

COUNCIL MEMBERS:

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



AMENDED MINUTES

Meeting of the Twin Falls City Council
July 9, 2012
 City Council Chambers
 305 3rd 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:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of a request to approve the accounts payable for July 3 – 9, 2012. 2. Consideration of a request to approve the July 2, 2012, City Council Minutes.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to award a bid for the construction of a BLM parking lot at Joslin Field. 2. Consideration of a request to award the 2012 Kimberly/Highland Water Extension Project to Sawtooth Construction, Inc., of Ketchum, Idaho, in the amount of \$2,340,166.80. 3. Consideration of a request to approve a waiver of the paving & landscaping site improvements as required by City Code 10-4-6.3(G) and 10-11-4(b) on property located at 141 Rose Street. 4. Continue discussion of the Preliminary Budget for Fiscal Year 2012-2013. 5. Public input and/or items from the City Manager and City Council.	Action Action Action Discussion	Bill Carberry Lee Glasemann Mitch Humble Travis Rothweiler
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 – 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: Shawn Barigar, Don Hall, Suzanne Hawkins, Gregory Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington
Absent: None
Staff Present: City Manager Travis Rothweiler, City Engineer Jacqueline Fields, Human Resource Director Susan Harris,
Zoning & Development Manager Renee Carraway, Airport Manager Bill Carberry, Staff Engineer Lee Glaesemann,
Deputy City Clerk Leila A. Sanchez

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

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

Councilperson Talkington made the motion to add the following to the Items for Consideration: Discussion on the Fireworks penalty. 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.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for July 3 – 9, 2012, total: \$144,179.70.
July 6, Payroll, total: \$22,687.61
July 6, Payroll Part 2, total: \$83,350.17
2. Consideration of a request to approve the July 2, 2012, City Council Minutes.

MOTION:

Councilperson Barigar made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Mills Sojka 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 award a bid for the construction of a BLM parking lot at Joslin Field.

Airport Manager Bill Carberry explained the request.

After reviewing the bids submitted with BLM officials, staff concurs with Riedesel Engineering's recommendation that the City Council award the parking lot construction bid to Robert Durham Excavation for the amount of \$99,214.50.

Council discussion followed.

Kent Atkin explained the Engineer's estimate. He stated that there is a performance and payment bond associated with the bid.

MOTION:

Councilperson Barigar made a motion to award the parking lot construction bid to Robert Durham Excavation for the amount of \$99,214.50. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request to award the 2012 Kimberly/Highland Water Extension Project to Sawtooth Construction, Inc., of Ketchum, Idaho, in the amount of \$2,340,166.80.

Staff Engineer Glaesemann explained the request.

Staff recommends that the City Council award the 2012 Kimberly/Highland Water Extension Project to Sawtooth Construction, Inc., in the amount of \$2,340,166.80.

Council discussion followed.

-Qualifications of Sawtooth Construction, Inc.

City Manager Rothweiler explained the City is required to use the lowest responsive bidder for the job.

Councilperson Talkington stated his concern of work performed by a responsive bidder on the sewer and water project on the northeast part of town.

MOTION:

Councilperson Hall made a motion to award the 2012 Kimberly/Highland Water Extension Project to Sawtooth Construction, Inc., of Ketchum, Idaho, in the amount of \$2,340,166.80. The motion was seconded by Councilperson Mills Sojka. Approved 7 to 0.

3. Consideration of a request to approve a waiver of the paving & landscaping site improvements as required by City Code 10-4-6.3(G) and 10-11-4(b) on property located at 141 Rose Street.

Zoning & Development Manager Carraway explained the request.

The County is requesting approval of a waiver of the paving & landscaping site improvements as they are limited on funding and they feel there is little to no impact to the surrounding neighborhood.

The applicant was granted a special use permit on June 29, 2012 for the expansion / construction of a new 2400 sf 3-bay metal building for marine storage subject to the following conditions:

1. Site plan amendments as required by Building, Fire, Engineering, and Zoning Officials to ensure compliance with all applicable City Code Requirements and Standards.
2. If the "secondary access" is used it shall be brought up to minimum city standards.
3. Any lighting to be down facing for the least impact to the surrounding neighbors

Staff does not support the request as it is a minimum site development requirement and feels the applicant should bring the property up to minimum standards.

Council discussion followed.

Mark Brunelle, representing Twin Falls County Research Development Department, gave a background on the project. The property is currently being used to store snowmobiles, motorcycles, ATVs, etc. The County is eligible for a one year Waterways Improvement Fund Grant for a small building, match is 56%, and is site specific. The Commissioners put up \$52,000 to match the grant funding. The County does not have the funds for the paving costs of over \$200,000. The property will be used for storage, use will be limited, and the area is screened from the public.

Council discussion followed.

Councilperson Hawkins asked why the County is requesting a waiver for landscaping and paving instead of going with the 3 year deferral plan to get the plan accomplished and to be in line with the City requirements. Mark Brunelle stated that the Commissioners wanted cost avoidance to the taxpayer.

City Manager Rothweiler stated that the County prefers that the Council not address the issues separately, but the Council may address the waivers on the pavement and the landscaping can be addressed separately. Staff's concern over a permanent deferral is that the City is now entering into a new NPDES era, where stormwater runoff will need to be addressed.

Councilperson Mills Sojka asked for the cost of the project. Mark Brunelle stated the entire cost of the project is projected for \$120,600, for the building and utilities, grant money is at \$67,862, and the cost of paving alone is over \$200,000.

City Engineer Fields stated that she would like the stormwater to stay on the lot. If the water comes off the lot, which it does at some point and time, she would like it to be as free of sediment as possible.

Vice Mayor Hall asked for an explanation on the deferral process. City Manager Rothweiler stated that the City Engineer can call a deferral when it is needed to go forward.

Zoning & Development Manager Carraway stated that staff can approve a deferral agreement not to exceed 3 years. She stated that the County is requesting a waiver based on the code stating "in cases of exceptional hardship improvements may be deferred or waived."

Mark Burnell stated that the County Commissioners are not totally opposed that someday this may need to be paved or landscaped, but at this time, the Commissioners are asking for a waiver. The Commissioners did not say they would absolutely never do the

improvements, but it does not make a lot of sense, right now, with the tough economy, not a good time to do the improvements. They didn't say they would not do the improvements someday down the road. At this point the Commissioners cannot justify the need.

Councilperson Mills Sojka stated that the Council has approved indefinite deferrals to be granted to non-profits such as Jubilee House, and asked if there were other indefinite deferrals granted.

Zoning & Development Manager Carraway stated that the Jubilee House was approved through rezoning platting development process. The deferral was attached to the zoning of the property. A church on Madison was approved by SUP to expand and a deferral was granted.

City Manager Rothweiler explained that the past Council went through a process to amend the section of the City Code. This was with a church that came forward and it had to do with their section of paving of the alley which would have made the project cost prohibitive. At that time, this amendment was created so if there was a demonstrated hardship to the project and that the sponsoring entity was unable to make those improvements then the Council had the authority to grant a either an extended time frame beyond the 3 year window or possibly say it shall never have to be done.

Councilperson Barigar stated that in the past 6 months he can recall that the City required several business owners to implement some of the expensive improvements to their project on the deferral basis rather than by a waiver. On Washington Street there was a car lot and a professional office that received a deferral on improvements.

Councilperson Talkington stated that he could not see that improvements would be a hardship to the County.

Councilperson Mills Sojka and Munn stated the importance of the storage of the Search and Rescue equipment.

MOTION:

Vice Mayor Hall made a motion to approve a waiver of the paving & landscaping site improvements as required by City Code 10-4-6.3(G) and 10-11-4(b) on property located at 141 Rose Street. The motion was seconded by Councilperson Mills Sojka.

AMENDMENT TO THE MAIN MOTION:

Vice Mayor Hall made an amendment to the main motion to approve a *deferral (not a waiver)* of the paving & landscaping site improvements as required by City Code 10-4-6.3(G) and 10-11-4(b) on property located at 141 Rose Street *and to require or start talking to the County again regarding the pavement of this location once the NPDES permitting issues come to the forefront.*

Council discussion followed on the process of the Phase II NPDES Stormwater for Cities.

The motion failed for a lack of a second.

Roll call vote on the main motion showed Councilperson Munn and Mills Sojka voted in favor of the motion. Councilperson Lanting, Talkington, Barigar, Hall, and Hawkins voted against the motion. Failed 2 to 5.

MOTION:

Councilperson Barigar directed staff to work with the applicant to negotiate a deferral on both requirements not to exceed three years as permitted by the code. The motion was seconded by Councilperson Talkington.

Amendment to the main motion:

Councilperson Talkington made an amendment to the main motion to approve to defer improvements up to 3 years *or as per NPDES requirements.* The motion was seconded by Hawkins.

Council discussion followed on City Code referring to deferrals and waivers.

Roll call vote on the amendment to the motion showed Councilpersons Barigar, Hawkins, and Talkington voted in favor of the motion. Councilpersons Hall, Lanting, Munn, and Mills Sojka voted against the motion. Failed 3 to 4.

Amendment to the main motion:

Councilperson Hall made an amendment to the main motion to defer improvements and the trigger placed with the NPDES Phase II issue. The motion was seconded by Councilperson Munn.

Council discussion followed.

Councilperson Talkington stated his concern of the Council violating City Code.
Vice Mayor Hall stated that the City did appear to be following City Code.

Roll call vote on the amendment to the motion showed Councilpersons Hall, Lanting, Munn, and Mills Sojka voted in favor of the motion. Councilperson Barigar, Hawkins, and Talkington voted against the motion. Approved 4 to 3.

Councilperson Talkington made a motion to table the request. The motion was seconded by Councilperson Munn and roll call vote showed Councilperson Talkington and Munn voted in favor of the request. Councilpersons Barigar, Hall, Hawkins, Lanting, and Mills Sojka voted against the motion. Failed 2 to 5.

Roll call vote on the main motion as amended to defer the paving and landscaping site improvements as required by City Code 10-4-6.3(G) and 10-11-4(b) on property located at 141 Rose Street and the trigger placed with the NPDES Phase II issue. Roll call vote showed Councilpersons Hall, Lanting, Munn, and Mills Sojka voted in favor of the motion. Councilpersons Barigar, Hawkins, and Talkington voted against the motion. Approved 4 to 3.

Council requested that a representative from the law office of Wonderlich and Wakefield attend scheduled City Council meetings.

Recess: 6:18 p.m.
Reconvened: 6:35 p.m.

Item for Consideration II.5. was presented.

5. Discuss the penalty of the possession or discharge of dangerous fireworks. Illegal Fireworks

Councilperson Talkington stated that he volunteers at the Twin Falls Kiwanis fireworks stand and customers from out of state or out of county request illegal fireworks.

He suggested to the Council that it may be beneficial to review City Code 6-9-15 and define what dangerous fireworks are and to review the violation penalty.

Council discussion followed.

-Anthony Barnhart stated that the Police Department received 73 calls related to fireworks. He stated that Jerome & Lincoln County illegal fireworks can be bought with the customer signing a waiver stating that the fireworks will not be set off anywhere in the state. He also stated that mortars have become more prevalent in the past 4 to 5 years.

Council directed staff to review the following:

- City Code 6-9-15: PENALTY: The possession or discharge of dangerous fireworks shall be an infraction punishable by a fine of one hundred dollars (\$100.00). All other violations of this chapter shall be a misdemeanor punishable by a fine of up to three hundred dollars (\$300.00) and imprisonment for a period of time not to exceed six (6) months, or both. (Ord. 2697, 7-2-2001).
- Educate the community regarding city code.
- Engage the neighboring communities not to sell the illegal fireworks
- Review the current penalty.
- Ramp up the media campaign in early July to express to the public that enforcement will be more aggressive.

4. Continue discussion of the Preliminary Budget for Fiscal Year 2012-2013.

City Manager Rothweiler presented the recommended budget for FY 2013, using a PowerPoint presentation.

Council discussion followed on the increase of health insurance premiums.

Human Resource Director Harris discussed employee compensation, changes to the salary table, and pay grade.

Human Resource Analyst Scott explained the compression adjustments.

Police Chief Pike concurred with the salary table structure.

Human Resource Director Harris stated that the recommendations are:
A 2 ½% rate adjustment effective October 1, 2012, provided that the performance evaluations are completed.
Move the salary table 8% effective January 1, 2013.
The compression adjustments would correspond with the table movement effective January 1, 2013.

Council discussion followed.

Recess at 7:58 p.m.
Reconvene 8:06 p.m.

City Manager Rothweiler continued his presentation.

City Engineer Fields explained the estimate and costs of projects.

City Manager Rothweiler stated that a Public Hearing to consider the FY 2012-2013 preliminary budget will be held on August 6, 2012, and a Public Hearing to consider the adoption of the budget will be held on August 20, 2012.

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

Groundbreaking ceremony for Glanbia Foods Inc., at 10:30 a.m., corner of 4th Ave. S. and Hansen St., Twin Falls, on Friday, July 13, 2012.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 – None

V. ADJOURNMENT: The meeting adjourned at 8:48 p.m.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary