

COUNCIL MEMBERS:

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



MINUTES
 Meeting of the Twin Falls City Council
December 23, 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 December 16 – 23, 2013. 2. Consideration of a request to approve the November 25, 2013, City Council Minutes. 3. Consideration of a request to approve the Roadway Construction and Maintenance Agreement for Fillmore Street between Canyon Springs Road and Blue Lakes Blvd., with Canyon Park Development, LLC.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan Leila Sanchez Troy Vitek
II. ITEMS FOR CONSIDERATION: 1. Consideration of a request from Doris Ryall to purchase a portion of City owned lot located at 2617 Paintbrush Drive. 2. Consideration of a request to initiate a Special Use Permit Application for a new tourist information center to be located on property the City leases from the Idaho Transportation Department and operated by the Chamber of Commerce. 3. Discussion of estimates of development costs for the Evel Knievel jump site. 4. Update of security plans for the canyon jump that may be taking place in 2014. 5. Discussion of the first draft of the Agreement with Beckley Media to use Twin Falls City property in his effort to jump the Snake River Canyon. <i>This will not be an action item.</i> 6. Public input and/or items from the City Manager and City Council.	Action Action Discussion Update Discussion	Doris Ryall / Jonathan Spendlove Jonathan Spendlove Dennis J. Bowyer Brian Pike Travis Rothweiler Fritz Wonderlich
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 OR 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: Shawn Barigar, Don Hall, Suzanne Hawkins, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Parks & Recreation Director Dennis Bowyer, Police Chief Brian Pike, Assistant City Engineer Troy Vitek, Staff Engineer Jonathan Spendlove, 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. A quorum is 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 December 16 – 23, 2013, \$796,520.35 December 20, 2013, total: \$117,261.79
2. Consideration of a request to approve the November 25, 2013, City Council Minutes.
3. Consideration of a request to approve the Roadway Construction and Maintenance Agreement for Fillmore Street between Canyon Springs Road and Blue Lakes Blvd., with Canyon Park Development, LLC.

MOTION:

Councilperson Hawkins made the motion to approve the consent calendar as presented. The motion was seconded by Councilperson Barigar.

Councilperson Mills Sojka stated that on page 3 of the November 25, 2013, City Council Minutes, reference is made to bond hearings and sentencing hearing, and it was unsure of the County prosecutor's practices, so she emailed the Twin Falls County Prosecutor Grant Loeb, and she wanted to share with the Council Grant Loeb's response. Grant Loeb clarified that, "My office policy, which upon checking I have found is being complied with, is that every DUI, every crime of violence, and every crime with a victim requires that a prosecutor represent the State before the judge during sentencing. In addition, of course, we attend every sentencing in cases we amend from felonies. There are also many other cases with special circumstances which require our attendance. In addition, it should be noted that when victims are involved my victim coordinator also attends these hearings to support the victim. Failure to participate in these hearings, in my view, denies victims and the public the advocacy of the only person in the system charged to look out for their interests. It may be, as you say, that the judges often ignore our recommendations. If that is the case, the fault is with them. It is our experience, though, that our input is often valued and frequently effects their decisions. He said a similar issue with bond arguments.

City Attorney Wonderlich stated that this was an email that he received from Grant Loeb. He stated that Wakefield & Wonderlich are attending all bond hearings, arraignments and sentencing hearings.

Councilperson Mills Sojka referred to the Consent Calendar item: Consideration of a request to approve the Roadway Construction and Maintenance Agreement for Fillmore Street between Canyon Springs Road and Blue Lakes Blvd., with Canyon Park Development, LLC. She referred to page 2, regarding the quality of the material to be laid. She asked who would be inspecting the quality of the material used.

Assistant to the City Engineer Vitek stated that the City was involved in the constructing of the road and it is understood that the road is to be built to City standards.

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 from Doris Ryall to purchase a portion of City owned lot located at 2617 Paintbrush Drive.

A spokesperson on behalf of Ms. Doris Ryall stated that the owned lot is located at 2633 Paintbrush Drive. She explained that Ms. Ryall's house is on the market and the potential buyers found that part of the property is now on City property. Ms. Ryall's fence and concrete pad actually encroached onto the City's retention lot, Lot 1.

Ms. Ryall stated that when she purchased the home she went through a title company and assumed everything was as it should be and she was not told of the discrepancy.

Staff Engineer Spendlove explained the request. In 2000, the home was sold to Doris Ryall. In 2003, the City acquired Lots 1 and 8. The City has owned and maintained these two retention ponds since that time. Ms. Ryall's realtor contacted City staff and inquired about the various options regarding how to deal with the encroachment. In that conversation, the realtor asked if Ms. Ryall could purchase the easternmost 7' of the City's property so that the fence and pad would then be located on her lot.

Staff Engineer Spendlove discussed the process to dispose of excess property. The first step in that process is to adopt a resolution declaring the City's intent to dispose of real property and setting a date for a public hearing regarding the proposed disposition of property. If the property is proposed to be sold to a private entity, that disposal method is through public auction. An auction will be published indicating the property is for sale. If no bids are received the Council can direct that the City sell the property through a non-auction process. He further discussed that a split of the City property needs to occur in order for the City to dispose of it and he explained the process. The City owns several properties where adjacent private property improvements have encroached onto City's property. The City Engineer's concern was that the intended purpose of the City's lot is for storm water retention.

City Attorney Wonderlich stated that title companies do not survey properties. An alternative solution would be to allow a temporary encroachment easement to allow until such time the City needs to expand the retention basin.

Discussion followed.

- Building inspection and setback requirements

Staff Engineer Spendlove explained that the building meets the setback of 7' in an R-2 Zone. Concrete, outbuildings or accessory buildings under 120 sq. feet. are not inspected.

Walt Hess stated that the potential buyers are not satisfied with a temporary easement and are requesting a permanent easement.

- Process of abandonment of city property
- Storm water retention capacity requirements

City Attorney Wonderlich stated the Council may grant a permanent encroachment or a temporary encroachment.

Assistant City Engineer Vitek stated that the City Engineer is concerned that the City is approaching a population of 50,000, and may be required to meet the new requirement of additional storm water retention capacity.

City Manager Rothweiler stated a solution may be to place a permanent easement with the purposes of going through the transfer of the property.

Gene Bright, prospective buyer, explained his intent for the property if he chooses to purchase the property.

Discussion followed.

MOTION:

Councilperson Munn made the motion to grant a permanent encroachment easement at 2633 Paintbrush Drive. The motion was seconded by Councilperson Talkington.

- Ramifications of setting a precedent of granting an easement on an encroachment of city owned property
- Responsibility of property taxes
- Auction process
- Grant as excess of property
- Conveyance of property

Councilperson Munn made a modification to his motion to have the City proceed with the intent to dispose of the property in accordance with Idaho Code Title 50 Section 1402. Councilperson Talkington seconded his motion.

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

City Manager Rothweiler stated that staff will check for City owned properties that individuals have built on.

City Attorney Wonderlich stated that he will prepare a permanent encroachment easement for the property owner. A resolution for adoption will be brought to the City Council on January 6, 2014, declaring the City's intent to dispose of real property and setting a date for a public hearing.

Councilperson Barigar stepped down at 5:49 p.m. Shawn Barigar, Chamber President and CEO, will present the following agenda item.

2. Consideration of a request to initiate a Special Use Permit Application for a new tourist information center to be located on property the City leases from the Idaho Transportation Department and operated by the Chamber of Commerce.

Staff Engineer Spendlove explained the request. The Chamber has been working for several years to find a way to replace the current Visitor Center that will allow the center to be operated year-round with indoor restroom facilities and full time staff. The Chamber is finally now able to move forward with their plan and begin the process to construct the new, expanded, and updated tourist information center.

The property is zoned "OS - Open Space." In the OS district, a tourist information center is a permitted use upon approval of a Special Use Permit (SUP). The current information center is proposed to be expanded by more than 25%, causing the need for a new SUP to be approved prior to the City issuing a building permit. City Code states that only a property owner or lessee can submit an application for a SUP on a property. Since the property is owned by ITD and leased by the City, the Chamber is neither the owner nor the lessee. Either ITD or the City needs to be the applicant in order to proceed with a SUP application. Idaho Transportation Department (ITD) has tentatively agreed to lease the property to the Chamber and has provided a draft lease agreement for the Chamber Board to review.

Approval of this request will authorize the City to submit an application for a Special Use Permit as described above. Following approval, City staff will begin working with the Chamber to draft an agreement regarding the continued maintenance and public use of the trail and trail head facilities.

Staff recommends that the Council approve the request from the Chamber of Commerce and authorize the Special Use Permit application for a new tourist information center.

CEO Barigar explained that the Chamber has not determined specific details of moving forward on the project. The Chamber over the past nine years has discussed the visions and thoughts of the facility and now are at a point where they have a more realistic opportunity to move forward, but the project requires a significant capital funding campaign and a design to move forward in the process. The Special Use Permit could move forward even if the Chamber is unable to start building. The Chamber's concern is moving forward with changing the lease with the State and then being unable to build the facility, making the Chamber responsible for maintenance of the entire area. The maintenance cost to the Chamber is somewhat higher than what the City is paying ITD. A draft lease has been received from ITD but there are specific conditions that outline maintaining public access to the pedestrian and bike pathways. City staff discussed that it may be easier to inject the specific conditions into the lease with the State instead of having a separate agreement with the City.

Discussion followed.

- Visitor's Center constructed in the late 1980's by the Magic Valley Builder's Association in partnership with the Chamber of Commerce
- Restrooms built with a grant received through the Parks & Recreation Department
- Parking lot area improvements and requirements
- Timeline of a Special Use Permit is six months

MOTION:

Councilperson Talkington made the motion to have the City proceed with the process for the Special Use Permit for the new tourist information center located on property the City leases from Idaho Transportation Department and the City leases to the Chamber of Commerce. The motion was seconded by Vice Mayor Hall. Roll call vote showed Councilpersons Hall, Hawkins, Lanting, Munn, Mills Sojka and Talkington voted in favor of the motion. Councilperson Barigar abstained. Approved 6 to 0.

Discussion of estimates of development costs for the Evel Knievel jump site.

Parks & Recreation Director Bowyer explained the estimated development costs as requested by the City Council:

Access road from the end of Hankins to the jump site	\$875,000 – Road
10' walking/bicycle trail adjacent to the above access road	\$275,000 – Trail, north south section
Fencing along both sides of the access road	\$130,000 – Fencing, both sides
Parking lot directly south of the jump site	\$185,000 – Parking Lot
Canyon Rim trail along the rim of the property	\$51,000 – Trail, canyon rim section
Restroom/souvenir building near the jump site	\$365,000 – Restroom/souvenir building
Landscaping	\$8,000 – Landscaping

\$1,889,000 – Total Estimated Cost

Discussion followed.

- Consider RV turnaround, buses in design of parking lot
- Curb and gutter requirements
- Septic tank in the area of impact

Assistant City Engineer Vitek stated that curb and gutter is not required at this location. He also stated that City Engineer Fields stated her concern of subsurface rock. The septic tank would be acceptable at the location.

- Alternative to restroom may be porta-potties
- Jumper may find it necessary to make improvements to roadway which will be required to be built to City standards
- Improvements to the trail on the Canyon Rim section
- Gun range road has been paved
- Public access for public safety

City Manager Rothweiler stated that he will share the list with Mr. Simmons and Beckley Media for negotiations and will bring back to the Council what is equitable for the City and Beckley Media.

Public input:

Victoria Wakewood stated that the area at the end of Hankins road is gated and asked the possibility of public access.

City Attorney Wonderlich stated that the roadway on the City property is not developed. The subdivision is developed but is private property and is only available to the Fire and Police Departments.

3. Update of security plans for the canyon jump that may be taking place in 2014.

Chief Pike stated that on December 19, 2013, he and Captain Anthony Barnhart had a conference call with Rob Woodruff, the Event Director of Beckley Media. Discussion was made on site security and traffic management plans for the Twin Falls side of the canyon. Rob Woodruff stated that the area would not be open to the public but they would like to have sponsors at the jump site. A meeting will be held with January 9, 2014, with the Public Safety Team.

Discussion followed.

- Council field trip to the jump site
- Involvement of public safety entities

Chief Pike stated that he provided Rob Woodruff a list of an executive group of police chiefs, sheriffs and all the primary individuals involved with the event.

- Beckley Media is responsible to develop a public safety plan and executing the event

Councilperson Barigar stated that his concern that Beckley Media has not submitted their safety and security plans.

Public input.

Katie Breckenridge, Picabo, stated that she owns 13 acres on the Jerome side of the canyon. She and Rob Struthers are offering access to their property that is .2 miles from the jump site for first responders and other individuals who need a safe spot. She asked if the public can be kept off of public lands. She stated she would like to be part of the planning process.

Roger Morley, Jerome County Commissioner, stated that the County of Jerome has not been approached by Beckley Media. He stated his concern of public safety. He urged the City of Twin Falls to contact Jerome.

City Manager Rothweiler stated that he understood that Rod Woodruff met with Jack Johnson, Chief Deputy for Jerome County on December 16, 2013. He stated that he would encourage Beckley Media to contact Jerome County Commissioners.

Recess: 6:42 p.m.

Reconvened at 6:46 p.m.

4. Discussion of the first draft of the Agreement with Beckley Media to use Twin Falls City property in his effort to jump the Snake River Canyon. *This will not be an action item.*

City Manager Rothweiler stated that the draft lease agreement has been forwarded to Jerome County, Twin Falls Prosecutor Grant Loeb, and representatives with Beckley Media. ICRMP, the City of Twin Falls general liability insurance carrier, has reviewed the first draft and staff has incorporated ICRMP's suggestions. Compensation, detailed traffic and safety plan, and a strategy to cover prosecution will be included in the lease. Rod Woodruff is coordinating the security portion of the event for Beckley Media and discussion was made on insurance and the ability to capture insurance. The amounts listed are the same amounts requested by the State and terms of their lease and it is appropriate to list the City of Twin Falls as additionally assured. Staff is seeking Council guidance.

City Attorney Wonderlich stated that the meat of the draft lease is in Section 2: A. Phase 1 – Planning and Permitting, B. Phase 2 – Staging or Performance of the Event, C. Phase 3 – Reclamation Plan. The applicant must get through Phase 1 prior to proceeding with Phase 2 of the plan. Staff is requesting Council direction on whether to allow or prohibit sublease and assignment.

Discussion followed.

- Preserving the historical jump site
- Consideration to a monetary lease rate during the planning stage if the event does not happen
- Insurance claims for property damage (Twin Falls side only)
- Bonding coverage (Twin Falls side only)

Councilperson Barigar stated that the State lease is \$25,000 a year whether an event occurs or not, and the State receives 5% of the take of the event and will be paid 3% of the residuals and perpetuity. He recommended requiring a good faith payment in addition to the City being compensated for the time spent on the event.

- Crime as a result of the event

City Manager Rothweiler stated the City is trying to prevent an inundation of the court system as a result of this event occurring in Twin Falls. Staff will be meeting with County Prosecutor Grant Loeb to provide some level of guidance.

Mayor Lanting stated that Beckley Media is planning to sell the event for \$10,000,000, making the State's lease royalty \$500,000. The \$500,000 does not include what Beckley Media paid for the lease.

- Royalties and residual compensation (pros and cons)
- Broadcast partnership
- Promoting the community and brand of the City and the region

Public input.

Victoria Wakewood stated she lives in the area the event will take place and would like to see that the integrity of the neighborhood is maintained.

Mr. Morley, Jerome County Commissioner, stated for clarification that the County of Jerome has 17 years left on the BLM lease.

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

City Manager Rothweiler stated for clarification that the City owns the title where Fire Station 2 is located.

The January 6, 2014, City Council Meeting will begin at 4:00 p.m. to tour the City Communications Center.

On January 13, 2014, an Open House and Ribbon Cutting will be held for the City's Public Works Building, located at 119 South Park Avenue West.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 OR None

V. ADJOURNMENT: The meeting adjourned at 7:15 p.m.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary