



Twin Falls City Council (Amended) Agenda

Monday, August 29, 2022, 5:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

Members: Ruth Pierce, Christopher Reid, Craig Hawkins, Nikki Boyd, Jason Brown, Spencer Cutler

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS - None.
- 4) CONSENT CALENDAR
 - a) **ACTION ITEM:** City Council Minutes August 22, 2022
By: Erin Parrish, Executive Assistant
 - b) **ACTION ITEM:** Request to approve Accounts Payable for August 18-24, 2022.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Consideration of a request to hold the 11th Annual Haunted Swamp.
By: Lou Coronado, Sergeant, Twin Falls Police Department
 - d) **ACTION ITEM:** Consideration of a request to hold the Canyon Rim Fall Classic Soccer Tournament.
By: Lou Coronado, Sergeant , Twin Falls Police Department
 - e) **ACTION ITEM:** Consideration of a request to approve the Annual Festival of Lights Parade to be held on Friday, December 9, 2022. This annual event is sponsored by the Times-News.
By: Lou Coronado, Sergeant , Twin Falls Police Department
- 5) ITEMS OF CONSIDERATION
 - a) **ACTION ITEM:** Consider an amendment to the SLFRF charter
By: Travis Rothweiler, , City Manager
 - b) **ACTION ITEM:** Appointment of (NAME), a qualified elector of the City of Twin Falls, to fill the vacancy Twin Falls City Council Seat Number 3.
By: Travis Rothweiler, City Manager
- 6) GENERAL PUBLIC INPUT
- 7) ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 8) PUBLIC HEARINGS - None.
- 9) ADJOURNMENT

Any person(s) needing special accommodations to participate in the above-noticed meeting could Josh Palmer (208) 735-7312 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall
 - wait to be recognized by the Mayor or Chairman
 - approach the microphone/podium
 - state their name and address, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning and Zoning shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.
 4. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 5. A City Staff Report shall summarize the application and history of the request.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 8. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council or Planning & Zoning Commission, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor or Chairman may again establish time limits.
 9. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning and Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



Twin Falls City Council Minutes

Monday, August 22, 2022, 5:30 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

****SPECIAL MEETING - Start time at 5:30PM - AMENDED****

Executive Session 74-206 (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.

Public Hearing starts at 6PM

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Ruth Pierce, Vice Mayor Christopher Reid, Council Members Craig Hawkins, Jason Brown, Spencer Cutler, Nikki Boyd.

Absent: None.

Staff Present: Travis Rothweiler, City Manager; Mitch Humble, Deputy City Manager; Gretchen Scott, Deputy City Manager; Shayne Nope, City Attorney; Tammi Lauda, Communications Center Manager; Chief Les Kenworthy, Twin Falls Fire Department; Mathew Farnes, Budget Coordinator; Breanna Howard, Chief Financial Officer; Mike Plane, Network Administrator; Ida Clark, Human Resource Director; Josh Palmer, Public Information Coordinator; Erin Parrish, Executive Assistant; Jonathan Spendlove, Planning and Zoning Director; Sergeant Lou Coronado, Twin Falls Police Department; Chief Craig Kingsbury, Twin Falls Police Department.

Mayor Pierce called the meeting to order at 05:30 PM.

A quorum was present.

2) EXECUTIVE SESSION

- a) Executive Session 74-206(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: Vice Mayor Reid moved to enter Executive Session 74-206(1)(b). **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

3) PLEDGE OF ALLEGIANCE

Mayor Pierce invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

4) PROCLAMATIONS - None

5) CONSENT CALENDAR

MOTION: Council Member Cutler moved to approve the Consent Calendar as published. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

- a) Request to approve Accounts Payable for August 11-17, 2022.

- b) Request to approve the Wells Fargo Credit Commercial Card for July 2022.
- c) City Council Minutes August 15, 2022.
- d) Request to accept right-of-way dedication for Kasel Sidewalk Project on Eastland Dr N.
- e) A request from the Twin Falls School District to waive building permit and plan review fees for the construction of a storage shed at Rock Creek Elementary School.
- f) Request to approve the Twin Falls Hispanic Heritage Festival.
- g) Request for approval of the final plat for the Kenyon Meadow Subdivision, approximately 16.87 (+/-) acres consisting of 103 lots located at the 1500-1600 block of Kenyon Road South, c/o EHM Engineers, Inc. on behalf of BMB Development (app. PZ22-0138).

6) ITEMS OF CONSIDERATION - None

7) GENERAL PUBLIC INPUT

Patty Cameron, a citizen, made a comment about last week's public hearing on the Historical District.

Christine Hernandez, a citizen, asked about the council vacancy.

8) ADVISORY BOARD REPORT/ANNOUNCEMENTS

None.

9) PUBLIC HEARINGS

- a) A public hearing to consider approval of the use of \$267,420 of Foregone Revenue in the Fiscal Year 2022-2023 Budget and adoption of an associated resolution authorizing the same. **Travis Rothweiler, City Manager**, gave the presentation.

Mayor Pierce opened the comment section in the Public Hearing at 6:20PM.

Mayor Pierce closed the comment section in the Public Hearing at 6:21PM.

MOTION: Vice Mayor Reid moved to approve the use of the \$267,420 of Foregone Revenue in the Fiscal Year 2022-2023 Budget. **Council Member Boyd** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

MOTION: Council Member Boyd moved to place Ordinance 2022-015 on third and final reading, by title only, and suspend the rules. **Council member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

- b) A public hearing to consider approval of the Fiscal Year 2022-2023 Budget and adoption of the associated appropriation ordinance for the City of Twin Falls. A motion was made by **Vice Mayor Reid** and seconded by **Council Member Brown**, but due to being done incorrectly, the motion was redone.

MOTION: Vice Mayor Reid moved to approve the adoption of Ordinance 2022-015. **Council Member Brown** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

10) ADJOURNMENT

Travis Rothweiler, City Manager, gave an update on the vacant City Council seat. A total of 26 applications were received. By process, they are reviewed to see if they are eligible to sit on Council. Three individuals were not qualified electors, but 23 were qualified at the time of the City Council Meeting.

Council Members decided a random number draw would be used for the order the candidates would go in.

The meeting adjourned at 07:05 PM.

Erin Parrish, Executive Assistant

For a full account of this meeting please visit tfid.org for the recording of this meeting



Date: Monday, August 29, 2022
To: Honorable Mayor and City Council
From: Lou Coronado, Sergeant, Twin Falls Police Department

ACTION ITEM

Request:

Consideration of a request to hold the 11th Annual Haunted Swamp.

Time Estimate:

Staff requests this item be placed on the Consent Calendar

Background:

Gary Miller, owner of Magic Mountain Ski Resort, has held the Haunted Swamp event at this location for the last 11 years. It will be held at 646 South Park Ave West, property owned by Mr. Miller. The Haunted Swamp will be open on weekends starting on September 16, 2022 and running until October 29, 2022. The Haunted Swamp will be open on Friday and Saturday evenings from 7:00 p.m. until 12:00 a.m.

This event is a fundraiser for the Magic Mountain Ski Patrol. They will have several employees working the event, to include guides to help people through the Haunted Swamp. Mr. Miller will also have three large parking areas for those attending, with a gravel road leading them to the parking area. He will have employees providing security and assisting with traffic control and parking.

Mr. Miller and ski patrol members will be responsible for any mud and debris tracked onto South Park Ave West from this event. He has made arrangements for clean-up of the roadway if necessary. There will be Ski Patrol members assisting with the event at all times. Each of the Ski Patrol members is trained in CPR and first aid.

We have had no calls for service during this event over the past 11 years. Alcohol and smoking will not be allowed on the property.

Approval Process:

Consent of the Council

Budget Impact:

The Twin Falls Police Department staff does not feel there is a need for the Twin Falls Police Department to provide security, therefore there is no budget impact.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

With the success of this event in the past, Twin Falls Police Department and relevant City Staff Members have reviewed this Special Event Application and recommend that the City Council approve the annual Haunted Swamp event.

Attachments:

None



Date: Monday, August 29, 2022
To: Honorable Mayor and City Council
From: Lou Coronado, Sergeant, Twin Falls Police Department

ACTION ITEM

Request:

Consideration of a request to hold the Canyon Rim Fall Classic Soccer Tournament.

Time Estimate:

The staff is requesting this item be placed on the Consent Calendar

Background:

The Canyon Rim Fall Classic Soccer Tournament is scheduled to be held from October 14, 2022, to October 16, 2022, at the Sunway Soccer Complex. This tournament is smaller than the springtime event. This tournament is for younger players, 9-12 years of age. This soccer tournament is anticipated to bring approximately 80 soccer teams from the surrounding region to the City of Twin Falls.

The event will be headquartered at the Sunway Soccer Complex where there will be multiple food vendors and apparel vendors. Additionally, there will be special tents set up for medical treatment (provided by St. Luke's of Magic Valley) and for volunteers and referees. Event organizers have arranged for additional dumpsters, trash receptacles and portable toilets to be provided at all three locations. They have also arranged for the trash to be emptied throughout the event.

Attendees will be encouraged to carpool to the event as parking at the soccer complex may be limited. Arrangements have been made by the organizers to utilize the Xavier Charter School parking lot for overflow.

In previous years there have been significant traffic issues caused by the illegal parking of attendees. The event organizers have worked with city officials to remedy these parking issues. As part of the event traffic plan, a Twin Falls Police Department Officer will be assigned to enforce parking laws, and if necessary, tow vehicles. The overtime expense for this officer is estimated at \$1450.00 and will be paid by the event organizers. It should be noted this plan was utilized during last year's event and it proved to be an effective deterrent to illegal parking.

There will be no alcohol or fireworks allowed at this event.

The organizer recognizes that this event is approved contingent upon current COVID 19 regulations and recommendations. The City of Twin Falls reserves the right to cancel or postpone this event for the safety of participants and the citizens of Twin Falls. If this event is approved, the organizer will take all required precautions to safeguard those attending the event and may be required to implement additional safety measures as deemed necessary by Twin Falls City Staff.

Approval Process:

Consent of the City Council

Budget Impact:

One Twin Falls Police Officer will work this event with the organizers paying for that expense. Therefore, there will be no budget impact to the city.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council approve the Special Event Application submitted for the Canyon Rim Fall Classic Soccer Tournament based on the information provided.

Attachments:

None



Date: Monday, August 29, 2022
To: Honorable Mayor and City Council
From: Lou Coronado, Sergeant , Twin Falls Police Department

ACTION ITEM

Request:

Consideration of a request to approve the Annual Festival of Lights Parade to be held on Friday, December 9, 2022. This annual event is sponsored by the Times-News.

Time Estimate:

Staff requests that this agenda item be placed on the Consent Calendar.

Background:

Debi Perkins, on behalf of the Times-News, has submitted a Special Event application for the annual Festival of Lights Parade. This event is to be held on Friday, December 9, 2022, at 6:00 p.m. The parade will begin on Main Avenue in the area of the Magic Valley High School and will travel east on Main Avenue to the Downtown Commons on Main Avenue.

There will be an estimated 50 floats that will be decorated with holiday lights, with approximately 200 to 300 people in the parade. It is estimated that 6,000 to 10,000 people will be in attendance to observe the parade, depending on weather conditions. The parade application fee has been paid.

The event organizer is responsible for notifying all affected businesses and individuals on the parade route.

The parade set-up will begin at 12:00 p.m. Main Avenue West/North will be closed from Castleford Street where the staging area will be located. Main Avenue will be closed from Castleford Street to Idaho Street where the parade floats will disperse.

No parking will be allowed on Main Avenue from Jerome Street to Fairfield Street to safely allow room for spectators and the floats in that area. Parking will be allowed outside of that area for those that wish to observe the parade from vehicles.

A traffic control plan will be used for the event following the Manual on Uniform Traffic Control Devices (MUTCD). The City of Twin Falls may contract with an outside company to provide traffic control in the event the Twin Falls Street Department is unable to adequately provide this service.

A required Certificate of Liability Insurance has been requested for this event naming the City of Twin Falls as the certificate holder. This certificate will be required before the parade is approved.

Approval Process:

Consent of the City Council.

Budget Impact:

This event will require a total of ten (10) Twin Falls Police Officers and four (4) non-sworn Police

Department employees. A briefing will be held at 4:00 p.m. and the street closures will take place at 5:00 p.m. The parade is scheduled to start at 6:00 p.m. and is estimated to conclude by 7:30 p.m. The total overtime cost for the Twin Falls Police Department will be approximately \$3,000. If an outside company is used, the cost for traffic control will be an estimated \$5,000. This cost has been included in the Twin Falls Police Department's overtime budget.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Several relevant City Staff members have approved this Parade Application.

Attachments:

None



Date: Monday, August 29, 2022
To: Honorable Mayor and City Council
From: Travis Rothweiler, City Manager

ACTION ITEM

Request:

Consider an amendment to the SLFRF charter

Time Estimate:

Background:

Approval Process:

Budget Impact:

Regulatory Impact:

History:

Analysis:

Conclusion:

Attachments:

None



Date: Monday, August 29, 2022
To: Mayor and City Council
From: Travis Rothweiler, City Manager

Request

ACTION BY THE MAYOR: Appointment of (NAME), a qualified elector of the City of Twin Falls, to fill the vacancy Twin Falls City Council Seat Number 3.

Time Estimate

The estimated amount of time this item will take is 2-plus hours to listen to presentations to answer questions.

Background

Shawn Barigar chose to vacate Twin Falls City Council Seat 3 before the conclusion of his term.

The Mayor and members of the City Council invited interested individuals to submit a letter of interest, application and/or a resume. The application period was open for a period of two weeks, from August 3, 2022 to August 17, 2022. A total of 26 individuals submitted their credentials, of which 23 candidates remain. Two of the candidates were not qualified electors, as defined by Idaho Code Idaho Code §34-104. (See following section.) One individual elected to remove herself from further consideration.

All of the names of the candidates will be given a few minutes to their credentials with the Mayor and members of the City Council. Each may ask questions.

Per Idaho Code, the Mayor is responsible for appoint an individual to fill the balance of the original term of office. The Mayor is not obligated to make an appointment at this meeting.

The Mayor's appointment must be confirmed by a majority of the City Council. The term of the person selected to fill the vacancy will be for the balance of the original term, the first meeting in January following election. The election for this seat will occur on November 7, 2024.

Approval

In accordance with Idaho Code §50-704 (vacancies), the Mayor recommends, by motion, to fill the vacant Twin Falls Council seat with a qualified elector, as defined by Idaho Code. A majority of the City Council members present are required to confirmation the Mayor's appointment before the individual is seated.

Budget Impact:

There is no budget impact associated with this item.

Regulatory Impact:

- Idaho Code § 50-702. QUALIFICATION OF COUNCILMEN — TERMS — INSTALLATION. Any person shall be eligible to hold the office of councilman of his city who is a qualified elector at the time his declaration of candidacy or declaration of intent is submitted to the city clerk and remains a qualified elector under the constitution and laws of the state of Idaho. Each councilman elected at a general city election, except as otherwise specifically provided, shall hold office for a term

of four (4) years, and until his successor is elected and qualified. Councilmen elected at each general city election shall be installed at the first meeting in January following election. The manner of conducting that meeting shall be as herein set forth and not otherwise: the incumbents shall meet and conduct such business as may be necessary to conclude the fiscal matters of the preceding year; the newly elected shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, one (1) item of which shall be the election of a member as president of the council.

- Idaho Code §50-704. VACANCIES — APPOINTMENT. A vacancy on the council shall be filled by appointment made by the mayor with the consent of the council, which appointee shall serve only until the next general city election, at which such vacancy shall be filled for the balance of the original term.
- Idaho Code §34-104. "QUALIFIED ELECTOR" DEFINED. "Qualified elector" means any person who is eighteen (18) years of age, is a United States citizen and who has resided in this state and in the county at least thirty (30) days next preceding the election at which he desires to vote, and who is registered as required by law.

Attachments

- List of qualified electors interested in filling the vacant Twin Falls City Council Seat 3.
- City Attorney memo dated August 19, 2022.



CITY OF TWIN FALLS

P.O. Box 1907
Twin Falls, Idaho 83303

Office of the City Attorney

SHAYNE NOPE – CITY ATTORNEY
SAM BEUS – DEPUTY PROSECUTOR
NICOLE SWAFFORD – DEPUTY PROSECUTOR
RACHAEL HUNSAKER – LEGAL ASST.

Telephone: (208) 735-7374
Facsimile: (208) 735-3147
E-mail: cityprosecutor@tfid.org

Memorandum

August 19, 2022

To: Ruth Pierce, Mayor
City of Twin Falls

CC: Travis Rothweiler, City Manager
City of Twin Falls

Re: Qualifications for City Council Members

Idaho Code §50-702 states that a City Council member must be a qualified elector under the constitution and laws of the state of Idaho.

Idaho Code §34-104 defines Qualified Elector as “any person who is eighteen (18) years of age, is a United States citizen and who has resided in this state and in the county at least thirty (30) days next preceding the election at which he desires to vote, and who is registered as required by law.”

The City has received an application for the current city council vacancy from three individuals who are not registered—Ryan Morrison, Manase Matu, and Christine Aguilar-Hernandez. In my opinion, these three individuals are ineligible to serve on the City Council.

Sincerely,

Shayne Nope
City Attorney
City of Twin Falls

City Council Candidate List

<u>#</u>	<u>First Name</u>	<u>Last Name</u>
1	Patrick	Paterson
2	Eddie "Steve"	Marin
3	Neli	Christensen
4	Charles	Lewis
5	Christine	Aguliar-Hernandez
6	Brian	Bell
7	Christopher	Cardinet
8	Reylene	Abbott
9	Michael	Shaffer
10	Craig	Kelley
11	Robert	Beauregard
12	Terry C.	McCurdy
13	Grayson	Stone
14	Gerardo	Munoz
15	Diane	Feagins
16	Patty	Cameron
17	Joshua	Callen
18	Aaron	Wert
19	Linda	Brugger
20	Cassandra	Hieovas
21	James	Craigg
22	Ben	Woodbury
23	Alexandra	Caval

Not Registered Candidate List - Ineligible

<u>#</u>	<u>First Name</u>	<u>Last Name</u>
1	Ryan	Morrison
2	Manase	Matu

Withdrew

<u>#</u>	<u>First Name</u>	<u>Last Name</u>
	Cortney	Campbell