

COUNCIL MEMBERS:

LANCE CLOW	TRIP CRAIG	DON HALL	DAVID E. JOHNSON	WILLIAM A. KEZELE	GREG LANTING	REBECCA MILLS SOJKA
<i>Mayor</i>			<i>Vice Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
July 18, 2011
 City Council Chambers

4:00 P.M.

The purpose of the meeting is to discuss the Preliminary Budget for Fiscal Year 2011-2012.

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 accounts payable for July 12 – 18, 2011.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Troy Vitek Dan McAtee Mitch Humble Dan McAtee
2. Consideration of the July 11, 2011, Minutes.		
3. Consideration of a request to accept a deferral agreement for sidewalk along the frontage of property located at 466 Madrona Street c/o Susan Briggs.		
4. Consideration of a request from Suzanne Olson and the Junior Club of the Magic Valley to approve the 24 th Annual Bite of Magic Valley to be held at the Twin Falls City Park on August 3, 2011.		
5. Consideration of the Final Plat of Canyon Villas Subdivision (replat of a portion of the Perrine Subd.) 15.33 (+/-) acres consisting of 27 residential lots and located at the northwest corner of Grandview Drive North and Falls Avenue West and within the Perrine Point PUD. The Edmunds Group, LLC c/o Gerald Martens/EHM Engineers, Inc.		
6. Consideration of a request by Kirby Butler to approve the 31 st Annual Buffalo Hot Wings (formerly Falls Brand/Budweiser) Door Slammer Tournament and picnic to be held at Harmon Park on August 27, 2011.		
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Presentation of a certificate of appreciation to Modern Woodmen of America.	Presentation Presentation	Dennis Bowyer Karen McCarthy/ Jim Cook (ILAS)
2. Presentation by Idaho Legal Aid Services (ILAS).		
3. Report on the Open House for the Eastland Drive Project held on July 13, 2011, in the Twin Falls City Council Chambers.	Report	Jacqueline Fields
4. Discussion on the Comprehensive Public Safety Communication Strategy and Action Plan being prepared by Praecom Consulting.	Discussion	Craig Stotts
5. Consideration of an Amendment to PUD Agreement #251 between the City of Twin Falls and Tres Gringos, LLC (formerly Greenridge Development, LLC – dated 05-14-2008).	Action	Mitch Humble
6. Public input and/or items from the City Manager and City Council.		
7. Continue discussion of the Preliminary Budget for Fiscal Year 2011-2012.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00		
1. The vacation of a portion of Perrine Point Subdivision, including all dedicated public right-of-way, easements and property lines consisting of fifteen (15) +/- acres of property for the purpose of re-platting. The Perrine Point Subdivision is located north and west of the intersection of Falls Avenue West and Grandview Drive North, c/o EHM Engineers, Inc., Gerald Martens on behalf of Edmunds Group, LLC. (app.2464)	Public Hearing	Mitch Humble
V. <u>ADJOURNMENT:</u> to <u>Executive Session</u> 67-2345 (1)(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in		

<p>others states or nations. 67-2345 (1) (f) To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.</p>		
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**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: Lance W. Clow, David E. Johnson, Trip Craig (4:33 P.M.), Don Hall, Greg Lanting, William Kezele (4:29 P.M.) , Rebecca Mills Sojka

Absent: None.

Staff Present: City Manager Travis Rothweiler, Chief Finance Director Lorie Race, Budget Coordinator Darren Huber, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Fire Chief Ron Clark, Parks & Recreation Director Dennis Bowyer, Personnel Director Susan Harris, Police Chief Brian Pike, City Engineer Jacqueline Fields, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

4:00 P.M.

City Manager Rothweiler gave the presentation.

The following was reviewed:

Property Tax Overview & Analysis

City Manager: Performance Measurement \$14,500

Economic Development – Why the decrease in salary? Correction of actual amount.

Police K-9 for \$20,000, is this a replacement? Yes.

Computer Software in Finance and Fire. Expenses are typically in the IS fund. Why is there software budgeted in -Finance and Fire. Onetime expenses and will move to IS for maintenance.

Recreation - OTYC & Harmon Safety Netting, \$25,000 & \$25,000.

Parks - Replace Thomsen Park Trail and Auger Falls Trail System - Thomsen \$140,000, Auger Falls \$75,000, funds being reviewed by Park Commission.

Council discussion followed:

Councilperson Clow stated that he does not see the need to replace the Thomsen Park Trail.

Swimming Pool Budget – Does that include the bubble? Yes.

Morning Sun Park Restrooms – Postponement of project. Possible to fund with in lieu of fees from further development.

Capital Contingency Golf Fund - \$33,007, money needed to cover calculated short fall.

Fire Capital: Fire Truck Engine \$225,000 – Replacement, spread over 2 years, 2 part purchase.

Hansen Building façade maintenance - \$5,000 – Façade needs maintenance.

Councilperson Kezele took his seat at 4:24 P.M.

City Manager Rothweiler continued his presentation.

The following was discussed:

How do you fund roadway improvements in Idaho?

Property Tax Collections

General Obligation Bond

Tax Levy Overrides

Local Improvement Districts

Impact Fees

Federal Grants

State Grants

LHTAC

Reallocation of Funds/Shifting of priorities.

Council discussion followed:

Minutes

July 18, 2011

Page 4 of 13

Councilperson Clow asked where the Pole Line Eastland Corridor Project stands on the State's list. City Engineer Fields stated that the project is still on the State's priority list.

Vice Mayor Lanting asked if the initiative for local option tax for transportation is moving forward. City Manager Rothweiler stated that he understands there are a collection of mayors that are trying to establish and create draft legislation to be considered for local option sales tax funding. Another project is being worked on internally about the ability to take a look at existing tax dollars and maybe looking into a reallocation or distribution.

Councilperson Kezele asked what if any opportunity does the City have to encourage infill or to encourage property owners to make upgrades to homes or fronts. Community Development Director Humble stated that the city does not have any programs in place. The City could probably do some fees and downgrade the actions that come with the building or rebuilding such as rebuilding of an adjacent arterial or collector streets that would add significant costs to the project. Someone along the way would have to pay for street improvement. There may be some opportunities on the park side of things in the park dedication requirement.

Councilperson Craig took his seat at 4:33 P.M.

Councilperson Clow stated that he was involved in a conference call a couple of months ago which Mayor Beader organized. He said there are private business people around the state that are willing to put up some money to research putting local tax sales on a statewide referendum ballot. They are leaning toward making it towards either public transportation or streets. Mayor Clow stated he hasn't heard anything more.

Councilperson Mills Sojka suggested providing incentives to encourage people to build downtown or south of town. City Manager Rothweiler stated that he would place the suggestion on the strategic planning list of things to be considered.

Councilperson Mills Sojka referred to the Water Fund. She asked if the level projected ending funding balance of \$7 million dollars is surplus or dedicated. Finance Director Race stated a good portion of that will be bond proceeds.

Mayor Hall referred to the Police Station Remodeling and Repairs for \$75,000. He asked what this would entail. Police Chief Pike stated that in the budget there is \$7,500 for an architect to help the Police Department with a plan. \$25,000 a year would be spent to remodel the existing facility.

Mayor Hall stated that the Animal Control budget is \$108,000 and he asked about the possibility of the city taking over the services. Police Chief Pike stated that conversations have been held with the Sherriff. It would cost more money internally to start the program. Staff is continuing to explore different possibilities.

Councilperson Clow referred to the Sanitation and Landfill Fees and asked why the landfill fee of \$6.95 is higher than the prior years. Finance Director Race stated that she would get the information for the Council. The sanitation fees for PSI are expected to increase.

Councilperson Kezele referred to Seal Coating. He asked if the increase of \$200,000 budgeted for seal coating is sufficient to maintain proper maintenance of the road. City Engineer Fields stated that the \$200,000, should be very close to be sufficient for the maintenance of roads.

Councilperson Kezele stated that the Street Repair and Maintenance of \$325,000 has been removed from the budget. He asked if this has been utilized somewhere else. City Manager Rothweiler stated that the \$325,000 was requested for overlay projects but was removed. Staff chose to take the available funds to enhance the seal coat portion and add \$1.3 million dollars in additional dollars over a period of time to ensure that surprises like Eastland get lessened at some point in the future.

Councilperson Clow referred to the Air Show expenses. He asked if staff is assuming that there will be no expense to the City including Police Department time. City Manager Rothweiler stated that the overall hope is that the Air Show will be 100%

self supported. The City has contingency dollars if there is an unexpected increase over the course of time to offset costs. The plan is to be reimbursed by the Air Show Committee for overtime for services provided by the Police Department.

Recess at 4:55 P.M.

Mayor Hall called the meeting to order at 5:03 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present and Mayor Hall introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested an addition to the agenda:

ADJOURNMENT to Executive Session

67-2345 (1)(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in others states or nations.

67-2345 (1) (f) To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

MOTION:

Vice Mayor Lanting made a motion to amend the agenda to add an Executive Session to:

67-2345 (1)(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in others states or nations.

67-2345 (1) (f) To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for July 12 – 18, 2011, total: \$427,656.09.
Prepay – July 12, 2011, total: \$516,593.07.
2. Consideration of the July 11, 2011, Minutes.
3. Consideration of a request to accept a deferral agreement for sidewalk along the frontage of property located at 466 Madrona Street c/o Susan Briggs.
4. Consideration of a request from Suzanne Olson and the Junior Club of the Magic Valley to approve the 24th Annual Bite of Magic Valley to be held at the Twin Falls City Park on August 3, 2011.
5. Consideration of the Final Plat of Canyon Villas Subdivision (replat of a portion of the Perrine Subd.) 15.33 (+/-) acres consisting of 27 residential lots and located at the northwest corner of Grandview Drive North and Falls Avenue West and within the Perrine Point PUD. The Edmunds Group, LLC c/o Gerald Martens/EHM Engineers, Inc.
6. Consideration of a request by Kirby Butler to approve the 31st Annual Buffalo Hot Wings (formerly Falls Brand/Budweiser) Door Slammer Tournament and picnic to be held at Harmon Park on August 27, 2011.

MOTION:

Vice Mayor Lanting made the motion to approve the Consent Calendar excluding the *Consideration of the July 11, 2011, Minutes*. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Presentation of a certificate of appreciation to Modern Woodmen of America.

Parks & Recreation Director Bowyer reviewed the request.

Mayor Hall and Councilperson Clow presented a plaque of appreciation to Terry Downs of Modern Woodmen of America for the improvements made at Dierkes Lake Beach.

2. Presentation by Idaho Legal Aid Services (ILAS).

Karen McCarthy, Staff Attorney and Jim Cook, Deputy Director of Idaho Legal Aid Services, explained the services provided by ILAS.

3. Report on the Open House for the Eastland Drive Project held on July 13, 2011, in the Twin Falls City Council Chambers.

City Engineer Fields stated that on January 3, 2011, a presentation was made to the City Council on Eastland Drive roadway failures, which included the section between Falls to Filer. The Stadium to Falls Avenue East section was shown in the presentation and identified as a project that the City is beginning preparations on. Staff was reviewing the need and the potential for a right of way on the project. Staff hoped to begin the irrigation work when the water went out in the fall and to reconstruct the section of roadway the following year. The preliminary design was beginning but the project wasn't ready in January for right of way discussions. Estimates and a prioritized project list for the Eastland Drive projects were presented to the Council on March 14, 2011. The Stadium to Falls job was extended to include the Stadium to Filer section as a full width reconstruction except for the lane that was recently built by the development of the Stonehedge and Field of Dreams Subdivisions. The project list included reconstruction and pavement at the intersection of Filer and Eastland. The roadway section is projected to meet capacity somewhere after 2015. The Master Transportation Plan growth projections haven't kept up with the Master Plan. It generally costs less and is more efficient and less of an imposition on property owners to do the reconstruction and the widening at the same time. That was a part of this decision making process to attempt to buy right of way on the Stadium to Filer section of roadway. On March 14, the cost difference between capacity widening and reconstruction and just reconstruction was reviewed. The difference shows that it is more efficient to do both projects at the same time if possible. After March 14, staff began the right of way process which means that staff needs to access what the acquisitions would be, prepare documents, get legal descriptions from a licensed surveyor, get appraisals, and deliver packets. The appraiser began delivering documents late in June. The City had to engage the surveyor and he had completed the remainder of his work early in July. The City is on a compressed time line to try to construct the irrigation work in the fall. Staff made a decision not to conduct an open house to announce the project. Staff began delivering packets but that action was absolutely not completed by the time that the decision to host an open house that occurred on July 13, 2011.

An error was made in an attempt to be efficient and to try to respond to the compressed schedule. The City, by policy, does not stake people's properties before they know it. Appraisals had been done and packets had been delivered to a small section of property owners. Staff gave the surveyor authorization to stake the entire right of way. Staking the entire property was more efficient and cost effective and was definitely an error. On Falls Avenue West, the stakes weren't placed until the residents were notified. The stakes were placed so the resident's could understand what is going on. Projects are scheduled so there is enough time to buy the right of way without ending up in a time crunch where staff is trying to be efficient and effective and also talk to people. The City will reinstate open houses. Typically open houses are not well attended.

The open house conducted on July 13, 2011, was well attended. The City Manager opened the meeting with an apology on behalf of the staff and the City and pledged that staff will do a better job communicating with the citizens of Twin Falls.

Comments:

Past Pedestrian Project on Eastland. City Engineer Fields stated that prior to 2006 there was public concern about pedestrian access on Eastland. Apparently when Engineering reviewed the area staff concurred and exercised use of existing right of way to construct a sidewalk on the east side of Eastland. There was a concern expressed at the meeting about the lack of notification about the sidewalk on the east side of Eastland. Comments were made that placement of the sidewalk was a waste of taxpayers' money. There was a question on how the project was funded. Staff responded indicating to the public that the current Eastland project is funded by reserves. There is no consistent policy regarding notification of use of right of way.

Fiber Optics. City Engineer Fields stated that the City does not have a clear policy in regards to local utilities. Engineering will work with local utilities to formulate a policy in the notification of property owners when existing right of way is used on larger projects.

Eastland Drive Speed Enforcement. City Engineer Fields stated that Police Chief Pike indicated that he would increase enforcement action on Eastland. Recent data showed that at Pole Line and Bridgeview, Eastland at Candleridge and Eastland at 9th, 85% of the vehicles that travel along the roadway are going about 41mph or less. It appears that vehicles that are exceeding the speed limit are in a small car to small delivery truck range consistently during the day. At looking at what happens to the trucks in the middle of the night findings show there is a dramatic decrease in the other vehicles. There appears to be a larger percentage of the six plus axle vehicles. There appears to be more big trucks on the road compared to the daytime. The speed limit will stay at not more than 35 mph.

The properties are zoned R-4 Residential and are family dwellings. Community Development Director Humble stated that the R-4 Zone is fairly accurate between Falls and Filer. This is consistent with the future land use plan.

Children crossing Stadium and Eastland. City Engineer Fields stated that the intersection of Stadium and Eastland does not warrant a signal. Staff believes that if that intersection is cleaned up the volumes will increase and a signal will be warranted at the location. The plan is to place conduit for a future signal, crosswalk at the intersection, and flag standard.

Trucks on Eastland. City Engineer Fields stated that Eastland is an arterial roadway. ITD studies concluded that the southeast bypass did not have enough traffic loads to warrant construction of a project. The City Code allows trucks on City streets when they have permits, even though they are not issued by the City. The City has one truck route that is specified by the resolution that is located on Washington but that does not preclude use of other roads in town for permitted loads.

City Standards. City Engineer Fields stated that questions arose in regards to the City complying with City Standards. City Standards for development are located in the subdivision of land section of the code. Staff has been asked by Council to use their discretion in the development of property. Staff made the decision not to separate the sidewalk on Eastland because it does impact some of the property owners. In a few of the cases in the section from Stadium to Falls, based on where the section line is located, blindly applying the standard would have halved the size of the front yards completely. In addition, standards require enacting a 15' easement behind the right of way line, and that 15' utility easement was not applied to the project. The majority of the utilities on Eastland are complete. On 4th to Elizabeth a decision was made not to place sidewalk on both sides of the street. There is a sidewalk in play on the O'Leary side of the street. If the City had chosen to acquire the right of way and place the sidewalk on both of sides of the street, the City would have been in a right of way action that would have prohibited the project from occurring in the summer. There is pedestrian accessibility in the alignment because there is a sidewalk. The request for ADA accessibility will be addressed.

Valuation of property. City Engineer Fields stated that there has been concern from residents regarding the compensation of improvements inside the existing right of way and also within the portion that the City hopes to acquire, the right of way process and the 30 day time limit to complete negotiations. Transmitted to the property owners was a packet of information that included a document entitled *Advice of Rights*, appraisal, and sketches of the proposed project. The letter stated that the property owner will be contacted within the week to set up an appointment to discuss the project. The additional purpose of the initial meeting is to discuss the project, appraisal, and discuss the types of things needed for construction. The *Advice of Rights* form No. #10 states, "If the condemning authority desires to acquire property the employees shall not give the owner any timing deadline as to when the owner must respond to the initial offer which was less than 30 days." The packet says that the City cannot give people not less than 30 days to respond to an initial offer. The City can ask to meet with the property owner to be proactive and address concerns before getting to the 30 day window. Responding does not mean completion. She continued to explain the condemnation process.

Council discussion followed:

Councilperson Lanting asked if the east side of Eastland from Stadium to Filer the City has current right of way at the location or will the City have to acquire right of way. City Engineer Fields stated that the City had to acquire right of way from within two feet of the lane. The stakes are located at the back of the right of way.

Minutes

July 18, 2011

Page 8 of 13

Councilperson Johnson asked if there are currently right of way acquisitions that are to be made for the continuance of the project. City Engineer Fields stated that acquisitions have to be made on all the properties. Negotiation has been made with one property owner. No construction has been made on the project. An Advice of Rights explains the condemnation process.

Councilperson Clow asked staff to look into the busing area east of Eastland versus walking across the street.

Hank Ryan, 2217 Stadium, stated that he lives on the corner of Stadium and Eastland and stated there is no crosswalk. There are children who walk/run across Eastland.

Gary Koutnik gave a brief history of his appraisal and right of way background. An appraisal is often an opinion of some defined value, usually market value. The definition of market value is the most probable price. In the context a highest and best analysis is done, which part of the analysis is what the zoning will allow. The highest and best use of Eastland is a residential zone. A comprehensive search turned up three comparable sales. The three sales suggested \$1 to \$3 a square foot, which is about \$90,000 an acre. The County Assessor valuation of the same parcels was a range from \$.76 a foot to \$2.89 a foot with an average of about \$2.12 a foot. An appraisal is an estimate based on data available. A C-1 Zone or a Professional Overlay Zoning for property is a lot higher than \$2 a foot.

Council discussion followed:

Councilperson Johnson asked if the current zoning is hurting the property owner. Gary Koutnik stated that Eastland is a residential zone and the underlying highest and best use is residential. This is the third highest north/south arterial in Twin Falls. Eastland has 10,000 cars day on it. The impact to the houses is apparent.

Mayor Hall had questions on the tree appraisals. Gary Koutnik stated that appraisals on trees are difficult to make. An appraisal is made on trees but the number can be negotiated.

The public was welcomed to speak.

Deborah Hergenreder, 1701 Eastland Drive North, stated that the City is taking 6,703 square feet of her property. She stated that she is not against the project. Her concern is the comparison of her property with other comparable properties in the City. The property comparisons are 283 Harrison Street, 1751 3rd Avenue East, and 1445 Washington Street South. The properties are not located near her location. She would like the City to reconsider their offer.

City Manager Rothweiler placed a letter on overhead projection, dated July 18, 2011, from J. Dee May.

J. Dee May, 2029 Stadium Blvd., representing Margaret Petty who lives at 576 Eastland, stated his concern of the lack of information from the Council and education of those making the decisions and the staking of property prior to decisions being made. Appraisals opinion differs. Perhaps there is better way to proceed so progress can be done. There has to be constitutionally just compensation and in this economy trying to sell properties is going to be a difficult sale, which means that the severance damage is going to be significant. He encouraged Council to look at this again and to reconsider maybe this is not the best way to go but if it is to regroup somehow as a City and pay the people what they are due.

Breanne Howard, 546 Eastland Drive N., agreed that the road needs to be paved and widened. She stated that she would like to get out of her home because she does not want to live on a five lane road.

Rocky Adamson, 670 Eastland Drive N., stated the following concerns:

-Snow on the sidewalk is impossible to remove.

-After the roadwork is completed will there be pressurized irrigation?

-There is nothing in his paperwork or any kind of easement that shows that curb line to back of his property.

-When does a bare lot appraise the same as a developed lot? By the Gun Club on N. Washington there are lots that are advertised at \$9 a square foot. There are lots on Eastland selling for \$35 a square foot. He stated that all you have to do is check the cemetery.

Minutes

July 18, 2011

Page 9 of 13

Hank Ryan, 2217 Stadium Blvd., stated that two years ago there was construction on Eastland where Eastland was resurfaced, then fiber optics were placed and Eastland was torn up again. He stated his concern of no communication between utilities to get the job done once and for all. His neighbor across the street has trees for protection of his house.

Paul Burnett, 2195 Alta Vista Drive, stated that he hopes that the project is stopped and done right. Across from him is a parking lot and he is not sure why he should have trucks driving through his bedroom when there is space on the east side of the road.

Bill Wight, 530 Eastland Drive N., stated that the survey wasn't done during beet hauling season where loaded beet trucks are rolling down the street at high speeds. He stated he has a background in civil engineering and was with the Corps of Engineers, and noticed that the City Engineer using terms as "errors we made" and "wasn't aware" and can't imagine telling his commander things like that. He stated his concern of noise. It was said that the City owns the right of way. The right of way wasn't deeded to the City. He stated that the City does not own anything on his lot.

Margaret Petty, 576 Eastland Drive N., stated that she has four big trees that would be removed and she counts on the trees for shade, and there is nothing that can compensate that. She has spent \$50,000 over the last 3 months preparing her home for resale value and there is no way any of this can be compensated.

Staff responses to questions:

Snow

City Engineer Fields stated that she understands that when the Streets Department plows snow this can shove snow up onto the sidewalk if sidewalks are detached. Conversations will continue with the Streets Department to implement a policy on snow removal.

Pressurized Irrigation

City Engineer Fields stated that plans have not been made to extend the pressurized irrigation into the project. The station is down at Ascension and was not designed to provide service to this area and neither is the transmission that is being built through Ascension. Pressurized irrigation is an option for property owners unless they are in a brand new subdivision of land. Pressurized irrigation wasn't offered to the residents because the current system is brand new and does not have capacity.

Right of Way Easements

City Engineer Fields stated that she has heard the comment that there is no paperwork on the easement that the property is owned out to the centerline of the road, that there is a difference of what was staked at the beginning of the acquisition and the back of it. She stated that she would research exactly why the assertions are being made to clarify any confusion.

Lack of Communication between the Utilities

City Engineer Fields stated that how utilities function in the City's right of way is a point of conversation. The City has begun to participate in a Utility Coordinating Council to try to in a voluntary matter avert having utilities come through and cut brand new pavements. Public Works is committed to not coming in and trenching into brand new pavement.

Speeds Survey

City Engineer Fields stated that surveys were done in September and again in November and the data that was discussed with Council was in November. Truck loads were heavier in November than they were in September.

Police Enforcement during the Beet Haul

Chief Brian Pike stated that he would step up enforcement during the beet haul.

Appraisal of Bare Lots and Developed Lots

Gary Koutnik stated that valuation of the land is valued like it was vacant and ready to be put at its highest and best use. Property improvements add to the package such as landscaping.

Councilperson Kezele asked if there are requirements restricting cars to back into Eastland.

Community Development Director Humble stated that if a house was built on Eastland today it would be a requirement to have a turnaround on the driveway so you come out front face instead of back face.

City Engineer Fields stated that the Code states that you cannot back out onto an arterial. If a home was built before the code it doesn't apply until some kind of building permit triggers; however, the problem with backing out onto the roadway exists for individuals now. The City will try to find some type of turnaround capacity. The City will urge the residents to allow the construction of a turnaround pad on their property. The City will calculate the temporary easement to construct the work. The resident will have the option to decide if they will grant a temporary easement to the City.

Vice Mayor Lanting asked if the City has limits of what they can actually pay the resident for right of way.

City Attorney Wonderlich stated that the minimum the City is required to pay is just compensation for the property taken and the damage to the remainder.

Vice Mayor Lanting asked if the Council can negotiate the price of square footage on a Professional Overlay Zoning.

City Attorney Wonderlich stated that the Council can choose to pay whatever they want.

Councilperson Clow said he recalled that on Addison when the City was looking into changing two to three blocks to Professional Overlay Zoning everybody in the neighborhood did not want the change in the neighborhood. The same happened on a lot on Eastland where there are now a couple of professional offices, where people a block away from Eastland were complaining about what would be in their backyards. If it was zoned professional overlay it would increase the value, but if a neighbor would request a Professional Overlay Zoning most of the neighbors would be fighting it. If somebody were to say they wanted to put a gas station zoned C-1, probably all the neighbors would be fighting it.

Vice Mayor Lanting stated that he wasn't suggesting that the zoning be changed to Professional Overlay Zoning but to compensate them based on Professional Overlay Zoning which he thinks would eventually occur on that street. The process is very lengthy and would be very contentious.

Councilperson Johnson stated that the City needs to regroup and do it right.

Councilperson Mills Sojka stated that at the open house the most prominent concern was just compensation. Questions arose regarding property tax assessment. She asked Gary Koutnik for clarification on what part of the process of appraising and appraising standards does not allow consideration of a house. The house has a different value when you appraise it for a bank or when the property is appraised for a loan.

Gary Koutnik stated what the goal is to isolate what is being taken. In the appraisal of a house you compare the whole package: the house, the lot, garage, the basement to a house, a lot, maybe a garage and basement. In this kind of appraisal the focus is on the land. He doubts that for a house in these age groups that a bank would even require a cost approach. The proximity issue is a Fannie and a Freddy thing and also an in-house guideline for a particular lender.

Councilperson Clow asked when construction would begin. City Engineer Fields stated that construction would begin after the right of ways are acquired which takes about two months.

Councilperson Clow stated that everyone should be compensated fair value of their property. Decisions made now will affect all future projects. Consideration should also be made to taxpayers.

An Eastland resident stated that his insurance company states that replacement cost is \$196,000, the County says his property value is \$140,000, when the project is completed he doesn't think anyone would look at his property for more than \$50,000. That is the whole crux of the situation.

Mayor Hall thanked the residents for attending the meeting and voicing their concerns.

The public hearing was heard at this time.

IV. PUBLIC HEARINGS:

1. The vacation of a portion of Perrine Point Subdivision, including all dedicated public right-of-way, easements and property lines consisting of fifteen (15) +/- acres of property for the purpose of re-platting. The Perrine Point Subdivision is located north and west of the intersection of Falls Avenue West and Grandview Drive North, c/o EHM Engineers, Inc., Gerald Martens on behalf of Edmunds Group, LLC. (app.2464)

Ken Edmunds, applicant, 961 Wildwood, explained the request.

Community Development Director Humble stated that on July 12, 2011, the Planning & Zoning Commission unanimously recommended approval of the request, as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a letter of approval from each of the utility companies impacted by this vacation prior to approval and publication of ordinance.

Council discussion followed.

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

Public hearing was closed.

MOTION:

Councilperson Johnson made the motion to approve the vacation of a portion of Perrine Point Subdivision, including all dedicated public right-of-way, easements and property lines consisting of fifteen (15) +/- acres of property for the purpose of re-platting. The Perrine Point Subdivision is located north and west of the intersection of Falls Avenue West and Grandview Drive North, c/o EHM Engineers, Inc., Gerald Martens on behalf of Edmunds Group, LLC. (app.2464) as presented with the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a letter of approval from each of the utility companies impacted by this vacation prior to approval and publication of ordinance.

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

Item for Consideration II.3. was heard at this time.

4. Consideration of an Amendment to PUD Agreement #251 between the City of Twin Falls and Tres Gringos, LLC (formerly Greenridge Development, LLC – dated 05-14-2008).

Community Development Director Humble reviewed the request.

Staff believes that the agreement correctly reflects the PUD as it was approved and recommends Council approval of the agreement as presented.

MOTION:

Councilperson Johnson made the motion to approve the Perrine Point PUD Agreement #251 as presented. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Discussion on the Comprehensive Public Safety Communication Strategy and Action Plan being prepared by Praecom Consulting.

Lieutenant Stotts gave an overview of the progress of the City's communication plan.

Staff is not requesting approval or adoption of the overall plan at this time.

Council discussion followed:

Councilperson Kezele asked what the \$2.5 million dollars entails.

Lieutenant Stotts stated that the project would include:

Phase I – North End Coverage/Narrowband (Mandatory)

Phase II – Simulcast

Phase III – Trunking.

Discussion followed on:

-Potential Revenue Possibilities

-Impact Fees

City Manager Rothweiler stated that staff has met with the Fire District to discuss the partnering with the City of Twin Falls in participation and funding of the project.

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

Councilperson Johnson stated for clarification that what he meant by starting over in the earlier discussion on the Eastland Project is to neutralize the situation.

City Attorney Wonderlich stated that eminent domain is the acquisition of private property for public use.

5. Continue discussion of the Preliminary Budget for Fiscal Year 2011-2012.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

V. ADJOURNMENT: to Executive Session

67-2345 (1)(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in others states or nations.

67-2345 (1) (f) To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

MOTION:

Vice Mayor Lanting made the motion to move to Executive Session 67-2345 (1)(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in others states or nations.

67-2345 (1) (f) To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

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

Adjourned the meeting at 8:22 P.M.

Minutes
July 18, 2011
Page 13 of 13
Leila A. Sanchez
Deputy City Clerk/Recording Secretary