explained the request.

Council discussion followed:

Councilperson Talkington stated that the background language in the staff report states that the City is under some legal requirement to demonstrate diligence that the monies are used to generate new employment opportunities for low and moderate income residents. Councilperson Talkington asked what kind of proof does the City need to provide to show the requirement has been met.

City Manager Rothweiler stated that a survey is completed by Region IV Corporation on behalf of the City. Region IV Corporation will do a survey on employees that are hired. They will verify and validate that the percentage of jobs for the low to moderate income were met. A part of the management fee that is paid to Region IV is to assist and go forward with the process.

City Manager Rothweiler stated that the goal of economic development is to employ local people to give and help create opportunities by the expansion of infrastructure, so the citizens of Twin Falls and the surrounding communities have the opportunity to get jobs that may create a better quality of life.

Councilperson Clow asked that in the event the company does not meet the employment goal who is responsible for the grant.

City Manager Rothweiler stated that the City would be responsible.

**MOTION:**

Councilperson Barigar made a motion to adopt Resolution 1880, entitled: A RESOLUTION OF THE COUNCIL, CITY OF TWIN FALLS, IDAHO, AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN APPLICATION FOR AN IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT TO PARTIALLY FINANCE THE CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS.

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

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None.**

Executive Session 67-2345(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

**MOTION:**

Councilperson Hall made a motion to adjourn to Executive Session 67-2345(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Adjourned to executive session at 5:23 P.M.

Reconvened at 6:00 P.M.

City Manager Rothweiler explained that Item for Consideration, "Consideration of a request to adopt a resolution authorizing the Mayor to sign and submit an application to the Idaho Department of Commerce to partially finance the water system upgrades to serve the Chobani Yogurt plant being constructed in the southeast area of Twin Falls. Proposed Resolution No. 1880" was noticed in the newspaper as a public hearing

but was listed incorrectly on the agenda by staff. In consultation with legal counsel, an agenda may be amended anytime after the meeting has started. Staff request that the item be heard as a public hearing.

**MOTION:**

Councilperson Talkington made the motion to amend the agenda to add a public hearing for the Community Development Block Grant. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

City Manager Rothweiler contacted the media to inform them of the amendment to the agenda.

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

1. For the Vacation of dedicated public rights-of-way and easements consisting of 2.7 (+/-) acres located within a portion of the Fieldstone Subdivision located south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way, c/o Brad Wills on behalf of Wills, Inc. (app. 2478)

David Thibault, EHM Engineers, representing the applicant, explained the request.

Planning & Zoning Development Manager Carraway explained the request.

Should the City Council approve the request to vacate a portion of the Fieldstone 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 all applicable City Code requirements and standards.
2. Subject to meeting the conditions of utility companies for the abandonment and/or relocation of public utilities.
3. Subject to approval of the Fieldstone Professional Planned Unit Development Agreement.
4. Subject to the replatting of the portion of the Fieldstone Subdivision, as presented.

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

Deliberations: None

**MOTION:**

Councilperson Talkington made a motion to approve the Vacation of dedicated public rights-of-way and easements consisting of 2.7 (+/-) acres located within a portion of the Fieldstone Subdivision located south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way, c/o Brad Wills on behalf of Wills, Inc. (app. 2478), 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 meeting the conditions of utility companies for the abandonment and/or relocation of public utilities.
3. Subject to approval of the Fieldstone Professional Planned Unit Development Agreement.
4. Subject to the replatting of the portion of the Fieldstone Subdivision, as presented.

The motion was seconded by Councilperson Barigar.

Councilperson Mills Sojka stated in reviewing the minutes of the Planning & Zoning Commission hearing, several of the residents of Fieldstone spoke and stated that it wasn't right that they bought into a formally platted subdivision only to have part of it erased and rewritten. The residents bought into R-2 family homes which has become R-4 Pro mixed commercial. For those reasons stated she does not support the vacation.

Roll call vote showed Councilpersons Barigar, Clow, Hall, Lanting, Munn and Talkington voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 6 to 1.

City Manager Rothweiler stated that he contacted KMVT and the Times News regarding the error made by staff on the public hearing for the Community Development Block Grant.

2. Consideration of a request to adopt a resolution authorizing the Mayor to sign and submit an application to the Idaho Department of Commerce to partially finance the water system upgrades to serve the Chobani Yogurt plant being constructed in the southeast area of Twin Falls. Proposed Resolution No. 1880

Carleen Herring, Region IV Development Association, explained the request.

In regards to the low and moderate job creation figures, Region IV has been working with the Idaho Department of Labor on those aspects to make sure that they are taking income information from all the candidates who they are prescreening for Agro-Farma. This will be a two phased process. The Idaho Department of Labor is taking an intake form when applicants are filling out their generalized paperwork for applying for a position. Once Chobani has done their hiring there will be a second income form. That will allow Region IV to provide the Idaho Department of Commerce with the income survey. This will allow the Chobani to do their hiring and will allow Region IV to document for the block grant program.

Council discussion followed.

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

Deliberations: None.

**MOTION:**

Councilperson Barigar made the motion to adopt Resolution 1880, entitled: A RESOLUTION OF THE COUNCIL, CITY OF TWIN FALLS, IDAHO, AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN APPLICATION FOR AN IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT TO PARTIALLY FINANCE THE CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**V. ADJOURNMENT**

Executive Session 67-2345(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

The meeting adjourned at 6:33 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary