

**COUNCIL MEMBERS:**

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

*Vice Mayor*

*Mayor*



**MINUTES**

Meeting of the Twin Falls City Council  
**Monday, April 1, 2013**  
 City Council Chambers  
 305 3<sup>rd</sup> 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:
<b>I. CONSENT CALENDAR:</b>		<u>Action</u>	<u>Staff Report</u>
1. Consideration of a request to approve the accounts payable for March 19 to April 1, 2013, total: \$1,159,305.00 Payroll, total: \$20,762.49 Fire Payroll, total: \$51,681.92			Sharon Bryan  L. Sanchez
2. Consideration of a request to approve the March 4, 2013, City Council Minutes.			
<b>II. ITEMS FOR CONSIDERATION:</b>			
1. Swearing in ceremony for two new Twin Falls Police Department Officers. Request for Mayor Lanting to administer the Oath of Office to Shawn Bybee and David Cushing		Action/	Brian Pike Greg Lanting
Presentation of a Level III Crime Scene Investigator Certificate to Community Service Officer Joan Lang.		Presentation	Bryan Krear
2. Consideration of a request to select Remotec, Inc., as a sole source supplier for the acquisition of a Hybrid Radio System and Power Supply Kit for use on the Twin Falls Police Bomb Squad ANDROS F6A ROBOT.		Action	Dan Lewin
3. Public input and/or items from the City Manager and City Council.			
4. Executive Session 67-2345(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.		Action	
<b>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>			
<b>IV. PUBLIC HEARINGS: 6:00 P.M.</b>			
1. Request for the Vacation of 50' x 293' dedicated public right of way, aka Desert Rose Drive located north of Ramblin Rose Way in the City's Area of Impact, c/o Rocky and LeAnn Hagan, Robert Dickerson. (app. 2544)		PH	Mitch Humble
<b>V. ADJOURNMENT:</b>			

***\*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.***

Minutes

Monday, April 1, 2013

Page 2 of 4

Present: Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Police Chief Brian Pike, Captain Bryan Krear, Staff Sergeant Dan Lewin, 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. Mayor Lanting introduced staff.

#### **CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

City Manager Rothweiler requested the following amendment to the agenda:

67-2345 (1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

#### **MOTION:**

Councilperson Talkington made a motion to approve the amendment to the agenda. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

#### **AGENDA ITEMS**

##### **I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for March 19 to April 1, 2013.
2. Consideration of a request to approve the March 4, 2013, City Council Minutes.

#### **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.

##### **II. ITEMS FOR CONSIDERATION:**

1. Swearing in ceremony for two new Twin Falls Police Department Officers. Request for Mayor Lanting to administer the Oath of Office to Shawn Bybee and David Cushing

Captain Pike gave the presentation.

Mayor Greg Lanting administered the oath of office to Shawn Bybee and David Cushing.

Presentation of a Level III Crime Scene Investigator Certificate to Community Service Officer Joan Lang.

Captain Krear gave the presentation.

Chief Pike, Mayor Lanting and Vice Mayor Hall presented the certificate.

2. Consideration of a request to select Remotec, Inc., as a sole source supplier for the acquisition of a Hybrid Radio System and Power Supply Kit for use on the Twin Falls Police Bomb Squad ANDROS F6A ROBOT.

Staff Sergeant Lewin explained the request.

The cost of the Hybrid Radio System and Power Supply Kit from Remotec, Inc., is quoted at \$43,825. The Idaho Department of Homeland Security has approved the acquisition of this equipment and has approved grant funding to pay for the equipment.

Staff recommends approval of the request.

#### **MOTION:**

Vice Mayor Hall made a motion to select Remotec, Inc., as a sole source supplier for the acquisition of a Hybrid Radio System and Power Supply Kit for use on the Twin Falls Police Bomb Squad ANDROS F6A ROBOT. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

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

City Manager Rothweiler reported on the following:

- Compassionate Idaho will make a presentation on medical marijuana on April 8, 2013, at the City Council Meeting.
- Strategic Plan Open House will be held on April 11, 2013, City Council Chambers, at 6:00 P.M.

4. Executive Session 67-2345(1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.
5. Executive Session 67-2345 (1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

#### **MOTION**

Vice Mayor Hall made a motion to adjourn to Executive Session 67-2345(1)(c) and 67-2345 (1)(f). The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

### **III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

#### **IV. PUBLIC HEARINGS: 6:00 P.M.**

1. Request for the Vacation of 50' x 293' dedicated public right of way, aka Desert Rose Drive located north of Ramblin Rose Way in the City's Area of Impact, c/o Rocky and LeAnn Hagan, Robert Dickerson. (app. 2544)

Jeff Stoker, representing the applicant, explained the request. The Hagens filed a tort claim against the City and are suing Lance LeBaron. The utility companies have agreed to the vacation with the condition of a 15' utility easement be placed on the vacated roadway which will front onto Ramblin Rose Way. The Twin Falls Highway District has also agreed to the vacation as stated in a letter dated March 21, 2013.

Vice Mayor Hall and Councilperson Munn disclosed they are College of Southern Idaho employees. Ms. Hagen is a CSI employee. Both Vice Mayor Hall and Councilperson Munn have conferred with City Attorney Wonderlich and have found no conflicts of interest.

Community Development Director Humble explained the request. Wild Rose Estates was platted and recorded in 2006. The roadway was dedicated when platted, but the road stub was not built. As this property is within the City's Area of Impact the City Council will make a recommendation on the request. Upon a recommendation by the City Council this request will automatically be scheduled to be heard by the Board of County Commissioners at an additional public hearing. Although the public road was not developed it still comes under the Highway District jurisdiction; therefore, upon a decision by the Board of County Commissioners this request will be scheduled before the Twin Falls Highway District.

On February 26, 2013, the Commission held a public hearing on this request. There were only two persons who spoke, both of whom were legal counsel representing the Hagens and Lance LeBaron, respectively. The 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 receiving a letter of approval from Idaho Power, and any conditions that may be placed on their approval.
3. Subject to a fifteen foot (15') wide utility easement being recorded for the area of the vacated roadway that fronts Ramblin Rose Way (aka 4050 North)

Staff concurs with the Commission's recommendation.

Council discussion followed.

Councilperson Mills Sojka asked if a similar situation has happened in the past where the plat is not followed correctly, and, in addition, what is the City's policy.

Community Development Director Humble stated the plat has been recorded and dedicated and the construction plans were phased. Phasing construction of a subdivision does happen on occasion. The road was intended to provide access to the property to the north.

City Manager Rothweiler stated that a plat is created and then approved by elected officials. Staff will follow Council's recommendation.

Opened up the public hearing for public comment:

Jeff Rolig, representing the Hagens, explained that the Hagens have a lawsuit pending. He spoke in favor of the request.

Closed the public hearing portion of the proceedings.

City Attorney Wonderlich explained that a recommendation of approval by the City Council will allow the applicants to proceed to the Board of County Commissioners with their request.

Closed the public hearing.

Council discussion followed.

**MOTION:**

Councilperson Talkington made the motion to validate the request and recommend to the Twin Falls Highway District and the Board of County Commissions the Vacation of 50' x 293' dedicated public right of way, aka Desert Rose Drive located north of Ramblin Rose Way in the City's Area of Impact, contingent upon staff's recommendation and approval of the vacation by the Twin Falls Highway District, and the vote is to consent to the vacation.

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 receiving a letter of approval from Idaho Power, and any conditions that may be placed on their approval.
3. Subject to a fifteen foot (15') wide utility easement being recorded for the area of the vacated roadway that fronts Ramblin Rose Way (aka 4050 North)

The motion was seconded by Vice Mayor Hall.

Council discussion followed.

Councilperson Mills Sojka stated her concern that city policy is not being followed and that this will be setting a precedent.

Councilperson Barigar stated that the city allows the vacation process.

Mayor Lanting stated that the council has granted vacations and is within the law.

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

**V. ADJOURNMENT:** The meeting adjourned at 6:51 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary