

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
Monday, October 28, 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: "Pancreatic Cancer Awareness Month". Request made by Ken Stokesberry.

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>		
1. Consideration of a request to approve the accounts payable for October 22 – 28, 2013.	Action	Sharon Bryan
2. Consideration of a request to approve the October 14, 2013, City Council Minutes.	Action	Leila Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Update on the Hanging Flower Basket project along Shoshone Street.	Update	Dennis Bowyer
2. Discussion and possible action on the Canyon Rim Trail Plan from the Magic Valley Trail Enhancement Committee (MVTEC).	Discussion/ Possible	Dennis Bowyer
3. Consideration of a request to approve the draft of a five year development plan for the Twin Falls Historic Preservation Commission.	Action	Randall Watson HPC
4. Consideration of a request to approve the 2014 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission	Action	Randall Watson HPC
5. Consideration of a request for the Council's consideration of the Final Plat of Desmond Estates Subdivision, 3.37 (+/-) acres consisting of three (3) lots on property located at 2851 Pole Line Road East.	Action	Mitchel Humble
6. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u>		
V. <u>ADJOURNMENT:</u> 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. <i>(Specifically to conduct deliberations to acquire an interest in real property which is not owned by a public agency.)</i>		

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

Present: Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mill Sojka, Chris Talkington
Absent:
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitchel Humble, Parks & Recreation Director Dennis Bowyer, Public Information Officer Josh Palmer, Assistant to the City Manager Mike Williams, 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 and with Troop 81. A quorum was present. Mayor Lanting introduced staff.

Troops 81, TF 7th Ward Stake House, were present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATIONS: "Pancreatic Cancer Awareness Month". Request made by Ken Stokesberry.

Mayor Lanting read the proclamation and presented it to Ken Stokesberry.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for October 22 – 28, 2013, total:\$1,217,682.77
September 25, 2013, Payroll, total: \$130,205.43
September, 2013, total: \$61,007.30
2. Consideration of a request to approve the October 14, 2013, City Council Minutes.

MOTION:

Councilperson Talkington made a 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.

Councilperson Barigar stepped down at 5:08 p.m. from his Council seat.

II. ITEMS FOR CONSIDERATION:

1. Update on the Hanging Flower Basket project along Shoshone Street.

Parks & Recreation Director Bowyer gave the presentation and reviewed the City's expenses.

Shawn Barigar, Chamber President, explained the Chamber's expenses.

Staff is planning to partner with the Chamber of Commerce on the Hanging Flower Baskets project next year unless otherwise directed.

Council discussion followed.

Shawn Barigar stated that he spoke with Dana Moss from Moss Greenhouse and she described the plans for next year's pots.

The Council are in agreement to have staff move forward to partner with the Chamber of Commerce for the 2014 Hanging Flower Basket Project.

Shawn Barigar took his Council seat at 5:17 p.m.

2. Discussion and possible action on the Canyon Rim Trail Plan from the Magic Valley Trail Enhancement Committee (MVTEC).

Parks & Recreation Director Bowyer explained the request.

Council discussion followed.

- Fencing (wooden poles)
- Reimbursement to the City from the developer for trail construction
- Discussion to add trail project to the impact fee list
- Grant process
- Land and Water Conservation Funds grant program

Vice Mayor Hall asked what type of fencing will be placed and if the City builds the trail would the City be reimbursed by the developer.

Parks & Recreation Director Bowyer stated that the City builds the fence unless the developer chooses to enhance the fence as outlined in the "Enhanced Canyon Rim Trail Corridor Guidelines."

City Manager Rothweiler stated that staff has made an attempt to contact the property owner of the Pillar Falls development to discuss construction of the trail to add to the selling price. The funds could then be recovered and at some point and time be applied back to the trail system. The City cannot request reimbursement for the trail and fencing without an agreement with the developer if the City makes the improvements before the development constructs.

In regards to adding trail projects to the impact fee list, City staff will further discuss the Impact Fee Program to finalize any proposed changes. Then City staff will meet with the Impact Fee Committee on Thursday, November 14, 2013, to go over any proposed changes to the Impact Fee Program. If the Impact Fee Committee has any recommendations, then their request will go before the Council at a future date.

Staff and the members of the Magic Valley Trail Enhancement Committee are recommending the following in order for the development of sections of the Snake River Canyon Rim Trail system:

1. Pursue the grant possibility with the State Parks and Recreation Department and other grants; use some of the matching funds from the MVTEC and the Twin Falls Community Foundation for the Pillar Falls section. Details on how much funding the City would be requested in the grant process have not been determined nor how much of matching funds from the two groups should be used. Use additional funds of the remaining funds from the two groups along with City funds to construct the fencing for this section of trail. Combination of the paving the trail estimate and the fencing is approximately \$78,000. Dependent on the grant process, the worst case scenario would be for the City to expend approximately \$48,000 to complete the Pillar Falls trail section.
2. Complete the trail section that runs from the newly ending trail section of Pillar Falls that ends on Pole Line Road to the Preserve section. This is approximately 320' in length; it is recommended to be 10' in width and constructed in asphalt to keep the surface consistency for the canyon rim trails and no fencing is required on this section. With the estimate of \$75 per linear foot for trails, the estimated cost would be \$24,000. Staff believes this section will be lower than the estimate as no major rock work will have to occur on this section.
3. Work out an agreement with the owner of the Preserve to allow a temporary trail through the development from the corner of Pole Line Road and Eastland Drive North to the Evel Knievel jump site. This temporary section of trail would be approximately 7,000' in length. No cost estimates on a temporary trail or fence has been calculated at this time.
4. Develop the Evel Knievel section of trail that runs west from the end of the Centennial trail to the Preserve site. This is all dependent on if anyone uses the jump site for an attempted jump over the canyon; this project might have to be put on hold for a while.

Staff is seeking approval to move forward with the first two recommendations. If an agreement with the developer of the Preserve can be reached, staff would get estimates for a temporary trail and fencing and report back to the Council before moving forward on the temporary trail across the Preserve.

Council discussion followed.

- Disbursement of funds
- Trail at the north end of Harrison Street North
- Rock Creek signs vandalized

Parks & Recreation Director Bowyer stated that he will look into placing regrind for a temporary trail at the north end of Harrison Street North that connects with the trail along the Perrine Coulee. The signs along the Rock Creek Canyon trail will be removed.

MOTION:

Vice Mayor Hall made a motion to allow staff to move forward with the grant application process with the State Parks and Recreation Department and other grants; use some of the matching funds from the MVTEC and the Twin Falls Community Foundation for the

Pillar Falls section and to complete the trail section that runs from the newly ending trail section of Pillar Falls that ends on Pole Line Road to the Preserve section. 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.

3. Consideration of a request to approve the draft of a five year development plan for the Twin Falls Historic Preservation Commission.

Randall Watson, Chairman for the HPC, explained the request. He introduced Commission members Debbie Lattin, Nancy Taylor, Wendy Rice, and former member Darrell Buffaloe.

- Focus Area 2 – Learning Community, (Initiative: LC1.1 The City will support efforts of others in creating a well-educated and trained community.)
- Focus Area 6 – Prosperous Community (Objective PC1.B: Protect the historic character of the downtown)
- Focus Area 7 – Responsible Community, (Objective RC1.1A: Develop a community engagement program that expands community outreach to all segments of the community, using education efforts, market and promotional opportunities.)

Staff recommends approval of the draft five year plan and that the final plan is submitted for approval.

Council discussion followed.

-Create a Historic Overlay District for the Historic City Park District

Councilmember Talkington stated that when he served on the Historic Commission with Darrell Buffaloe, the overlay districts in the past have been somewhat controversial, in limiting the property owners to sell, renovate, and reconstruct their homes. He asked Randall Watson what limitations he envisions with the age and value of the home.

Randall Watson stated that the design guidelines used in the Warehouse District give the property owner options to replace or retrofit. He envisions that the historic residential district guidelines will give property owners options and he does not see them as restrictive.

Vice Mayor Hall stated that as liaison to the HPC, the Commission works with the property owner to keep the historic character of the building and he understands that many times the buildings need to be renovated to be utilized for new businesses. There are now event centers that have kept the character of the building.

-Develop plan and cost/donation estimate for a Mobile City Museum and develop a construction and operation plan

Vice Mayor Hall stated that discussion was held on a permanent museum site but the Commission would like something mobile to take around to schools and other locations.

Councilperson Talkington stated his concern of the guidelines not being very specific.

MOTION:

Vice Mayor Hall made the motion to approve the draft of a five year development plan for the Twin Falls Historic Preservation Commission. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a request to approve the 2014 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission.

Randall Watson, Chairman for the HPC, explained the request.

Each year the Historic Preservation Commission (HPC) has submitted a Certified Local Government (CLG) grant application for historic preservation activities. For 2014 the proposed application has two projects taken from our five year plan.

The first priority is the rehabilitation of the Lincoln Street streetlights. There are ten (10) historic street lights listed on the National Register of Historic Places that are in danger of deterioration beyond saving. This grant will make repairs to the lights that will allow for the implementation of a preventive maintenance program to preserve them for many years. The requested grant funding for this project is \$5,788.

The second priority is the development of design guidelines for the Historic City Park District. The (HPC) Five-Year Plan includes a desire to codify a City Park Historic District. The guidelines will be used when this district becomes a codified overlay district when/if the City codifies a Park District. Currently, this district is listed on the National Register of Historic Places but not in the local zoning code as an overlay district. The requested grant funding for this project is \$6,000.

The Historic Preservation Commission recommends that the Council approve and authorize the Mayor to sign the 2014 CLG application.

Council discussion followed.

- Spending of funds in the priority as listed
- Codify an overlay district
- Lincoln Street streetlights

City Manager Rothweiler stated that the Commission has the ability to submit an addendum and request to use funds in a different manner and submit to the State Historical Society for authorization of the grant funds.

Darrell Buffaloe, former HPC member, stated that whether or not the overlay district is approved, the guidelines will help assist property owners on how to maintain their property and the value of their property.

Randall Watson stated that the Lincoln Street streetlights, if the grant is approved, should be completed within the fiscal year.

MOTION:

Vice Mayor Hall made a motion to approve the 2014 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission. 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.

5. Consideration of a request for the Council's consideration of the Final Plat of Desmond Estates Subdivision, 3.37 (+/-) acres consisting of three (3) lots on property located at 2851 Pole Line Road East.

Community Development Director Humble explained the request.

This item was scheduled for consideration by the Council at their October 14, 2103, meeting. At that meeting, the item was tabled so staff could provide additional requested information regarding the Canyon Rim Trail that will be located near this property. A question was asked about why this final plat did not include any trail dedication for the Canyon Rim Trail when the property is located along the Canyon Rim. City Code 10-12-4-2 includes a list of those improvements that are required to be provided when property is subdivided. One of the required improvements on this list is bicycle pathways. City Code 10-12-4-2(D) says: "Bicycle Pathways: A bicycle pathway shall be provided within all subdivisions, as part of the public right of way or separate easement, as may be specified in an overall bicycle plan as adopted by the council."

The City has adopted an overall bicycle plan. It is included in Chapter 9 of the Comprehensive Plan and is titled, "Map 9-3: Existing and Proposed Recreational Trails." Per City Code 10-12-4-2(D), the City can require dedication and construction of bicycle paths as designated on this trail plan. Attached is an exhibit showing the designated Canyon Rim Trail location overlaid onto an aerial photo of the subject and surrounding property.

From the exhibit, the location of the Canyon Rim Trail is identified as running east/west through "The Preserve" development to the south of the subject property. It then turns north and reaches the Canyon Rim again immediately east of the subject property. Along its north/south alignment, the trail is intended to follow the subject property's eastern property line. At that point, the trail could be located on either side of the property line, but should generally be located parallel and close to it. The trail plan does not show the trail coming back to the rim west of the subject property, nor following the rim along the subject property. Therefore, City Code does not allow the City to require dedication of the trail in those locations.

In addition, "The Preserve" planned unit development was created before the trail plan was adopted. Therefore, the trail plan was created incorporating what was already planned in that PUD. That PUD requires the developer of that property to construct an internal trail system that connects trails to Eastland Drive, Hankins Road, Carriage Lane and the Canyon Rim Trail. The PUD does not set specific alignments within the property, but rather only requires the trail connections to be detached from the internal streets.

Since City Code does not require trail dedication from this property along the Canyon Rim, and since the adjacent property is required to provide the trail connection from Eastland to the Canyon Rim Trail at the jump site, no trail dedication was required from the developer of the Desmond Estates Subdivision.

Council discussion followed.

Councilperson Mills Sojka asked if the Council would have the opportunity to "exact" right of way, review, make changes to the path and require access to the canyon rim.

City Attorney Wonderlich stated that he does not like the term "exacting right of way," because this is not done unless a condemnation is taken place. The City does require that developments that are adjacent to public infrastructure, if they are going to use the infrastructure, complete the infrastructure, and if they don't, then they are not capable of development. Ordinarily in larger subdivisions where there are substandard roads, the City requires the developer to dedicate additional right of way, because the existing roads will not support that subdivision. The lot that the property is on was probably created 20 to 30 years ago. This is a 3 acre parcel and he is not sure where the trail can be placed.

Councilperson Mills Sojka asked if it was possible to go down the northern boundary then down the lot line of Lot 1.

City Attorney Wonderlich stated that looking at the distance between the house, yard, and the rim, (1) he is not sure there is room to place a trail, and (2) if he were the property owner he would say never mind.

Councilperson Mills Sojka stated that's okay too. It's their property.

Council discussion followed.

MOTION:

Councilperson Barigar made a motion to recommend approval to the Board of County Commissioners the final plat of the Desmond Estates Subdivision, as presented, subject to the five conditions recommended by the Planning & Zoning Commission.

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to final technical review and amendments as required by Engineering officials of the development of the private bridge over the waterway.
3. Subject to final technical review and amendments as required by Engineering officials to ensure compliance with all applicable City Code requirements and standards of the development of the private drive to the proposed subdivision.
4. Subject to final approval by the Twin Falls Board of County Commissioners.
5. Subject to a note being placed on the final plat that no building permits will be issued until the roadway improvements for the road and bridge are completed.

The motion was seconded by Councilperson Hawkins.

MOTION:

Councilperson Mill Sojka made an amendment to the motion to require trail improvements on the northern boundary of the lot and coming in the line of Lot 1 and Lot 2. The motion failed due to a lack of a second.

Council discussion followed.

-Distance between the house and the east property line is approximately 220 square feet.

Mayor Lanting stated he agrees with Councilperson Mills Sojka to have as much as the canyon rim as possible. At some point it will come down fairness as well, because The Preserve will be required to build a trail.

Councilperson Hawkins stated that for the amount of footage the City will gain this is a huge expense. This isn't a developer but a private property owner; when they bought the property did not know they were going to sell off part of their land.

Vice Mayor Hall said he agrees with Councilperson Hawkins. He stated that it is okay to have interior trails.

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

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

City Manager Rothweiler stated that the City Forum on Bike Path Connectivity will be held on Wednesday, November 6, 2013, at 7:00 P.M.

Vice Mayor Hall stated that Zip the Snake received a Special Use Permit recently, and he asked staff who would be taking noise complaints. Community Development Director Humble stated that the Planning & Zoning Department can be contacted.

Councilperson Barigar stated that the Jump the Canyon RFQ has been reviewed by a work group that met today. The work group is recommending that the applicants make their presentation before the Council in a public comment forum.

City Manager Rothweiler recommended meeting November 21, 2013, with the applicants, when the start time can be 3:00 p.m. or 3:30 p.m., and the Council not meet the week of November 25, 2013.

Council concurred with the recommendation.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

VI. PUBLIC HEARINGS:

V. ADJOURNMENT:

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.

(Specifically to conduct deliberations to acquire an interest in real property this is not owned by a public agency.)

MOTION:

Vice Mayor Hall made the motion to adjourn to Executive Session 67-2345(1) (c) To conduct deliberations to acquire an interest in real property which is not owned by a public agency. 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.

The meeting adjourned at 6:44 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary