COUNCIL MEMBERS:

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

MINUTES
Meeting of the Twin Falls City Council
Monday, December 2, 2013
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. CONSENT CALENDAR: 1. Consideration of a request to approve the accounts payable for November 26 – December 2, 2013, total: $931,116.36 and Fire payroll, November 27, 2013, total: $51,565.03.	Action	Sharon Bryan
II. ITEMS FOR CONSIDERATION: 1. Consideration of a request to use parking reserve funds for the purchase of code enforcement tracking and ticketing software. 2. Consideration of a request to approve a resolution declaring a policy of transparency in City government. 3. Public input and/or items from the City Manager and City Council.	Action Action	Mitchel Humble Don Hall Jim Munn
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: None.		
V. ADJOURNMENT:		

Present: Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mill Sojka, Chris Talkington
Absent: None
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitchel Humble, Assistant to the City Manager Mike Williams, PIO Josh Palmer, Information Services Training Coordinator Lorie Whitney, Code Compliance Officer Sean Standley, 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 with him. A quorum was present. Mayor Lanting introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None
PROCLAMATIONS: None

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for November 26 – December 2, 2013, total: $931,116.36
   November 27, 2013, Fire payroll, total: $51,565.03.
   December 2, 2013 Prepay, total: $29,418.08
   December 3, 2013 Prepay, total: $285.12
   November 27, 2013, Fire Payroll, total: $51,565.03

   MOTION:
   Councilperson Hawkins made the motion to approve the Consent Calendar as presented. 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.

Assistant to the City Manager Williams introduced Grant Writer Mandi Thompson.

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II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to use parking reserve funds for the purchase of code enforcement tracking and ticketing software.

   Community Development Director Humble explained the request.

   Staff recommends that the Council authorize the expenditure of parking reserve funds for the acquisition of gtechna code enforcement tracking and management software.

   Code Compliance Officer Standley explained that he researched various software features and believes the software will provide efficient and effective code enforcement work management and parking enforcement.

   Discussion followed.
   -Annual fee includes recent updates
   -Majority of complaints are received from those who have purchased passes
   -Training: Information Services will provide three day training on the system

   Lorie Whitney, Information Services, stated that the installation of the program will be done remotely. The initial cost of the software package is $67,032, and the yearly maintenance cost is estimated at $11,000.

   Discussion followed on budgeting the cost of software and maintenance.

   Community Development Director Humble explained that the proposal is to use funds from the Parking Reserve Fund, Code Enforcement division budget, and Planning Department budget.

   Code Enforcement Officer Standley explained the inefficiencies of the current system being used.

   MOTION:
   Councilperson Barigar made the motion to use the Parking Reserve Funds as outlined for code enforcement tracking and code enforcement software in the amount $ 67,032, and the ongoing annual cost for maintenance. The motion was seconded by Vice Mayor Hall.

   Council discussion followed.

-The purchase of the software is a tool that will allow staff to increase productivity and provide effective code enforcement
-Every violation is a cost of $35, unless not paid within three business days
-Concern of the cost of the software was not budgeted

Councilperson Mills Sojka stated for the record that she supports updating technology and getting the technology needed to be effective and efficient, but believes handwritten tickets and check boxes should be an adequate warning for a printed ticket and does not see the downside for a few months.

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

2. Consideration of a request to approve a resolution declaring a policy of transparency in City government.

Vice Mayor Hall explained the request.

After listening to Council's debate and community input, the following changes were made to the proposed resolution on November 25, 2013:

Section 3: The Idaho Open Meeting Law applies only to meetings of the governing board of a public agency or sub agency which is created by statute, ordinance, or other legislative act, with the authority to make decisions for or recommendations to a public agency regarding any matter. The Idaho Attorney General, in the Idaho Open Meeting Law Manual, states that "the Open Meeting Law does not apply to voluntary, internal staff meetings if the group is not created by or pursuant to statute, ordinance or other legislative act, even though the discussions may lead to recommendations to the governing body." A subcommittee is a creation of, and is responsible to, the agency that created it.

Section 3, paragraph 2: "In order to provide more transparency in City government, neither the Twin Falls City Council nor any of its commissions will permit the formation of ad hoc volunteer groups intended to report back to the City Council or commission, unless that group is formed as a committee or commission, created by a vote of the City Council or commission. The City Council, and its committees and commissions, shall always comply with all requirements of the Idaho Open Meeting Law."

Councilperson Munn requested Council discussion, debate and adoption of the proposed resolution.

Council discussion followed.
-Ramifications of violating the Resolution if adopted.
-Council creation of a committee or commission

City Attorney Wonderlich stated that the resolution has a moral authority and not legal authority and the resolution is without penalties. The Open Meeting Law provides specific local recommendations and there are penalties for noncompliance. The creation of a commission or committee by a Commission is bound by the Idaho Opening Meeting Law.

The following are not bound by open meetings laws:

- Ex: Chief Brian Pike requests help from CSI Law Enforcement Office Instructors Don Hall and Jim Munn
- Ex. Magic Valley Trail Enhancement Committee is not a committee of the Council
- Ex. Magic Valley Air Show Committee is a volunteer group and not a committee of the Council

City Manager Rothweiler stated that the City is holding the Magic Valley Air Show Committee's funds until their 501 C paperwork is completed.

Councilperson Hawkins asked the City Attorney if the Council is going far above and beyond, by adoption of the resolution, and thus limiting the Council in doing the job it has been elected to do. City Attorney Wonderlich stated that her question is a policy decision.

Discussion followed.
-Mayor appointments
-Economic Development Ready Team

City Manager Rothweiler explained that he created the Economic Development Ready Team. The purpose of the economic development ready team is to encourage and create opportunities for collaboration between the City of Twin Falls and its economic development partners. The ready team compiles information and develops economic development strategies for site visits. He stated that he will be recommending to the Council that the Economic Development Ready Team become an officially recognized committee of the City Council. Formalizing the Economic Development Ready Team formalizes the Tier Group.

Mayor Lanting stated that he has been following the Idaho Opening Meeting Law to the letter and will exercise his authority to nominate persons to serve in appointed offices, subject to confirmation by a majority of the full Council.

-Urban Renewal Agency
-Twin Falls Public Library/sub-committees

City Attorney Wonderlich confirmed that the Urban Renewal Agency is an independent agency. The Twin Falls Public Library is an independent, non-partisan board and is subject to open meeting laws.

City Manager Rothweiler stated that the library's tax rate is included in the Twin Falls City's tax rate. Susan Ash reports to the Library Board, which has been appointed by the City Council. City Attorney Wonderlich stated that if the Library Board creates a committee to report back to it, the committee is subject to the Idaho Open Meeting Law. He stated that he believes the Library Board of Trustees is an independent agency.

Councilperson Barigar asked Councilperson Mills Sojka if the proposed resolution accomplishes what she is after.

Councilperson Mills Sojka stated that she does not believe the resolution is addressing the issue that she was trying to address as far as making committees more open and accessible to the public and bringing the deliberation out in the open. The resolution does not prohibit the Mayor from appointing committees.

City Attorney Wondelrich stated that Mayor Lanting under Idaho Code has the authority to nominate persons to serve in appointed offices, subject to confirmation by a majority of the full council. The Mayor may choose to have a group of people assist him in interviewing volunteers to serve on a committee.

Councilperson Mills Sojka stated that she has a problem with the Mayor forming a work group to make a recommendation for appointments and a staff appointed committee.

Mayor Lanting responded and stated that he has the strong opinion that he can do a better job of interviewing those potential candidates without the press, television cameras, radio broadcast, or possibly doing it live. He stated that he would interview a person himself in order to follow the letter and the spirit of the law. Idaho State Code is specific and states that the Mayor appoints and the Council confirms the appointment. He stated there was a concern by the Times News when Councilperson Hawkins was appointed to the Council.

Vice Mayor Hall stated that the resolution will not allow the Mayor to form a committee. Any of the City's statutory commissions are subject to the Idaho Open Meeting Law.

Councilperson Mills Sojka stated that she has a problem with a group making a deliberation of an issue that will come before the Council.

City Attorney Wonderlich explained that the City Manager has work groups (staff) who make recommendations to the Council

Councilperson Mills Sojka stated that she would be in favor of recommending an amendment to the resolution she presented on November 25, to say that the Mayor can close interviews at his or her discretion and that no work groups will be formed for deliberating public business. She does not see how the proposed resolution changes what is currently being done and asked for Council feedback.

The majority of the Council spoke in favor of the proposed resolution.

MOTION:
Councilperson Munn made the motion to approve Resolution 1912 as written. The motion was seconded by Vice Mayor Hall.

Councilperson Talkington made an amendment to the main motion to approve Resolution 1912, to include in Section 3 paragraph 3: "No more than two elected City Council persons may serve on any committee, including ad hoc groups and subcommittees created by statute, ordinance, or other legislative act. The motion was seconded by Councilperson Mills Sojka. Roll call vote showed all members present voted in favor of the motion.

Recess at 7:02 P.M.
Reconvened at 7:09 P.M.

MOTION:

Councilperson Mills Sojka made an amendment to the main motion to delete (red) in Section 3: paragraph 2, In order to provide more transparency in City government, neither the Twin Falls City Council nor any of its commissions will permit the formation of ad hoc volunteer groups *intended to report back to the City Council or commission.* The motion was seconded by Councilperson Talkington.

Council requested clarification of the intent of the amendment.

Councilperson Mills Sojka made an amendment to the main motion to add (red) to Section 3: paragraph 2:
In order to provide more transparency in City government, neither the Twin Falls City Council nor any of its commissions will permit the formation of ad hoc volunteer groups *"that deliberate or discuss public business that is not covered by executive session or any other part of the Open Meeting Laws.* The amendment failed due to a lack of a second.

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

Roll call vote on the main motion as amended showed Councilpersons Barigar, Hall, Hawkins, Lanting, Munn, and Talkington voted in favor of the motion. Councilpersons Mills Sojka voted against the motion. Approved 6 to 1.

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

Tammy Billman stated her complaint against 311 and 911. She called to report that she was pinned by two dogs.

Vice Mayor Hall stated that the Police Department will investigate her report.

Mike Jones spoke in favor of the need of transparency in the City Council and the Urban Renewal Agency. He spoke against increasing the City Attorney's salary.

City Manager Rothweiler stated that with the passage of Resolution 1912, he will come before Council to request work groups, Economic Development Ready Team and the Zoning Ordinance Amendment Committee (ZOAC) to be recognized as City Council appointed committees. He further discussed the Wastewater Treatment Plant Contract, Urban Renewal Agency Downtown Improvements, and the Canyon Jump.

Council agreed that the City Manager will negotiate a contract with CH2M Hill and will then make a recommendation to the City Council.

City Manager Rothweiler stated that he and City Attorney Wonderlich will provide to the Council weekly updates on the Canyon Jump process. He also has received interest from individuals who have asked to be involved in the process. Brian Lay, Dept. of Lands, has been invited to be part of the canyon jump process. In addition, staff discussed the contract terms between Beckley Media and the Department of Lands. Captain Anthony Barnhart will lead the public safety portion of the event. Beckley Media has been invited to attend the December 9, 2013, Council meeting.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

V. PUBLIC HEARINGS: None

V. ADJOURNMENT: The meeting adjourned at 7:48 p.m.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary