



Twin Falls City Council Agenda

Monday, March 28, 2022, 5:00 PM

Council Chambers
203 Main Avenue East- Twin Falls, Idaho

Members: Ruth Pierce, Christopher Reid, Craig Hawkins, Nikki Boyd, Shawn Barigar, Jason Brown, Spencer Cutler

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS
- 4) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve Accounts Payable for March 10-23, 2022.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the Wells Fargo Credit Commercial Card for February 2022
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve City Council Meeting 2022 March 14 Minutes.
By: Erin Parrish, Executive Assistant
 - d) **ACTION ITEM:** Consider a recommendation from the Parks and Recreation Commission to accept a donation from Joan Spencer to place a bench on the Canyon Rim Trail.
By: Wendy Davis, Parks and Recreation Director
 - e) **ACTION ITEM:** Approval of the Final Plat for the Sportsman Warehouse Subdivision, an area of 12 acres into 3 lots, located at 1940 Bridgeview Blvd. (PZ22-0053)
By: Jonathan Spendlove, Planning and Zoning Director
- 5) ITEMS OF CONSIDERATION
 - a) **PRESENTATION:** Swearing in ceremony for one new Twin Falls Police Department police officer. It is requested that Mayor Ruth Pierce administer the Oath of Office to Michael "Sean" Perkins.
By: Ruth Pierce, Mayor
 - b) **PRESENTATION:** Formal ceremony promoting Officer J.P. O'Donnell to Sergeant before Honorable Mayor Ruth Pierce and the members of the City Council.
By: Ruth Pierce, Mayor
 - c) **PRESENTATION:** Request to present Officer Kyler Jordan with his POST Intermediate Certificate, Officer Elisha Batteiger with his POST Advanced Certificate, and Detective Eric

Strassner with his POST Advanced Certificate before Honorable Ruth Pierce and members of the City Council.

By: Ruth Pierce, Mayor

- d) **ACTION ITEM:** A request for the City Council to provide direction to City staff regarding potential improvement options for Floral Avenue.

By: Mitch Humble, Deputy City Manager

- e) **ACTION ITEM:** Consideration to approve an agreement between the City of Twin Falls/Twin Falls County and SkyWest Airlines for a \$400,000 minimum revenue guarantee for one daily Delta flight between Magic Valley Regional Airport & Salt Lake City International Airport.

By: William Carberry, Airport Manager

6) GENERAL PUBLIC INPUT

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS

9) ADJOURNMENT

10) EXECUTIVE SESSION

- a) **INFORMATIONAL:** Executive Session 74-206 (1) (c) To acquire an interest in real property not owned by a public agency.

By: Travis Rothweiler, City Manager

- b) **INFORMATIONAL:** Executive Session 74-206 (1) (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

By: Travis Rothweiler, City Manager

- c) **INFORMATIONAL:** Executive Session 74-206 (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.

By: Travis Rothweiler, City Manager

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Josh Palmer (208) 735-7312 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
 - Wait to be recognized by the Mayor or Chairman
 - Approach the microphone/podium
 - State their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. A City Staff Report shall summarize the application and history of the request.
 4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.
 5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Individuals are not permitted to give their time to other speakers.
 - However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.
 8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.
 10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



Twin Falls City Council Minutes

Monday, March 14, 2022, 5:00 PM

Council Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Ruth Pierce, Vice Mayor Christopher Reid, Council Member Shawn Barigar, Craig Hawkins, Jason Brown, Spencer Cutler, & Nikki Boyd

Absent:

Staff Present: Travis Rothweiler, City Manager; Mitch Humble, Deputy City Manager; Gretchen Scott, Deputy City Manager; Erin Parrish, Executive Assistant; Jonathan Spendlove, Planning & Zoning Director; Kim Hafer, Desktop Support Analyst; Brent Wright, Captain, Twin Falls Police Department; Josh Palmer, Public Information Officer; Lou Coronado, Sergeant, Twin Falls Police Department; Shayne Nope, City Attorney; Bill Carberry, Airport Manager.

Mayor Pierce called the meeting to order at 5:00 PM.

A quorum was present.

2) PLEDGE OF ALLEGIANCE

Mayor Pierce invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) PROCLAMATIONS

4) CONSENT CALENDAR

MOTION: Vice Mayor Reid moved to approve the Consent Calendar as presented. **Council Member Barigar** seconded the motion. Roll call vote showed all members present voted, 7 to 0.

- a) Request to approve the Amazing Grace Fellowship Church "The Gathering" concert
- b) Request to approve Alcohol License for Jump Time at 302 3rd Ave. S.
- c) Request to approve City Council Meetings for March 7, 2022
- d) Request to waive the building permit and plan review fees for the remodel and security upgrades to Robert Stuart Middle School located at 644 Caswell Ave W.

5) ITEMS OF CONSIDERATION

- a) To confirm the appointment of Todd Rambur and Shelley McEuen to the Planning and Zoning Commission.

Planning and Zoning Director Spendlove request to confirm the appointment of Todd Rambur and Shelley McEuen to the Planning and Zoning Commission.

Discussion ensued on the following:

Mayor Pierce commented on the good slate of the candidates.

MOTION: Council Member Boyd moved to confirm the appointment of Todd Rambur and Shelley McEuen to the Planning and Zoning Commission. **Council Member Brown** seconded the motion. Roll call vote showed all members present voted. Approved, 7 to 0.

- b) Presentation of the 2021 Annual Report of the Urban Renewal Agency of the City of Twin Falls.

City Manager, Travis Rothweiler, presentation of the 2021 Annual Report of the Urban Renewal Agency of the City of Twin Falls.

- c) Consideration of the approval of a Resolution of the City of Twin Falls, accepting the Orchard Drive East Urban Renewal District Eligibility Report, dated January 2022, and designating this area as an urban renewal area and revenue allocation area.

City Manager, Travis Rothweiler, consideration of the approval of a Resolution of the City of Twin Falls, accepting the Orchard Drive East Urban Renewal District Eligibility Report, dated January 2022, and designating this area as an urban renewal area and revenue allocation area.

MOTION: Council Member Barigar moved to approve consideration of the approval of Resolution 2022-008 of the City of Twin Falls, read by title only, accepting the Orchard Drive East Urban Renewal District Eligibility Report, dated January 2022, and designating this area as an urban renewal area and revenue allocation area. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved, 7 to 0.

6) GENERAL PUBLIC INPUT

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Hawkins reported that Parks & Recreation went over and looked at the pool and the liners put down, with hopes of having water in it by end of month.

Travis Rothweiler, City Manager, reported City Council Meeting for March 21, 2022 will be cancelled.

8) PUBLIC HEARINGS

9) ADJOURNMENT

The meeting adjourned at 05:46 PM

10) EXECUTIVE SESSION

MOTION: Vice Mayor Reid moved to adjourn to Executive Session 74-206(1) (e) & 74-206 (1) (f) . **Council Member Brown** seconded the motion. Roll call vote showed all members present voted. Approved, 7 to 0.

- a) Executive Session 74-206 (1) (e): To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- b) Executive Session 74-206 (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.

Erin Parrish, Executive Assistant

For a full account of this meeting please visit tfid.org for the recording of this meeting



Date: Monday, March 28, 2022
To: Parks and Recreation Commission
From: Wendy Davis, Parks and Recreation Director, Parks and Recreation Director

ACTION ITEM

Request:

Consider a recommendation from the Parks and Recreation Commission to accept a donation from Joan Spencer to place a bench on the Canyon Rim Trail.

Time Estimate:

N/A

Background:

August 17, 2020, Twin Falls City Council updated the Parks and Recreation Department's donation policy. The policy states:

Donations may dedicate to, honor, or memorialize, a person; or directly relate to the history of the community; or may be donated by groups with longstanding ties to the community, and shall be of any type (types of donations - reference to page 1), so long as its placement enhances the recreational value of its setting, considering factors including, but not limited to, safety and aesthetics.

All proposed donations shall be reviewed by the Twin Falls Parks and Recreation Commission and a recommendation made to the Twin Falls City Council. Council approval shall happen through the consent calendar, unless deemed necessary for consideration.

Please see the attached Donation Request Form from Joan Spencer

Approval Process:

A simple majority will approve this request.

Budget Impact:

Regulatory Impact:

Approval will allow the donor to proceed.

History:

N/A

Analysis:

N/A

Conclusion:

Parks and Recreation Commission recommends approval of this request.

Attachments:

1. JSpencer Bench Donation



TWIN FALLS PARKS AND RECREATION

136 Maxwell Ave. • PO Box 1907 • Twin Falls, ID 83303 • Phone: 208-736-2265 • Fax: 208-736-1548

DONATION REQUEST FORM

Date: 1/24/2022

Requested by: Joan Spencer

Address: 24817 N CAN-ADA RD
Street Address

Star
City

ID
State

83664
Zip Code

Home Phone: 208-859-8143
(Area Code)

Work Phone: 208-859-8143
(Area Code)

Donation Requested: Bench

(Tree, bench, drinking fountain, picnic tables, playground equipment, picnic shelters, etc.)

Location Requested: Near the Canyon

Alternative Location: A City Park

Plaque Inscription: In Loving Memory of Brian Douglas Plister

Send this form to Twin Falls Parks & Recreation, P.O. Box 1907, Twin Falls, ID 83303.
For further information, please contact the Parks & Recreation office at (208) 736-2265.

FOR OFFICE USE ONLY

Donation Name: _____

Site: _____ Type: _____

Completion Date: _____

The Benefits are Endless...





Date: Monday, March 28, 2022
To: Honorable Mayor and City Council
From: Jonathan Spendlove

ACTION ITEM

Request:

Approval of the Final Plat for the Sportsman Warehouse Subdivision, an area of 12 acres into 3 lots, located at 1940 Bridgeview Blvd. (PZ22-0053)

Time Estimate:

N/A

Background:

New owners of the Sportsmans Warehouse business desired to have ownership of the building and land upon which the store is constructed, separate from the other buildings/land within the development. The original plat showed the building upon a larger area including the other buildings and some shared parking. This subdivision will not inherently change the form or function of the development, it is meant to simply allow for separate ownership of this specific area. All other joint access and shared use/parking areas are in full effect through the PUD and other private agreements.

Approval Process:

Simple majority vote will approve this Final Plat.

Budget Impact:

NA

Regulatory Impact:

As per Twin Falls City Code 10-12-2-4 (F) Council Action: The council, at its next meeting following receipt of the administrator's report, shall consider the commission's findings and comments from concerned persons and agencies to arrive at a decision on the final plat. The council shall approve, approve conditionally, disapprove or table the final plat for additional information. A copy of the approved plat shall be filed with the administrator.

History:

This is a resubdivision of a portion of the Canyon Park East Subdivision which was originally approved in 2001.

Analysis:

The final plat has been reviewed by City Staff and has been found to comply with the standards as set forth in the City's General Subdivision Provision of Title 10, Chapter 12, Section 4, all regulations regarding C1 CRO zoning development standards, and the Canyon Park East PUD 213. All general criteria for approval has been met, per State Statute 50-13. The 2016 Comprehensive Plan "Grow With Us" designates this area as Mixed Use, which generally contains a mix of residential, commercial, and professional land uses. Therefore, staff has determined this request is in conformance with the 2016 Comprehensive Plan.

Conclusion:

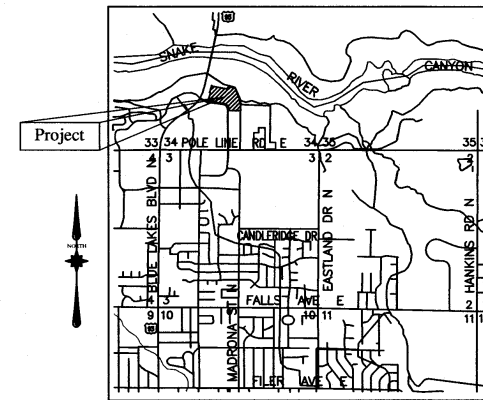
Upon conclusion should the Council approve the request, as presented, staff recommends the following conditions:

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.

Attachments:

1. Sportsmans Warehouse Subdivision, a PUD-REVISED FINAL PLAT (11x17)

SPORTSMANS WAREHOUSE
SUBDIVISION, A PUD
A Re-Subdivision and Re-Numbering
of
Lot 2 & a Portion of Lot 3, Block 1
Canyon Park East Subdivision
Located In
Gov't Lot 4 & SE 4 SW 4, Section 34
Township 9 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2022



CERTIFICATE OF OWNERS

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OR REPRESENTATIVE OF THE OWNERS IN FEE SIMPLE OF THE FOLLOWING DESCRIBED PROPERTY, LOCATED IN A PORTION OF "CANYON PARK EAST SUBDIVISION" LOCATED IN A PORTION OF GOV'T LOT 4 AND SE¼ SW¼, SECTION 34, TOWNSHIP 9 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO; SAID PROPERTY BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 34, SAID POINT LIES NORTH 89°44'26" WEST, 2642.05 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 34;
THENCE, NORTH 00°57'59" EAST 1290.24 FEET TO THE SOUTHEAST CORNER OF SAID "CANYON PARK EAST SUBDIVISION" AND BEING THE REAL POINT OF BEGINNING;

THENCE, SOUTH 89°53'22" WEST 386.21 FEET ALONG THE SOUTH BOUNDARY OF SAID SUBDIVISION TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF BRIDGE VIEW BOULEVARD;
THENCE, NORTH 00°06'38" WEST 50.00 FEET ALONG SAID RIGHT-OF-WAY;
THENCE, ALONG THE ARC OF A TANGENT 200.35 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 82°22'36", AN ARC DISTANCE OF 288.06 FEET, WITH A CHORD DISTANCE OF 263.88 FEET THAT BEARS NORTH 41°17'49" WEST ALONG SAID RIGHT-OF-WAY;
THENCE, NORTH 82°29'01" WEST 465.83 FEET ALONG SAID RIGHT-OF-WAY;
THENCE, LEAVING SAID RIGHT-OF-WAY, NORTH 17°45'02" EAST 278.05 FEET;
THENCE, NORTH 72°14'58" WEST 18.50 FEET;
THENCE, NORTH 17°45'05" EAST 207.23 FEET;
THENCE, SOUTH 68°53'19" EAST 18.50 FEET;
THENCE, SOUTH 82°29'01" EAST 428.60 FEET;
THENCE, SOUTH 88°58'18" EAST 78.34 FEET;
THENCE, NORTH 7°30'59" EAST 26.61 FEET;
THENCE, SOUTH 79°46'25" EAST 200.69 FEET;
THENCE, SOUTH 22°23'47" EAST 459.74 FEET;
THENCE, SOUTH 00°57'59" WEST 277.86 FEET TO SAID REAL POINT OF BEGINNING.

THE GROSS AREA CONTAINED IN THIS PLATTED LAND AS DESCRIBED IS 11.97 ACRES.

IT IS THE INTENTION OF THE UNDERSIGNED TO, AND HE DOES HEREBY INCLUDE SAID LAND IN THIS PLAT. THAT THE EASEMENTS INDICATED ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHTS TO USE SAID EASEMENTS ARE HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES DESIGNATED ON THIS PLAT. NO STRUCTURE OTHER THAN FOR SUCH UTILITY AND OTHER DESIGNATED PUBLIC USES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS.

PURSUANT TO IDAHO CODE 50-1334, I, THE UNDERSIGNED, AS OWNER, DO HEREBY STATE THAT THE LOTS ON THIS PLAT ARE ELIGIBLE TO RECEIVE WATER SERVICE FROM THE CITY OF TWIN FALLS MUNICIPAL WATER SYSTEM.

PURSUANT TO IDAHO CODE 31-3805, I, THE UNDERSIGNED, AS OWNER, DO HEREBY STATE THAT THE IRRIGATION WATER RIGHTS APPURTENANT AND THE ASSESSMENT OBLIGATION OF THE LANDS IN THIS PLAT HAVE NOT BEEN TRANSFERRED FROM SAID LANDS AND THAT A SATISFACTORY IRRIGATION WATER DELIVERY SYSTEM IS PROVIDED FOR AND HAS BEEN APPROVED BY THE TWIN FALLS CITY COUNCIL. LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM THE TWIN FALLS CANAL COMPANY.

CANYON PARK EAST, LLC, AN IDAHO LIMITED LIABILITY COMPANY

BY: PATRICK A. WOOD, MANAGER

ACKNOWLEDGMENT

STATE OF IDAHO)
COUNTY OF TWIN FALLS) ss

ON THIS _____ DAY OF _____, 2022, AT _____ M., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED PATRICK A. WOOD, KNOWN OR IDENTIFIED TO ME TO BE A MANAGER OF CANYON PARK EAST, LLC, THE LIMITED LIABILITY COMPANY THAT EXECUTED THIS CERTIFICATE OR THE PERSON WHO EXECUTED THE CERTIFICATE ON BEHALF OF SAID LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC

RESIDING AT

COMMISSION EXPIRES



CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, CHRISTOPHER S. HARMISON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, MADE THE SURVEY OF THE LAND DESCRIBED IN THE CERTIFICATE OF OWNER AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF SAID SURVEY AS MADE AND STAKED UNDER MY SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.



APPROVAL OF CITY COUNCIL

THIS PLAT WAS ACCEPTED AND APPROVED BY THE CITY COUNCIL OF TWIN FALLS, IDAHO AT THEIR MEETING ON THIS _____ DAY OF _____, 2022.

MAYOR CITY CLERK

APPROVAL OF CITY ENGINEER

I HAVE REVIEWED THE ACCOMPANYING PLAT AND HEREBY CERTIFY THAT IT CONFORMS WITH THE APPLICABLE ORDINANCES OF THE CITY OF TWIN FALLS, IDAHO.

CITY ENGINEER ATTEST

COUNTY SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR FOR TWIN FALLS COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATED TO PLATS AND SURVEYS.

GEORGE A. YERION PLS# DATE
PROFESSIONAL LAND SURVEYOR

ACKNOWLEDGMENT

STATE OF)
COUNTY OF) ss

ON THIS _____ DAY OF _____, 2022, AT _____ M., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GEORGE A. YERION, PERSONALLY KNOWN OR IDENTIFIED TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC
RESIDING AT
COMMISSION EXPIRES

COUNTY TREASURER'S CERTIFICATE

I, _____, COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO PER THE REQUIREMENTS OF IDAHO CODE 50-1308, DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE FOR THE PROPERTY INCLUDED IN THIS PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY DAYS ONLY.

COUNTY TREASURER DATE

COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO. _____

STATE OF IDAHO)
COUNTY OF TWIN FALLS) ss

ON THIS _____ DAY OF _____, 2022, AT _____ M., THE FOREGOING PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF TWIN FALLS COUNTY, IDAHO AND DULY RECORDED IN PLAT BOOK _____, ON PAGE _____.

DEPUTY EX-OFFICIO RECORDER



Date: Monday, March 28, 2022
To: Honorable Mayor and City Council
From: Craig Kingsbury, Chief of Police, Twin Falls Police Department

PRESENTATION

Request:

Swearing in ceremony for one new Twin Falls Police Department police officer. It is requested that Mayor Ruth Pierce administer the Oath of Office to Michael "Sean" Perkins.

Time Estimate:

The presentation will last approximately 10 minutes.

Background:

Sean Perkins

My name is Sean Perkins. I am 24 years old. Some of my favorite hobbies include fishing, camping, hunting, and watching or playing sports. I was born and raised here in Twin Falls, so this town is a special place to me. I love the community and everything about this place. I have one brother who is 26, and a half-brother and half-sister who are a bit older than me. My family is my biggest support system and have been very supportive of this career choice. I graduated from Twin Falls High School in 2016, and then went to Treasure Valley Community College where I played soccer. After my time there, I went to Boise State and finished my bachelor's degree in Criminal Justice. Law enforcement is something I have always been interested in. I think it is the fast pace and unpredictability of the job that really drew me in. This department has made me feel very welcome since day one. The bond this team has is contagious and very motivating. I am looking forward to working with the people in this community. I have a lot to learn, but I am very excited about getting started.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Chief Kingsbury would like to formally swear in the Twin Falls Police Department's newest Police Officer before the City Council with Mayor Ruth Pierce administering the Oath of Office on Monday, March 28, 2022.

Attachments:

None



Date: Monday, March 28, 2022
To: Honorable Mayor and City Council
From: Craig Kingsbury, Chief of Police, Twin Falls Police Department

PRESENTATION

Request:

Formal ceremony promoting Officer J.P. O'Donnell to Sergeant before Honorable Mayor Ruth Pierce and the members of the City Council.

Time Estimate:

The presentation will take approximately ten minutes.

Background:

James (J.P.) Patrick O'Donnell III

Sergeant O'Donnell was hired as a full-time Police Officer by the Twin Falls Police Department on November 1, 2000.

Sergeant O'Donnell was born on Fort Lewis Army base in Tacoma, Washington. As a son of a military veteran and a Church Pastor, he has lived across the northwest throughout his early years. In 1984, his family moved to Twin Falls, ID where he attended O'Leary Middle School, graduated from Twin Falls High School, and attended the College of Southern Idaho. Sergeant O'Donnell is married to Briana and has four sons; Skylar, Ryan, Tristyn, Quinn and one daughter named Ayla.

Prior to coming to the Twin Falls Police Department, Sergeant O'Donnell started in law enforcement as a Reserve Deputy in 1991 with the Twin Falls County Sheriff's Office. Sergeant O'Donnell was hired as a Deputy Sheriff in 1995 where he held the positions of Patrol Deputy, DARE Officer, Field Training Officer, Police Motor Deputy, Marine Deputy, and SWAT Team member.

Sergeant O'Donnell served as a Patrol Officer prior to being assigned to the Strategic Traffic Accident Reduction Team (STAR) as a Police Motor Officer in 2003. Sergeant O'Donnell has been a Field Training Officer, assigned to Information Services during 2004 for Mobile Data Computer implementation, and a negotiator for the Crisis Negotiations Unit (CNU) with many successful negotiations.

Sergeant O'Donnell earned his Idaho POST Master Police Officer Certification in 2016. He joined our Bomb Squad in 2013, graduated from the FBI's Hazardous Device School in 2016 and actively serves as a certified bomb technician. Sergeant O'Donnell manages our Unmanned Aerial System Response Team, which is part of a regional team consisting of UAS operators from the Twin Falls Police Department, Twin Falls Fire Department, and the Twin Falls County Sheriff's Office.

Sergeant O'Donnell was assigned to Community Outreach Officer in 2015, working towards building relationships and enhancing communications within our community while making the community safer utilizing preventive measures and social media campaigns. Sergeant O'Donnell leads our Community Connection Officers, which strategizes monthly campaigns to stay in tune with issues affecting marginalized groups within our community.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Chief Kingsbury will be formally promoting Sergeant J.P. O'Donnell before Honorable Mayor Ruth Pierce and the members of the City Council on March 28, 2022.

Attachments:

None



Date: Monday, March 28, 2022

To: Honorable Mayor and City Council

From: Craig Kingsbury, Chief of Police, Twin Falls Police Department

PRESENTATION

Request:

Request to present Officer Kyler Jordan with his POST Intermediate Certificate, Officer Elisha Batteiger with his POST Advanced Certificate, and Detective Eric Strassner with his POST Advanced Certificate before Honorable Ruth Pierce and members of the City Council.

Time Estimate:

The presentation will last approximately 10 minutes.

Background:

Kyler Jordan

Officer Jordan was hired by the Twin Falls Police Department on January 6, 2020. He was born in California, and at the age of 12 moved to Maui, Hawaii. Officer Jordan grew up in the ocean spearfishing and surfing, and graduated from Kihei Charter High School. Officer Jordan served a two-year service mission for his church in Southern Colorado. Officer Jordan attended BYU-Idaho, where he met his wife, McKenzie. Officer Jordan graduated with a Bachelor's Degree in University Studies with a minor in Natural Resources. Officer Jordan moved to Twin Falls in 2019 where he attended the CSI Law Enforcement Program.

Elisha Batteiger

Officer Batteiger was hired by the Twin Falls Police Department on January 9, 2017, as a full-time Police Officer. Officer Batteiger was born and raised in Colorado Springs, Colorado. He graduated from James Irwin High School in 2004. Officer Batteiger joined the Army Reserves in 2004 and served nine years until 2013. While in the Army Reserves, he deployed overseas twice. During that time, he also managed to further his education by attending Pikes Peak Community College and finished his Associates at CSI once arriving to Twin Falls. Officer Batteiger's law enforcement career began when he left the Army Reserves and became an El Paso County Sheriff's Deputy in Colorado Springs in 2013. Officer Batteiger and his wife, Lisamarie, have two boys – Maverick, who is 11, and Joshua, who is 9. Officer Batteiger is proud of the opportunity to serve our community and he and his family love the Magic Valley Area.

Eric Strassner

Detective Strassner was born and raised in Connecticut, where he spent twenty-one years before joining the Marine Corps. During his time in the Marine Corps as a radio operator, he was stationed at Camp Pendleton in Southern California. Detective Strassner deployed to both Iraq and Afghanistan during his enlistment between 2007-2011. Detective Strassner knew when he got out of the military, he wanted to be a firefighter or a police officer.

After his honorable discharge from the military, he moved to Idaho. His good friend in the Marine Corps is from here and pressed upon him how great his state was, so Detective Strassner took up his offer to live with him and plant roots here where he has lived for 11 years now. Shortly after moving here, Detective Strassner was employed by the Gooding County Sheriffs Office for 1.5 years as a detention

deputy. He then got a job as a detention deputy with the Twin Falls County Sheriffs Office, where he worked for another 1.5 years. During Detective Strassner's employment with Twin Falls County, he became quite familiar with the Twin Falls Police Department and its officers. Detective Strassner started with TFPD in 2014 and is approaching his 8-year anniversary with the department in May. He was a patrol officer for 4 years and when the opportunity to transition over to CID presented itself, Detective Strassner jumped on it and hasn't looked back. The military and Idaho have afforded Detective Strassner with the life he has, to include his career, wife, and two kids. For that he is deeply thankful and proud. In Detective Strassner's spare time, he enjoys searching for and collecting firewood in the South Hills, mowing my lawn and other household projects, golfing, 4-wheeling, hunting, fishing, and watching television/movies. Over the last couple of years, Detective Strassner has developed an interest in collecting antique firearms and has a love of Old "Wild" West Americana.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Chief Kingsbury would like to present Officer Kyler Jordan with his POST Intermediate Certificate, Officer Elisha Batteiger with his POST Advanced Certificate, and Detective Eric Strassner with his POST Advanced Certificate before Honorable Ruth Pierce and members of the City Council.

Attachments:

None



Date: Monday, March 28, 2022
To: Honorable Mayor and City Council
From: Mitch Humble, Deputy City Manager

ACTION ITEM

Request:

A request for the City Council to provide direction to City staff regarding potential improvement options for Floral Avenue.

Time Estimate:

The staff presentation will take about fifteen minutes. Additional time will be needed for questions and discussion.

Background:

Floral Avenue is a City road that is not paved that serves several commercial/industrial businesses in the southeast area of town. The business owners along Floral have reached out to the City over the last few years to request that the road be paved, most recently in January of this year. After this most recent request, the Council asked staff to prepare some information for their consideration regarding options for improvements that might be made.

The last time we discussed these potential construction options with the Council was in the summer of 2021, as we were preparing the FY2022 budget. We know that construction costs have increased since then. Here are the alternatives we shared then, but with updated cost estimates.

1. Alternative 1—Full Build Out—Complete reconstruction of Floral Avenue including curb, gutter, sidewalk, and storm water facilities. A full build out includes 8" of base/subbase and 2.5" of plant mix pavement, which matches current design standards for the City of Twin Falls. The cost was estimated at \$2,803,000. Updated price \$3,444,433.
2. Alternative 2—Full Section with Curb and Gutter—This alternative adds new curb and gutter where it did not previously exist. The road surface will be improved to include 8" of base/subbase and have a 1 ¼" double chip seal driving surface. The estimated cost of this alternative was \$2,098,000. Updated price \$2,615,098.
3. Alternative 3—Borrow Ditches and Controlled Access—This alternative will build borrow ditches to contain storm water. The borrow ditches will be constructed between the existing edge of roadway and Right-of-Way. This alternative also includes the cost of constructing controlled accesses for the existing business. The cost of this alternative was \$450,000. Updated price \$480,470.
4. Alternative 4—Borrow Ditches and Controlled Access with Chip Seal—This alternative is a modified alternative number 3. In addition to everything in alternative number 3, this adds the price of a one-time chip seal. The estimated cost of this alternative was \$541,000. Updated price is \$639,040.
5. Alternative 5—No Change--This alternative does not change the existing system and will leave the roadway as is.

We discussed these various alternatives with the Council during the creation of the FY2022 budget, and the Council elected alternative 5 at that time. The primary reason for this decision was the high cost of construction compared to the low traffic counts on the road. You can see the cost estimates above. In 2019, the City performed traffic counts along Floral. Two counters were set up, one showing 232 average vehicle trips per day and the other showing 396. It is possible for one car trip to trigger both counters, but it is also possible for a car to travel on the road without tripping either counter. So, these counts are not perfect, but they do provide a reasonable idea as to the traffic loading. City staff updated those traffic counts this March. The new counts showed 299 trips and 514 trips for the same two counter locations. The counters also showed us that 90% of these trips are between 7:00 am and 5:00 pm, indicating that a large majority of the traffic is being generated by the businesses located there.

For the sake of comparison, the City Streets Department has several street construction projects that they are considering in the next few years. These potential street projects all show similar cost implications, but with a higher impact due to the number of vehicles using these streets daily. Some of those projects include:

- Hankins from Stadium to Filer – reconstruction estimated at \$1,400,000 – 4,200 average daily trips
- Orchard from Blue Lakes to Eastland – reconstruction estimated at \$2,700,000 – 5,600 average daily trips
- Addison from Juniper to Morningside – reconstruction estimated at \$2,600,000 – 15,825 average daily trips (in 2016)
- Washington intersection with Filer – reconstruction estimated at \$1,475,000 – 19,920 average daily trips (in 2016)
- Madrona from Stadium to Bridgeview – reconstruction estimated at \$1,800,000 – 2,600 average daily trips
- Elizabeth from Eastland to Madrona – reconstruction estimated at \$975,000 – 3,074 average daily trips

In the Floral Avenue construction alternatives provided above, two of them include using a double chip seal on top of a base/subbase instead of asphalt. Jon Caton, the City's former Public Works Director, shared with the Council that the alternatives that use a chip seal in lieu of asphalt paving may not be good options. While a chip seal surface is more affordable up front, the long-term maintenance of a chip sealed surface would be more costly and more difficult than the current un-paved surface. A chip seal surface is not as durable as asphalt and will still need regular repairs. Repairing a chip seal surface is not as simple as the current surface, and those repairs won't last long either. His recommendation to the Council was, if the Council desired to make an improvement to Floral, to do the full reconstruction so that we can be done with it. Josh Baird, the current City Engineer/Public Works Director, agrees with Jon's assessment and recommendation.

The current un-paved surface of Floral does require regular maintenance by our Streets Department, but that maintenance is simple and straight forward. About five times a year, we will send two road graders to Floral and spend a day leveling the roadway. We also send a water truck over to spray dust guard on the road surface in the late spring each year. The Department estimates we spend about \$24,225 each year on average on materials and maintenance of Floral Avenue. The un-paved condition of the roadway is the reason for that high maintenance cost.

The City does collect property taxes from the properties along Floral Avenue, and a portion of those taxes goes to the Street Fund to help pay for this maintenance. However, the property valuation from the

County Assessor is impacted by the lack of a paved roadway. The City received information from Brad Wills, the County Assessor, about the valuations. Brad said, “we use a lower per square foot value because of the lack of a paved roadway.”

Based on the County’s lower value of these properties, this fiscal year the City will collect about \$71,800 in property taxes from those properties with frontage on Floral Avenue. The amount of property tax revenue the City receives that is transferred to the Street Fund varies from year to year. Over the last five years, the Street Fund's revenue from property taxes has averaged 4.78% of total property tax collected. Using that five year average this fiscal year, the Street Fund would receive about \$3,433 in property taxes from the properties with frontage on Floral Avenue. So, in an average year, the Street Department spends significantly more money maintaining Floral Avenue than the Fund receives in property taxes from the properties along Floral Avenue.

Un-paved streets are not typical in the City. When property is developed in the City, we have infrastructure requirements that lead to paved roads being built by developers, then dedicated to the City for long-term maintenance. In the case of Floral Avenue, that property was subdivided beginning back in 1908, long before the property was in the City limits. Floral Ave also became a roadway outside of the City’s jurisdiction long before the current development codes were in place. If the property were to develop today, the property owners would be responsible for paving the roadway before the City would accept the long-term maintenance responsibility.

Finally, when this topic was raised at the Council meeting in January, one of the Council members asked about the use of a Local Improvement District (LID) as a possible path forward for improvements to Floral Avenue. The State Code does allow for the City Council to enact a LID for this purpose. A LID is a funding mechanism to pay for a local infrastructure improvement, like a roadway, using a special assessment made on the properties within the local district that directly benefits from the infrastructure improvement. The City Council could identify a specific infrastructure need (the construction of Floral Avenue) and a specific set of properties that will benefit from the project (those properties that have frontage on Floral Avenue). Then, through a series of notices and hearings, the Council could approve the use of a bond to pay for the project. That cost would then be paid back over time, up to 30 years, by way of special assessments made on the properties within the identified district. A lien would be placed on the properties until the bond is paid off. The properties included would have opportunities to protest the action. Approval by the Council would require 5 “yes” votes.

There are obviously many more details that come with the use of a LID. It is a very complicated, time-consuming, and difficult process to manage. It would likely take many months just to get through the process of setting up the LID, and then more time to set up the special assessment mechanism. However, while it may be a long and difficult process, a project like Floral Avenue is one that a LID might be worth using for, due to its very localized impact.

Approval Process:

A simple majority vote of the Council is needed to provide direction on this item.

Budget Impact:

There are a variety of options outlined herein at a variety of costs. The FY2022 budget does not include any funding for any Floral Avenue design or construction work.

Regulatory Impact:

Staff will proceed with the direction that the Council provides on this item.

History:

N/A

Analysis:

N/A

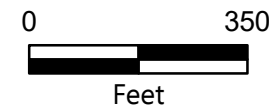
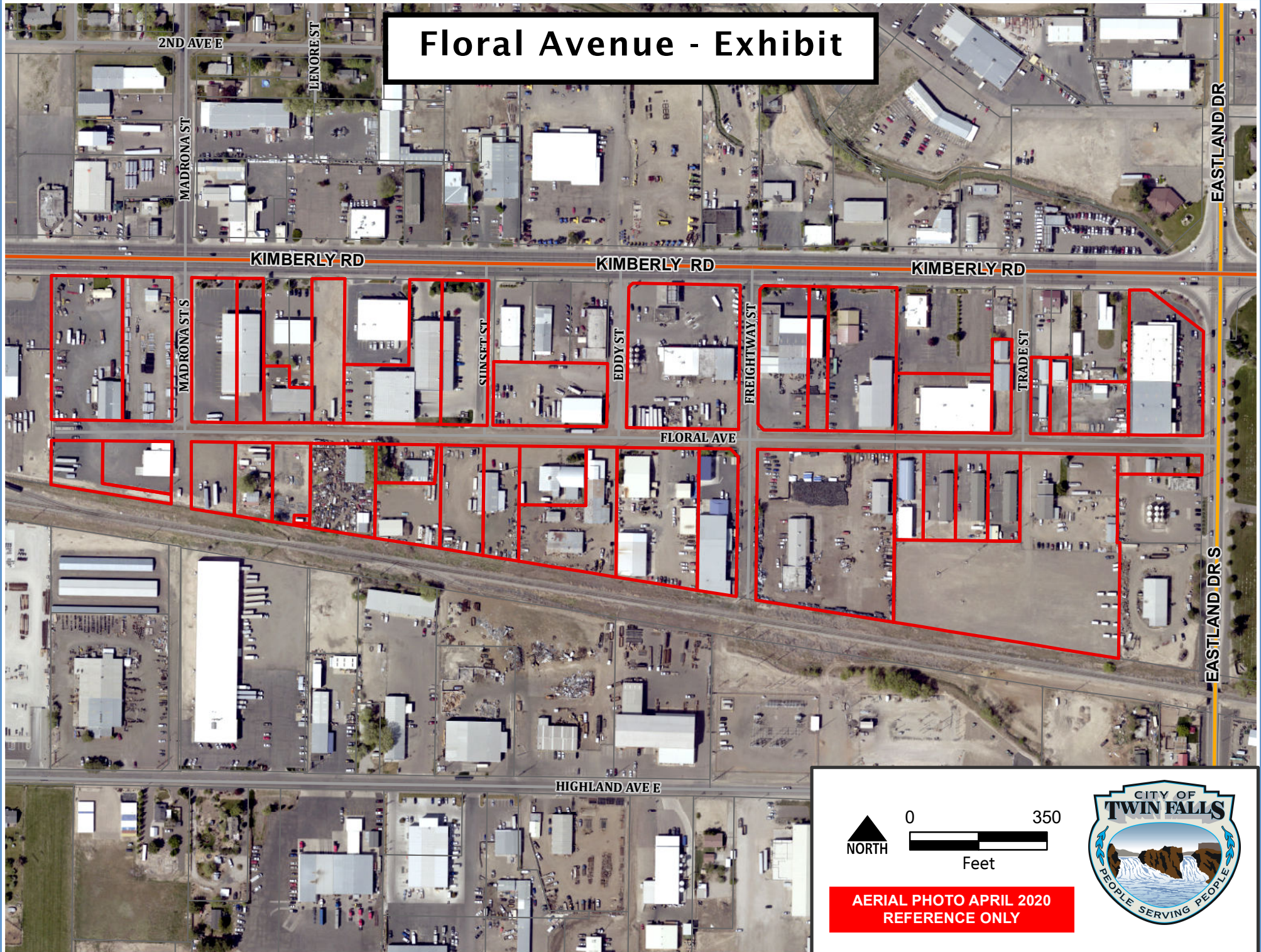
Conclusion:

Staff recommends that the Council consider the various options and provide staff direction on how they wish to proceed with Floral Avenue improvements.

Attachments:

1. Floral Ave Exhibit

Floral Avenue - Exhibit



AERIAL PHOTO APRIL 2020
REFERENCE ONLY





March 28, 2022 City Council Meeting

To: Honorable Mayor and City Council

From: Bill Carberry, Airport Manager

Request:

Consideration to approve an agreement between the City of Twin Falls/Twin Falls County and SkyWest Airlines for a \$400,000 minimum revenue guarantee for one daily Delta flight between Magic Valley Regional Airport & Salt Lake City International Airport.

Time Estimate: Approximately 10 minutes with additional time for questions

Background: Due to the effects of Covid-pandemic, the airline industry, particularly regional airlines, have been challenged with the recruitment and retention of pilots. Due to this struggle, the airline response has been the reduction or elimination of a very significant number of routes to small communities across the nation. Our community recently experienced the termination of the SkyWest operated United route to Denver and the reduction of the SkyWest operated Delta route to Salt Lake City, from three daily roundtrip flights to one.

As we focus on this agreement request, it is notable that other communities are in the process or have considered similar agreements. In addition, there have been 29 small communities being served by SkyWest which were recently given 90-day termination notices, in all cases citing insufficient pilots as the primary reason.

The SkyWest business model

- The great majority of the routes SkyWest operates for Delta (and other major airlines) are based on a “no-risk” contract with Delta, wherein SkyWest’s costs are covered plus they receive a set percentage of profit.
- A much smaller percentage of their business model includes federally supported Essential Air Service (EAS) routes to small communities, wherein SkyWest bids on a U.S. Dept. of Transportation contract for the route, and, if awarded, they operate the route with *little to no risk* due to a federal subsidy provided for operating the route. The number of eligible U.S. communities with this EAS designation was capped approximately 10 years ago.
- Lastly, the smallest percentage of routes served by SkyWest, Twin Falls among them, are called “at risk” markets, wherein SkyWest operates the route to the Delta hub in Salt Lake City (SLC) at their cost and receives the segment revenue for the route plus a small percentage of any 2nd leg beyond SLC. This “at risk” model provides higher profit margins during good times, yet, risks financial loss during periods of low ridership and/or lower average fare yields.

Why is SkyWest asking for a minimum revenue guarantee agreement (MRG)?

With the scarcity of pilots SkyWest is looking to move away from all routes that pose “any financial risk”, even on a quarterly basis. In their view, the value of scarce flight crew resources is too great for them to be deployed to routes that are not profitable, thus routes are being judged closely for reductions or eliminations. Minimum Revenue Guarantee agreements with communities help abate any potential financial losses to the airline for a period of time while operating the route.

The proposed agreement with SkyWest includes the City and County of Twin Falls, both owners and operators of Joslin Field, Magic Valley Regional Airport. The agreement includes a \$400,000 minimum revenue guarantee (MRG) program.

How does the MRG work?

The agreement calls for quarterly reporting of revenue as calculated by the airline. The calculation is based on the airline’s total operating cost for the flights vs the total ticket revenue derived. If the airline’s revenue falls above the cost then there is no payment required for that quarter. Conversely, if the airline revenue falls below costs, then there will be an MRG payment to the airline for the quarter.

Other terms of the agreement:

- The agreement is capped at \$400,000, and would be a shared responsibility of the City & County.
- The agreement covers from January 1, 2022 through December 31, 2022 or until the funding balance is exhausted.
- Either party (City/County or SkyWest) has right to a 60-day notice to terminate.
- SkyWest will provide one daily non-stop Delta branded flight to SLC with a 50-seat regional jet.
- SkyWest will prioritize an early morning flight to SLC and a late evening TWF arrival as resources allow.

Budget Impact: Any revenue guarantee payment owed to SkyWest will be paid from the airport operating budget which is *supported equally by both the City of Twin Falls and Twin Falls County, each would be responsible for \$200,000.* As with all fiscal years, if the airport operating budget needs to be adjusted to meet operational expenses at the end of the fiscal year then airport reserve funds will be utilized to balance the operating fund.

Regulatory Impact: The Airport will manage the terms and conditions of this agreement in conjunction with all local, state and federal regulations and policies.

Approval Process: Approval of the SkyWest Minimum Revenue Agreement will take a majority vote of the Council.

Conclusion: This is collectively a difficult position to find ourselves in and a difficult decision to consider.

As a means to summarize some points to consider I offer the following:

- SkyWest has said without the requested revenue guarantee they will not be able to continue operating the route and will begin plans to terminate the service to our community within 60-90 days.
- All current metrics suggest that the next few years will be an extremely difficult period for recruiting new air service.
- Any attempts to reacquire that type of service, after losing it, may be far more expensive than this proposed agreement (MRG) may be.
- In terms of geography, the only realistic hub airport that can provide effective network air carrier service at Twin Falls is Salt Lake City, and that service must be in some way branded with Delta.
- The City and County have a 60-day termination right with the agreement. If concerned, as we monitor the agreement's financial performance and forecast, the City/County may elect to terminate the agreement.
- Approval of the agreement will preserve existing air service and associated infrastructure such as TSA operations, car rental & restaurant services, totaling approximately 45-50 jobs.
- It is possible SLC service becomes self-sustaining in 2023 or, with our continued efforts, gets assumed by Delta as a contract route with SkyWest, which would alleviate the risk profile discussed.

Staff recommends the City Council approve the air service agreement with SkyWest Airlines and authorize the Mayor to sign the agreement.

Attachments: SkyWest Transportation Service Agreement

TRANSPORTATION SERVICES AGREEMENT
City of Twin Falls/Twin Falls County and SkyWest Airlines

This Agreement is made and entered into this ____ day of _____ 2022, by and between SkyWest Airlines, Inc. ("SkyWest") whose affiliated companies are doing business as Delta Connection, and the City of Twin Falls, Idaho ("City") and Twin Falls County, Idaho ("County"). The City and County collectively as ("Sponsors").

WITNESSETH:

WHEREAS SkyWest will provide nonstop jet service between Magic Valley Regional Airport (TWF) and Salt Lake City (SLC); and

WHEREAS, SkyWest has agreed to provide such service subject to the terms and conditions hereinafter set forth;

NOW, THEREFORE, in consideration of the premises and of the mutual obligations and undertakings hereinafter set forth, the parties agree as follows:

1. SkyWest will schedule one daily Delta Connection-branded round-trip flight on a CRJ-200 between TWF and SLC beginning on January 1st, 2022.
2. SkyWest will provide Sponsors monthly statements with a summary of revenue, fuel, and non-fuel related costs, load factors, number of revenue passengers, flight completion information, on-time performance, and any other relevant data concerning flight operations for the Service.
3. At the end of each three-month period during the term of this Agreement, SkyWest will determine, in accordance with standard accounting practices, the following data: average segment fares for the flights in the TWF-SLC market, the number of revenue passengers, the number of operations, and the total block hours operated.
4. For the purpose of determining operating profits/losses attributable to the service, passenger revenue will be calculated as the product of total revenue passengers and average segment fares in the market.
5. Total costs are the sum of non-fuel costs and fuel costs. Nonfuel costs are \$3,530 per block hour. Fuel costs will be the actual fuel costs, including related fueling costs, taxes and fees associated with operating the scheduled service, and any and all discounts, subsidies, markdown, rebate, or other reduction on cost (if any) that may be provided to SkyWest Airlines. If passenger revenue is greater than costs no subsidy is owed for the quarter. In the case that costs are greater than passenger revenue, the difference will be paid to SkyWest as its subsidy for the quarter. Sponsors may issue rent/fee credits to offset any subsidy amount due.
6. SkyWest agrees to maintain one daily nonstop roundtrip jet flight each day between TWF and SLC for the duration of this agreement and will prioritize a ramp overnight

schedule as resources allow. Some exceptions may be possible on limited days subject to Delta Air Lines targeted schedule reductions in SLC. All frequencies are to be scheduled on a nonstop basis and with jet aircraft providing a capacity of 50 seats or greater. Operational issues resulting in cancellations will not be billed to the Sponsors.

7. Segment profits/losses to recompense SkyWest for the agreed upon service levels will be computed upon the conclusion of each of quarter and Sponsors will reimburse SkyWest within thirty days of receipt of any statement of shortfall. Sponsors will reimburse SkyWest for the above up to a maximum of \$400,000 during the term of this Agreement.
8. The term of this Agreement shall commence on January 1st, 2022 and terminate on December 31st, 2022 or until all subsidy funds have been exhausted, whichever comes first (such first to occur, the "Expiration Date"). SkyWest will operate these flights under a codeshare agreement with Delta Air Lines. Notwithstanding anything in this agreement to the contrary, SkyWest or Sponsor may cancel this agreement upon 60 days written notice. The parties have no expectations and have received no guarantees that this Agreement will not be terminated by either party prior to the Expiration Date. The parties have bargained for the flexibility of terminating this Agreement upon tender of the requisite notice at any time during the term of the Agreement. All work and services under the Agreement shall be suspended upon termination of Agreement becoming effective.
9. This Agreement shall be governed by the laws of the State of Idaho. Exclusive venue for any claims, suits or any other action arising from or connected in any way to this Agreement or the performance of this Agreement shall be in Idaho.
10. Neither party will be responsible to the other party for its failure to perform its responsibilities hereunder in the event and to the extent that such performance is delayed or prevented for a period of at least fifteen consecutive business days, by any cause beyond its control and not caused by the party claiming relief hereunder, including, without limitation, acts of God, public enemies, war, insurrection, acts or orders of governmental authorities, fire, flood, explosion, riots or the recovery from such cause ("Force Majeure"). Either party may terminate this Agreement immediately if the other Party is unable to perform its obligations hereunder due to any such event, which continues for a period of thirty (30) consecutive days or more.
11. All notices, demands, requests, consents, and approvals by either party to this agreement shall be made in writing and sent by U.S. mail, or by recognized overnight courier, or by hand delivery, or by facsimile transmission (if confirmed by email, overnight courier or hand deliver). All such notices shall be addressed as follows:

To: Magic Valley Reg. Airport
PO Box 1907
Twin Falls, ID 83303

Attn: Bill Carberry

To: SkyWest Airlines
444 South River Road
St. George, UT 84790

Attn: Wade Steel

IN WITNESS WHEREOF, the parties hereto affix their duly authorized signatures as of the date set forth on the first page of this Agreement.

City of Twin Falls

Twin Falls County

By: _____
Ruth Pierce, Mayor

By: _____
Jack Johnson, Chairman

SKYWEST AIRLINES, INC.

By: _____
Wade Steel - Chief Commercial Officer