



Twin Falls City Council Agenda

Monday, October 3, 2022, 5:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

Members: Ruth Pierce, Christopher Reid, Craig Hawkins, Nikki Boyd, Jason Brown, Spencer Cutler, Alexandra Caval

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS
- 4) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve City Council 2022 September 26, Minutes.
By: Amy Luna , Administrative Assistant
 - b) **ACTION ITEM:** Request to approve Accounts Payable for September 22-28, 2022.
By: Amy Luna, Administrative Assistant
 - c) **ACTION ITEM:** Approval of the Findings of Fact and Conclusions of Law:
831 Park Avenue Annexation, Zoning District Change, and Zoning Map Amendment (PZ22-0093)
350 Blue Lakes Boulevard Annexation (PZ21-0178)
Mary Alice Lake at the Preserve Subdivision Final Plat (PZ22-0147)
Eastersun Subdivision (PZ22-0145)
By: Jonathan Spendlove, Planning and Zoning Director
 - d) **ACTION ITEM:** Consideration of a request by Shayne Nope, representing the Twin Falls LDS Stake, to approve the Twin Falls LDS Stake Youth Dance event to be held at the LDS Stake Center parking lot located at 2085 South Temple. This event is scheduled for Saturday, October 8, 2022, from 8:00 p.m. to 11:00 p.m.
By: Lou Coronado, Sergeant, Twin Falls Police Department
- 5) ITEMS OF CONSIDERATION
 - a) **ACTION ITEM:** Request to waive the Non-Conforming Building Expansion Permit Process to allow an expansion on property located at 1245 5th Avenue East. (PZ22-0144)
By: Daniel Martoma, Senior Planner
 - b) **ACTION ITEM:** Request to adopt Ordinance #2022-021 for the Annexation and of property located at 831 Park Avenue.

By: Ian Zollinger, City Planner

- c) **ACTION ITEM:** Request to adopt Ordinance #2022-022 for the Annexation and of property located at 350 Blue Lakes Boulevard.

By: Ian Zollinger, City Planner

- d) **ACTION ITEM:** Consideration to approve an amendment to the existing 2022 Minimum Revenue Guarantee agreement between the City of Twin Falls/Twin Falls County and SkyWest Airlines allowing for the inclusion of a second Delta flight between Magic Valley Regional Airport & Salt Lake City International Airport.

By: William Carberry, Airport Manager

- e) **ACTION ITEM:** Request for City Council to authorize Craig Kingsbury, Chief of Police, to sign the Mutual Assistance Agreement with the Twin Falls County Sheriff's Office regarding the Special Investigation Unit.

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

6) GENERAL PUBLIC INPUT

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS

9) ADJOURNMENT

- a) **ACTION ITEM: REQUEST TO ADJOURN TO 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.

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, September 26, 2022, 4:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

*****AMENDED AGENDA*****

****SPECIAL MEETING – Start time at 4:00 PM****

Executive Session 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; (c) To acquire an interest in real property not owned by a public agency; (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; (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.

Regular meeting will begin at 5:00PM

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

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

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble & Gretchen Scott, City Attorney Shayne Nope, HR Director Ida Clark, Fire Chief Less Kenworthy, Police Chief Craig Kingsbury, Parks & Recreation Director Wendy Davis, P&Z Director Jonathan Spendlove, Staff Engineer Lee Glaesemann, Desktop Support Analyst Kim Hafer, Finance Administrative Assistant AmyLuna.

Mayor Pierce called the meeting to order at 5:00 PM. A quorum was present.

2) EXECUTIVE SESSION

- a) Executive Session 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; (c) To acquire an interest in real property not owned by a public agency; (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; (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: Council Member Boyd moved to adjourn to Executive Session 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; (c) To acquire an interest in real property not owned by a public agency;

(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; (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. **Council Member Caval** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

Adjourned to executive session at 4:03 pm. Resumed regular council meeting at 5:09 pm.

3) PLEDGE OF ALLEGIANCE

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

4) PROCLAMATIONS

5) CONSENT CALENDAR

MOTION: Vice Mayor Reid moved to approve the Consent Calendar as presented. **Council Member Caval** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- a) Request to approve City Council 2022 September 19, Minutes.
- b) Request to approve Accounts Payable for September 15-21, 2022.
- c) Request to approve Alcohol License for Rice and Bites LLC
- d)
 - 1. Request for final plat approval for Easternsun Subdivision, approximately 23 acres consisting of 95 lots located at the 400-600 block of Hankins Road c/o EHM Engineers, Inc. on behalf of Gerald Martens. (PZ22-0145)
- e) Request for approval of the Final Plat for the Mary Alice Lake at the Preserve, A PUD, Subdivision, consisting of 19.38 (+/-) acres to develop 64 lots on property located at the northeast corner of Cheney Drive and Eastland Drive North c/o Harmony Design & Engineering on behalf of Mark Kelly, Preserve PUD, LLC. (PZ22-0147)
- f) Request to approve the BluPrint Homes Loans Grand Opening
- g) Consideration of a request to terminate an airport hangar ground lease agreement with Douglas J. McFall.
- h) Consideration of a request to approve an airport hangar ground lease with Michael Verzwylt
- i) Consideration of a request to terminate an airport hangar ground lease agreement with J. Scott Lyman
- j) Consideration of a request to approve an airport hangar ground lease with Douglas J. McFall
- k) Request to approve an airport ground lease amendment with the Bureau of Land Management (BLM), extending the term thru September 30, 2041 and modifying the rental rate to an annual 3% increase.
- l) Approval of the Findings of Fact and Conclusions of Law for the 1288 Eastland Drive North Annexation request.
- m) Request to approve the Southern Idaho Freedom Festival
- n) Consideration to approve the 3A State Soccer Tournament

6) ITEMS OF CONSIDERATION

- a) Request to confirm the reappointment of Janeale Dean and Amy Westover to the Public Art Commission.

Mayor Pierce requested to confirm the reappointment of Janeale Dean and Amy Westover to the Public Art Commission.

P&R Director Davis explained the commission and its process.

MOTION: Council Member Caval moved to confirm the reappointment of Janeale Dean and Amy Westover to the Public Art Commission. **Vice Mayor Reid** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- b) Discussion and possible action on creating a Memorial Wall in the Downtown Commons and committing up to \$80,000 in capital reserves and/or contingency funds to assist with the completion of the project.

City Manager Rothweiler requested possible action on creating a Memorial Wall in the Downtown Commons and committing up to \$80,000 in capital reserves and/or contingency funds to assist with the completion of the project.

Discussion ensued on the following:

City Manager Rothweiler: Thanked all that contributed to collecting the information for this project.

Vice Mayor Reid: Spoke in favor of the project. He really liked the information section from the original design.

Council Member Boyd: Asked for clarification of the proposed wall. Asked how we find missing names of fallen heroes.

MOTION: Vice Mayor Reid moved to approve the request to create a Memorial Wall in the Downtown Commons and commit up to \$80,000 in capital reserves and/or contingency funds to assist with the completion of the project. **Council Member Hawkins** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- c) Request approval of the Collective Bargaining Agreement between the City and Twin Falls Firefighters Local 1556.

Deputy City Manager Scott requested approval of the Collective Bargaining Agreement between the City and Twin Falls Firefighters Local 1556.

Discussion ensued on the following:

Vice Mayor Reid: Asked for clarification on the mileage provision. Is this affecting other cities?

MOTION: Council Member Caval moved to approve the Collective Bargaining Agreement between the City and Twin Falls Firefighters Local 1556. **Council Member Brown** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- d) Request Approval of Resolution 2022-014 Authorizing the Mayor, City Manager, Deputy City Manager, Public Works Director, or City Engineer to sign applications, grant agreements and amendments, and other documents relating to the Wastewater Collection Facilities Planning Project.

Staff Engineer Glaesemann requested approval of *Resolution 2022-014*, Authorizing the Mayor, City Manager, Deputy City Manager, Public Works Director, or City Engineer to sign applications, grant agreements and amendments, and other documents relating to the Wastewater Collection Facilities Planning Project.

Discussion ensued on the following:

MOTION: Council Member Brown moved to approve *Resolution 2022-014*, Authorizing the Mayor, City Manager, Deputy City Manager, Public Works Director, or City Engineer to sign applications, grant agreements and amendments, and other documents relating to the Wastewater Collection Facilities Planning Project. **Council Member Boyd** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- e) Request Approval of Wastewater Collection System Master Plan Update Contract with JUB Engineers and Authorize the Mayor to sign the contract.

Staff Engineer Glaesemann requested approval of the Wastewater Collection System Master Plan Update Contract with JUB Engineers and authorized the mayor to sign the contract.

Discussion ensued on the following:

MOTION: Council Member Brown moved to approve the Wastewater Collection System Master Plan Update Contract with JUB Engineers and Authorize the Mayor to sign the contract.

Council Member Caval seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- f) Request to dispense the reading rules required to pass an ordinance and approve Ordinance 2022-020, authorizing the transfer of real property to the Urban Renewal Agency.

City Attorney Nope requested to dispense with the reading rules required to pass an ordinance and approve **Ordinance 2022-020**, authorizing the transfer of real property to the Urban Renewal Agency.

Discussion ensued on the following:

City Manager Rothweiler: Explained that the URA entered into an agreement on the parking facility.

MOTION: Council Member Caval made a motion to dispense with reading the rules and put *Ordinance 2022-020* on third and final reading by title only. **Council Member Hawkins** seconded the motion. The roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Mayor Pierce read **Ordinance 2022-020** by title only.

MOTION: Council Member Reid moved to approve **Ordinance 2022-020**, authorizing the transfer of real property to the Urban Renewal Agency. **Council Member Hawkins** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

7) GENERAL PUBLIC INPUT

8) ADVISORY BOARD REPORT/ANNOUNCEMENTS

City Manager Rothweiler explained that URA created a new URA Industrial Park District.

9) PUBLIC HEARINGS

10) ADJOURNMENT

MOTION: Vice Mayor Reid moved to adjourn to Executive Session 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; (c) To acquire an interest in real property not owned by a public agency; (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; (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.

Council Member Brown seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

Council adjourned back into executive session at 6:34 p.m. The

executive session adjourned at 06:55 p.m.



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:

Annexation & Zoning District Change, Application

Gravitas Real Estate Holdings, LLC

Applicant(s)

)
) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
)
) AND DECISION
)

This matter having come before the City Council of the City of Twin Falls, Idaho on August 8, 2022, for public hearing pursuant to public notice as required by law for Annexation with a Zoning District Change and Zoning Map Amendment from R-4 to R-4 CRO ZDA for 13(+/-) acres of property located at 831 Park Avenue and the City Council having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for Annexation with a Zoning District Change and Zoning Map Amendment from R-4 to R-4 CRO ZDA for 13(+/-) acres of property located at 831 Park Avenue.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: June 27, 2022 & July 21, 2022.
3. The property in question is zoned R-4/OS/CRO (area of impact) pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood/Open Space in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Open Space/Canyon Rim Overlay; to the south, Residential; to the east, Residential/Open Space; to the west, Residential.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for Annexation with a Zoning District Change and Zoning Map Amendment from R-4 to R-4 CRO ZDA for 13(+/-) acres of property located at 831 Park Avenue is consistent with the purpose of the R-4 CRO ZDA Zone and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed annexation is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-4-15, 10-4-19.4, 10-4-19.5 of the Twin Falls City Code.

3. The proposed use is proper use in the R-4 CRO ZDA Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity. Annexation of this property is not a guarantee city utilities are available. A will-serve letter will be issued upon review and approval for a final plat and/or a phase of a final plat.

5. The application for Annexation with a Zoning District Change and Zoning Map Amendment from R-4 to R-4 CRO ZDA for 13(+/-) acres of property located at 831 Park Avenue should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for Annexation with a Zoning District Change and Zoning Map Amendment from R-4 to R-4 CRO ZDA for 13(+/-) acres of property located at 831 Park Avenue is hereby granted, as presented.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A" and incorporated by reference as though fully set forth herein.

Mayor-Twin Falls City Council

Date

"Exhibit No. A"

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

APPLICATION # PZ22-0093



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:

Annexation Application

City of Twin Falls
c/o Mitch Humble
Applicant(s)

)
) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
)
)
) AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on **August 8, 2022** for public hearing pursuant to public notice as required by law for Annexation with a zoning designation of **Open Space**, currently zoned **Open Space**, for **nine (9) (+/-)** acres located **at 350 Blue Lakes Boulevard** and the City Council having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for Annexation with a zoning designation of **Open Space**, currently zoned **Open Space**, for **nine (9) (+/-)** acres located **at 350 Blue Lakes Boulevard**.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **June 27, 2022, and July 21, 2022**.
3. The property in question is zoned **Open Space** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Open Space** in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, **Residential/Open Space**; to the south, **Residential/Vacant/Undeveloped**; to the east, **Industrial**; to the west, **CSI Fish Hatchery**.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for Annexation with a zoning designation of **Open Space**, currently zoned **Open Space**, for **nine (9) (+/-)** acres located **at 350 Blue Lakes Boulevard** is consistent with the purpose of the **Open Space** Zone and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed annexation is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-4-11, 10-15 of the Twin Falls City Code.

3. The proposed use is proper use in the **Open Space** Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity. Annexation of this property is not a guarantee city utilities are available. A will-serve letter will be issued upon review and approval for a final plat and/or a phase of a final plat.

5. The application for Annexation with a zoning designation of **Open Space**, currently zoned **Open Space**, for **nine (9) (+/-)** acres located **at 350 Blue Lakes Boulevard** should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for Annexation with a zoning designation of **Open Space**, currently zoned **Open Space**, for **nine (9) (+/-)** acres located **at 350 Blue Lakes Boulevard** is hereby granted as presented.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Final Plat Application,</u>	)	FINDINGS OF FACT,
	)	
<u>Easternsun Subdivision</u>	)	CONCLUSIONS OF LAW,
<u>Applicant(s).</u>	)	
	)	AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on September 26, 2022, for consideration of the final plat of the Easternsun Subdivision, approximately 23 (+/-) acres, consisting of 95 lots on property located at the 400-600 blocks of Hankins Road, and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the final plat of the Easternsun Subdivision, approximately 23 (+/-) acres, consisting of 95 lots on property located at the 400-600 blocks of Hankins Road.
2. The property in question is zoned R-2 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Mixed Use in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, Undeveloped; to the south, Residential; to the east, Undeveloped; to the west, Hankins Road/Residential.
4. The City Engineering Office has reviewed the final plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb gutter and sidewalks, sewer, water, and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The final plat of the Easternsun Subdivision, approximately 23 (+/-) acres, consisting of 95 lots on property located at the 400-600 blocks of Hankins Road is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The final plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H)(2)(a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H)(2)(d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the City Council's attention, per Twin Falls City Code §10-12- 2.3(H)(2)(e).

7. The final plat is in conformance with the Preliminary Plat. Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

The request for approval of the final plat of the Easternsun Subdivision, approximately 23 (+/-) acres, consisting of 95 lots on property located at the 400-600 blocks of Hankins Road is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Final Plat</u> Application,	)	FINDINGS OF FACT,
	)	
<u>Mary Alice Lake at the Preserve Subdivision</u>	)	CONCLUSIONS OF LAW,
Applicant(s).	)	
	)	AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on **September 26, 2022** for consideration of the final plat of the **Mary Alice Lake at the Preserve Subdivision**, approximately **19.5 (+/-)** acres **to develop 64 lots on property** located at **the northeast corner of Cheney Drive and Eastland Drive North**, and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the final plat of the **Mary Alice Lake at the Preserve Subdivision**, approximately **19.5 (+/-)** acres **to develop 64 lots on property** located at **the northeast corner of Cheney Drive and Eastland Drive North**.
2. The property in question is zoned **R-2 CRO PUD** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Town Neighborhood** in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, **SUI CRO/Residential**; to the south, **R-2 PUD/Vacant, Undeveloped** to the east, **R-2 PUD/Residential**; to the west, **C-1 PUD/Mixed Use**.
4. The City Engineering Office has reviewed the final plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb gutter and sidewalks, sewer, water, and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The final plat of the **Mary Alice Lake at the Preserve Subdivision**, approximately **19.5 (+/-)** acres **to develop 64 lots on property** located at **the northeast corner of Cheney Drive and Eastland Drive North** is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The final plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H)(2)(a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H)(2)(d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the City Council's attention, per Twin Falls City Code §10-12- 2.3(H)(2)(e).

7. The final plat is in conformance with the Preliminary Plat. Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

The request for approval of the final plat of the **Mary Alice Lake at the Preserve Subdivision**, approximately **19.5 (+/-)** acres **to develop 64 lots on property** located at **the northeast corner of Cheney Drive and Eastland Drive North** is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as

“Exhibit No. A” and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

“EXHIBIT NO. A”

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.



Date: Monday, October 3, 2022
To: Honorable Mayor and City Council
From: Daniel Martoma, Senior Planner

ACTION ITEM

Request:

Request to waive the Non-Conforming Building Expansion Permit Process to allow an expansion on property located at 1245 5th Avenue East. (PZ22-0144)

Time Estimate:

Fifteen minutes for presentation and questions.

Background:

This is a Nonconforming Building Expansion Waiver request to allow for an addition to the existing structure on the property located at 1245 5th Avenue E. The subject property is located within the R4 Residential Medium Density zoning district. The rear addition is proposed to meet the minimum side yard setback of five (5) feet.

Approval Process:

Per City Code 10-3-4, the process in which a Nonconforming Building Expansion is permitted requires a public hearing – all interested persons shall have the opportunity to be heard regarding the application. The City Council, however, may waive the requirements specified in City Code 10-3-4, “...for residences and residential uses by motion and minute entry...”

Budget Impact:

NA

Regulatory Impact:

City Codes: 10-2-1 (Zoning Definitions), 10-3-4 (Nonconforming Uses or Buildings), 10-4-5 (R4 Residential Medium Density District)

History:

The City does not have any records of when the existing building on site was built; however, it appears this structure was built prior to the establishment of the City’s current zoning regulations in 1981.

Analysis:

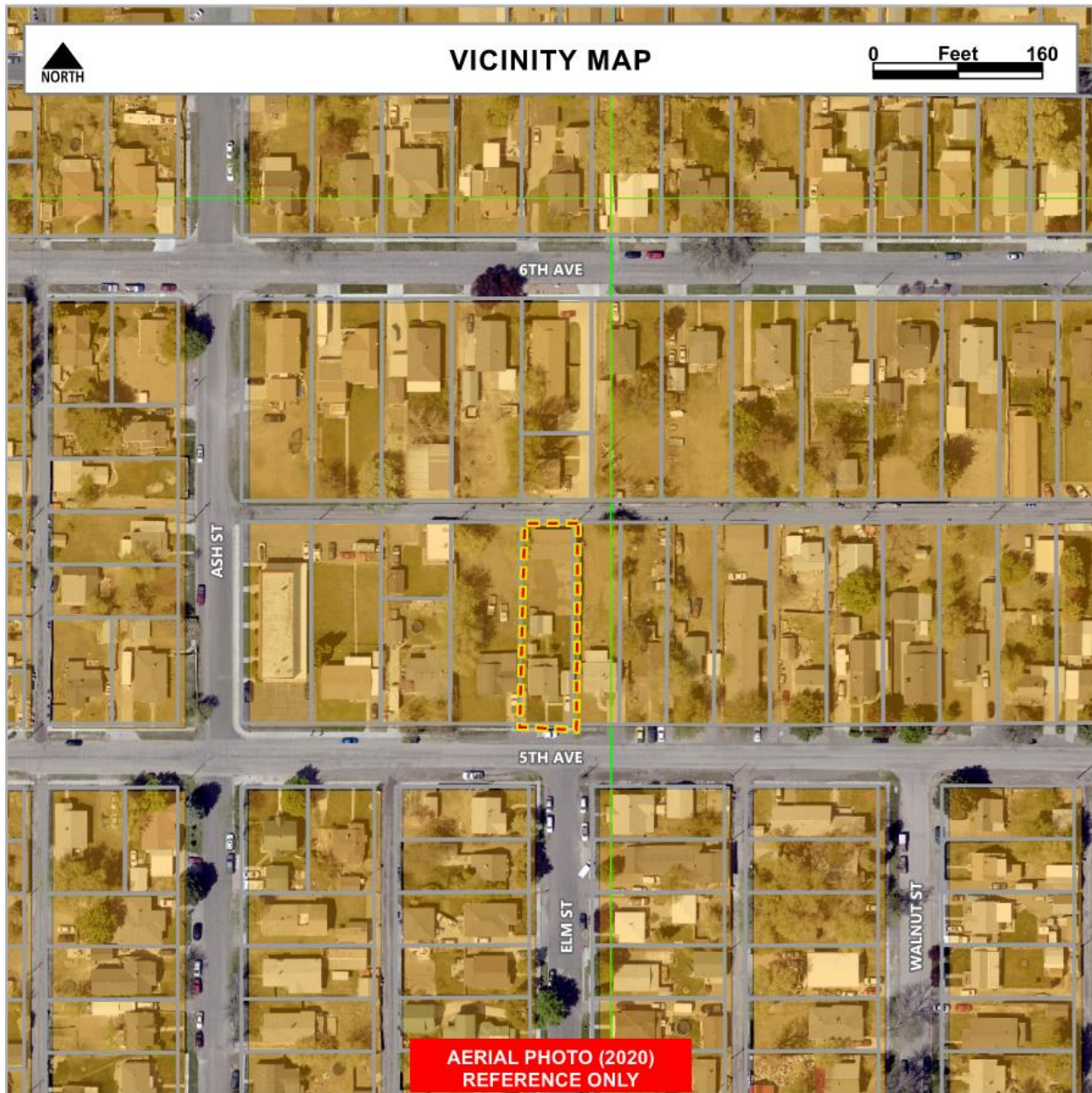
The subject property is located within the R4 Residential Medium Density zoning district. The R4 zoning district requires a twenty (20) foot front yard setback, a five (5) foot side yard setback, and a twenty (20) foot rear yard setback. The primary building located on the subject property is identified as a “nonconforming building” due to the existing three and a half (3.5) foot side yard setback on the west side instead of the required five (5) foot setback established by current zoning regulations. The applicant is proposing to add approximately two thousand two hundred (2200) square feet as a rear addition to the to the existing structure to, thereby, create a duplex. The rear addition is proposed to meet the minimum side yard setback of five (5) feet. **Thus, the proposed expansion should not make the structure any more nonconforming.**

Conclusion:

The Council is tasked with rendering a decision on this request. The Council may approve the request as presented, conditionally approve the request, deny the request, or table the request in order to seek more information.

Attachments:

1. Vicinity Map
2. NARRATIVE
3. SITE PLAN



Current Zoning: R4, Res. Med. Density

Existing Land Use: Single-Family Dwelling

Comprehensive Plan: Town Neighborhoods

Proposed Land Use: Duplex Dwelling

Surrounding Zoning Designations & Land Use(s)

North: R4, Res. Med. Density

East: R4, Res. Med. Density

South: R4, Res. Med. Density

West: R4, Res. Med. Density

Applicable Regulations

10-2-1, 10-3-4, 10-4-5

1245 5TH AVE E

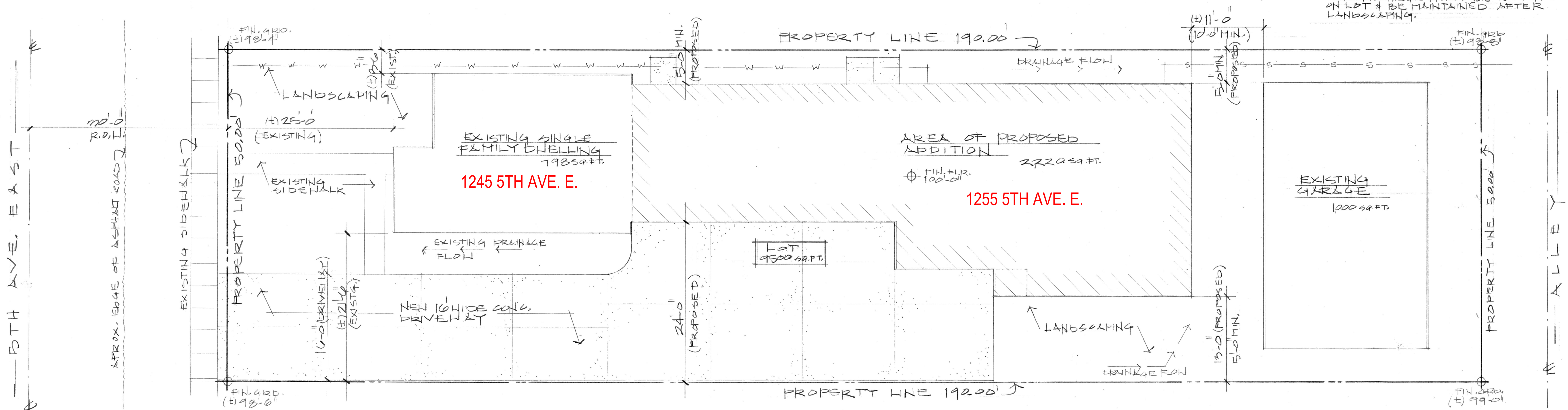
REASON FOR EXPANSION IS TO UTILIZE THE 9500 SQ. FT. LOT FOR 2 DWELLINGS, 1-EXISTING AND 1-NEW DWELLING,

BUILDING IS NON-CONFORMING BECAUSE IT IS 3'6" FROM THE PROPERTY LINE, SETBACK AND NEW ADDITION IS 5'.

I CAN NOT THINK OF ANY AFFECTS THE NEW ADDITION WILL HAVE ON ADJOINING PROPERTIES,

PROPERTY TO THE DIRECT NORTH AS WELL AS SOME NEIGHBORING PROPERTIES HAVE USED THESE LARGER LOTS FOR ADDITIONAL DWELLINGS.

~~THE USE OF THE EXTRA~~ THE USE OF THE EXTRA AREA WILL HELP WITH A GROWING TWIN FALLS,



SITE PLAN
SCALE: 1/8" = 1'-0"
NORTH

LEGAL DESCRIPTION:
WEST 50' OF LOT 19 BLOCK 2
TWIN FALLS SENIOR ADDITION AMND.
1245 5TH AVE. EAST ZONE R-4
TWIN FALLS, ID 83400

ENERGY CODE COMPLIANCE
(PRESCRIPTIVE APPROACH)
USE R-30 INSULATION IN ATTIC, R-20 IN
EXTERIOR WALLS, AND R-13 AT FOUNDATION
PERIMETER. AND USE .35 U-VALUES FOR
WINDOWS.

NOTES:
ALL DRAINAGE MUST BE RETAINED
ON LOT & BE MAINTAINED AFTER
LANDSCAPING.

- GENERAL NOTES:
1. ALL WORK TO MEET OR EXCEED 2018 IRC AND ALL STATE & LOCAL CODES & ORDINANCES.
 2. CONTRACTOR TO VERIFY ALL CONDITIONS & DIMENSIONS IN FIELD PRIOR TO CONST.
 3. CONTRACTOR TO LOCATE ALL UTILITIES IN FIELD PRIOR TO CONSTRUCTION.

REVISIONS	BY

AN ADDITION FOR:
SIMAS PROPERTIES 3 LLC
1245 5TH AVE. EAST
TWIN FALLS, ID 83400

MICHAEL
VERZLY
PLANNING & DESIGN
TWIN FALLS, ID 83400
(208) 731-2164

DRAWN M
CHECKED
DATE MAY 22
SCALE 1/8" = 1'-0"
JOB NO. 2212
SHEET 1
OF 6 SHEETS



Date: Monday, October 3, 2022
To: Honorable Mayor and City Council
From: Ian Zollinger, City Planner

ACTION ITEM

Request:

Request to adopt Ordinance #2022-021 for the Annexation and of property located at 831 Park Avenue.

Time Estimate:

Approximately five (5) minutes for the presentation and questions.

Background:

On July 12, 2022, the Planning and Zoning Commission sent a positive recommendation to the City Council for this property to be rezoned to R-4 ZDA CRO, if annexed by the City Council.

On August 8, 2022, City Council heard, deliberated, and approved the Annexation with Zoning District Change and Zoning Map amendment to a R-4 ZDA CRO designation.

Approval Process:

Idaho Code requires that an ordinance be read on three separate days prior to its passage. Two of the readings can be satisfied by reading the title only. Further, Idaho Code allows the reading rules to be dispensed if "one half (1/2) plus one (1) of the members of the full council" authorize the action. Should the council wish to approve the ordinance this evening a motion to dispense with the rules would have to be approved by five or more council members, prior to a vote on the passage of the ordinance.

Suggested motion language if dispensing the rules: *I move that we dispense with the reading rules and place Ordinance 2022-___ on third and final reading by title only.*

If five or more council members approve dispensing with the rules, then the title must be read, followed by a motion on approval of Ordinance 2022-___: *I move that we approve Ordinance 2022-___ as presented.*

Budget Impact:

N/A

Regulatory Impact:

The passing of this ordinance will change the zoning district of the property and annexation will bring this property into City jurisdiction to all Titles listed in City Code.

History:

N/A

Analysis:

N/A

Conclusion:

As directed by Council, staff has prepared an ordinance to finalize the Annexation and Zoning District Change and Zoning Map Amendment process.

Attachments:

1. O-2022-021 831 Park Ave Annex ZDA ord draft
2. O-2022-021 831 Park Ave signed ZDA
3. Site Plan
4. CC Minutes 8-8-22

ORDINANCE NO. 2022-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, **REZONING** CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFORE, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT

WHEREAS, Mark Russell has made application for rezoning and annexation of property located at 831 Park Avenue; City of Twin Falls, and an amendment of the revised Area of Impact and Comprehensive Plan Land Use Map; and

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 12th day of July, 20 22, to consider the Zoning Designation and necessary Zoning & Planning Map amendment upon a rezone of the real property below described, and an amendment to the revised area of Impact and Comprehensive Plan Land Use Map; and,

WHEREAS, the City Planning & Zoning Commission has made recommendations known to the City Council for Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 8th day of August, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TWIN FALLS, IDAHO:

SECTION 1. The following described real property located at 831 Park Avenue is the subject of a Zoning District Change and Zoning Map amendment and from R-4 to R-4 ZDA CRO.

"Exhibit A"-Legal Description

"Exhibit B"-Zoning Development Agreement

SECTION 2. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same area hereby amended to reflect the rezoning designation of the real property above described.

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other

developments, and the ability of the City to obtain additional water and/or sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

PASSED BY THE CITY COUNCIL _____, 20____

SIGNED BY THE MAYOR _____, 20____

Vice Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, _____, 20____

Exhibit A

PARCEL DESCRIPTION

A parcel of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, T. 10 S., R. 17 E.,
Boise Meridian, Twin Falls

County, Idaho, more particularly described as follows:

Commencing at the NE Corner of said Section 21 which is a brass cap from
which the E $\frac{1}{4}$ Corner

of Section 21 which is an aluminum cap bears S 00°08'54" W, the Basis Of
Bearing of this description,

run thence S 00°08'54" W along the easterly boundary of said Section 21 a
distance of 1316.73 ft. to a

point located 1.83 ft. from $\frac{1}{2}$ " rebar with a plastic cap on the southerly
boundary of Buena Vista Addition

said point being the POINT OF BEGINNING;

Continue thence S 00°08'54" W along said easterly boundary of Section 21 a
distance of

498.17 ft. to a 5/8" rebar with a plastic cap;

Thence N 85°56'08" W a distance of 830.74 ft. to a 5/8" rebar with a plastic
cap;

Thence N 01°35'49" E a distance of 125.03 ft.;

Thence N 53°41'02" W a distance of 43.00 ft.;

Thence N 51°14'38" W a distance of 32.21 ft.;

Thence N 77°03'45" W a distance of 15.38 ft.;

Thence N 46°30'08" E a distance of 339.77 ft. to a 5/8" rebar with a plastic
cap;

Thence N 62°00'39" W a distance of 59.15 ft. to a 5/8" rebar with a plastic
cap;

Thence N 51°27'14" W a distance of 94.20 ft. to a point on said southerly
boundary of Buena

Vista Addition which is a 5/8" rebar with a plastic cap;

Thence S 85°57'44" E along said southerly boundary a distance of 782.59 ft.
to the POINT OF

BEGINNING.

PARCEL CONTAINS 9.02 ACRES

August 8th, 2022

Gravitas Real Estate Holdings, LLC
1309 Coffeen Anve St 3106
Sheridan, WY 82801

**RE: Park Avenue, ZDA
A Residential Zoning Development Agreement**

To Whom It May Concern:

This ZDA Development Commitment is made and entered into this 08 day of August 2022, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and Gravitas Real Estate Holdings and/or any associated entities, successors, or assignees hereinafter called "Developer" for the purpose of annexation and development of a residential subdivision as a Zoned Development Agreement (ZDA) on property located at the NW corner of the intersection of Park Avenue and Blue Lakes Boulevard S. (N 3000 E) in Twin Falls, Twin Falls County, State of Idaho known as Park Avenue Subdivision.

The legal description of the property is SEC 21 T 10 R 17, TAX #346 SE NE, EXC NE 1.01A, & EXC HWY and located at the NW corner of the intersection of Park Avenue and Blue Lakes Boulevard S. (N 3000 E) in Twin Falls, Twin Falls County, State of Idaho. At the time of site reconnaissance, the subject Property was occupied by undeveloped land.

Development and Improvements shall conform to the standards and regulations of the Twin Falls City Code Title 10 — Chapter 4 — Section 5; R4, Residential Medium Density District or as amended, Title 10 — Chapter 4 — Section 19; CRO, Canyon Rim Overlay District:

Project Description:

1. Use Regulations:
 - a. Permitted Uses: attached single family household units (zero lot line townhomes in groupings of three (3) or more.)
 - b. Special Uses: None Requested
 - c. Prohibited uses: None Requested
2. Property Development Standards to be modified to include the following. The following property development standards shall apply to all land and buildings in the RM district:
 - a. Lot Area: Each residential building to be located on an individual lot of no less than one thousand (1,000) square feet in size. Open space and/or common area to have no minimum or maximum square footage.
 - b. Lot Occupancy: Each residential lot may contain one hundred percent (100%) occupancy or a portion thereof for the purposes of decks, driveways, and/or yard area. Open space to have no minimum or maximum and may include landscaping, access and utility corridors, lighting, and trash enclosures.
 - c. Building Height: No building shall exceed thirty five feet (35'-0") in height.
 - d. Yards:

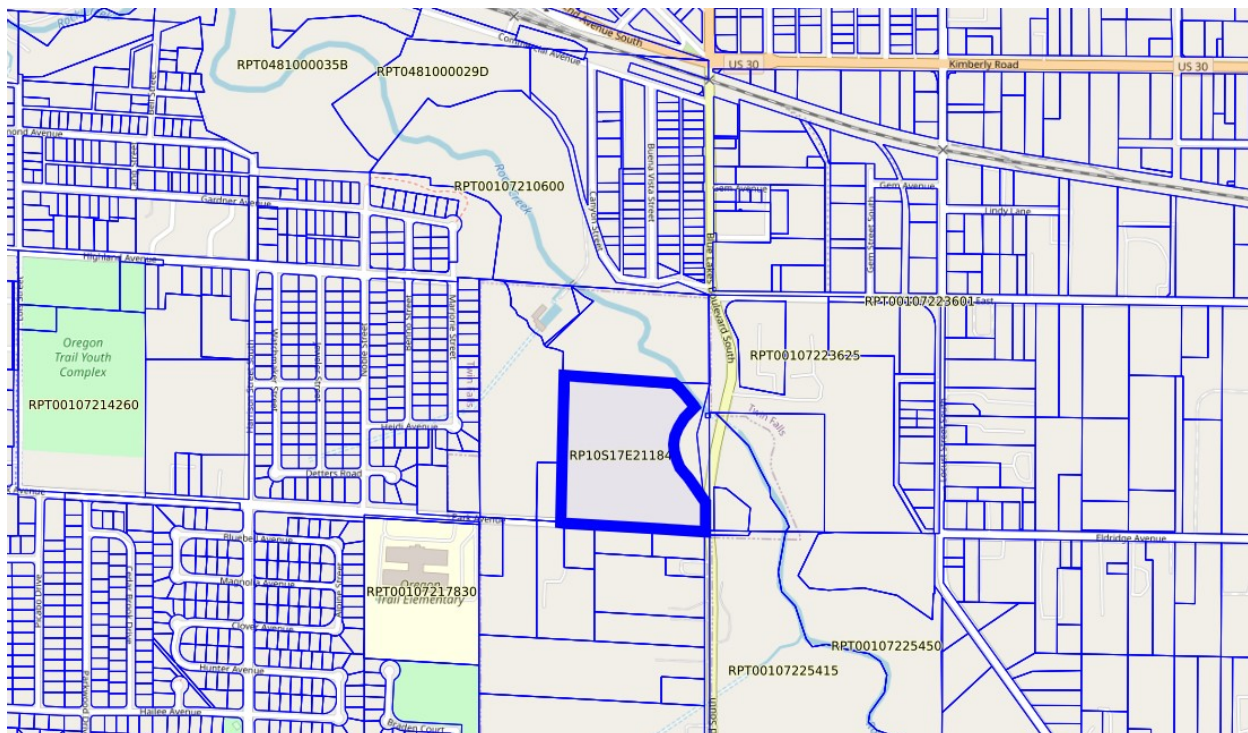
- i. No property line building setbacks will be required from the residential lot lines. Setbacks from the subdivision boundary will be in conformance with the R4, Residential Medium Density District.
 - ii. Canyon Rim Setback: Fifty feet (50'-0") setback with approved Geotech Report as specified in City Code 10-4-19.4 Section D.
 - e. Access:
 - i. All interior streets will be developed as a public street throughout the development.
 - ii. Access to the buildings will be through private alleys as well as on street parking.
 - f. Walls, Fences, Hedges, Trees, Shrubs and Landscaping:
 - i. On-Site landscaping to be installed, owned, and maintained by the Homeowners Association and shall comply with Twin Falls City Code.
 - g. Platting:
 - i. A final plat will be recorded prior to its development.
- 3. Other Site development Criteria
 - a. Building Elevations:
 - i. Project to be constructed in accordance with the City of Twin Falls. Example of proposed building typology provided with this agreement.
 - b. Density: No change requested.
 - c. Residential lot Width:
 - i. Platted townhouse lot width will be a minimum of 20 feet.
 - d. Residential Lot Depth:
 - i. Platted townhouse lot length will be a minimum of 50 feet.
 - e. Open Space or Common Area:
 - i. No minimum or maximum size.
 - ii. A proposed walking trail along the canyon rim is proposed.
 - f. Multi-Use Transportation Access:
 - i. No amenities specifically designed for multi-use transportation access are planned.
 - g. Park:
 - i. No Change Requested to park dedication procedure.
 - h. Pathways: The sidewalks will be 5' wide and set back from the curb along all streets where sidewalks are proposed and required to meet city standards.
 - i. Trash containers: Trash shall be located throughout the site visibly screened from roadways, adjacent residential areas, and adjacent properties. All trash enclosures will comply with city and trash department standards.
- 4. Architectural Standards: The buildings will be constructed by the Developer in accordance with the building typologies included with this application.
- 5. Management Associations: A Park Avenue Homeowner's Association will be formed with documentation recorded at Twin Falls County. The property will be managed by a property manager hired by the Homeowner's Association.

If no development has occurred on the ZDA subject parcel within the requirements of this application, the Planning and Zoning Commission and City Council may review the original ZDA

development requirements and conceptual development plan to ensure their continued validity. If the city determines the concept is no longer valid, then:

1. The city may initiate a process to change the zoning classification, or
2. A new ZDA development requirements and/or a new conceptual development plan may be required to be approved prior to the city issuing a building permit for any portion of the ZDA subject parcel.

Site Vicinity Map:



Sincerely,

Matt Huffield, AIA, LEED AP
Managing Partner | Architect, Cole Architects, PLLC

RE: Park Avenue, ZDA
A Residential Zoning Development Agreement

Developer:

Gravitas Real Estate Holdings, LLC
1309 Coffeen Anve St 3106
Sheridan, WY 82801

City:

City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

"CITY"

CITY OF TWIN FALLS

By: _____
Mayor

ATTEST:

By: _____
City Clerk

"DEVELOPER"

By:  _____
Developer

STATE OF IDAHO)
 ss
County of Twin Falls)

On this day of day of , 2022 before me, a Notary Public for said County and State, personally appeared and , known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City 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.

Residing at: _____

Commission Expires: _____

SITE PLAN/ AMENITY LOCATIONS

SCALE: 1"=80'-0"

LEGEND

- TOWN HOME BUILDING
- LANDSCAPING
- PRIMARY AMENITY
- TREE

THE NUMBERS

TOWNHOMES:
3-PLEX: (4) BUILDINGS
7-PLEX: (10) BUILDINGS
9-PLEX: (6) BUILDINGS

TOTAL BUILDINGS: (20) BUILDINGS
TOTAL UNITS: (136) TOWNHOMES

35 FT MAX HEIGHT





Twin Falls City Council Minutes

Monday, August 8, 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 Members Spencer Cutler, Nikki Boyd, Jason Brown, Craig Hawkins.

Absent: None.

Staff Present: Travis Rothweiler, City Manager; Gretchen Scott, Deputy City Manager; Mitch Humble, Deputy City Manager; Nicole Swafford, Deputy City Prosecutor; Matt Farnes, Budget Coordinator; Chance Munns, Parks and Recreation Supervisor; Captain Brent Wright, Twin Falls Police Department; Captain Matt Hicks, Twin Falls Police Department; Erin Steel, Public Works Assistant Director; Chief Les Kenworthy, Twin Falls Fire Department; Jonathan Spendlove, Planning and Zoning Director; Nathan Erickson, Environmental Manager; Bill Carberry, Airport Director; Lieutenant Terry Thueson, Twin Falls Police Department; Josh Baird, Public Works Directors; Josh Palmer, Public Information Coordinator; Troy Vitek, City Engineer; Kathy Marcus, Information Technology Communications Manager; Ida Clark, Human Resources Director; Chief Craig Kingsbury, Twin Falls Police Department; Ian Zollinger, City Planner, Breanna Howard, Chief Financial Officer; Mark Thompson, Streets Superintendent.

Mayor Pierce called the meeting to order at 05:00 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

None.

4) CONSENT CALENDAR

MOTION: Council Member Hawkins moved to approve the Consent Calendar as published. **Vice Mayor Reid** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

- a) Request to approve Accounts Payable for July 28 - August 3, 2022.
- b) City Council Minutes August 1, 2022.
- c) Consideration of a request to approve the annual Joshua Way Block Party.
- d) Consideration of a request to authorize the Mayor to sign an Idaho Transportation Department airport grant application.
- e) Consideration of a request to accept the Improvement Agreement for the purpose of developing Eastern Sun Subdivision No. 1.
- f) Consideration of a request to accept the Improvement Agreement for the purpose of developing Golden Eagle Subdivision No. 7.

5) ITEMS OF CONSIDERATION

- a) Adoption of the Tentative Budget for the City of Twin Falls for the 2022-2023 Fiscal Year in the amount of \$78,630,390 and set August 22, 2022, at 6:00 p.m. as the date and time for the public budget hearing.

Travis Rothweiler, City Manager, presented the adoption of the tentative budget and council directed capital projects.

Mayor Pierce requested **Erin Steel, Public Works Assistant Director**, to come talk about the sidewalk projects.

Vice Mayor Reid clarified that all costs were built into the \$80,000.

Erin Steel, Public Works Director, continued to describe the sidewalk projects.

Council Member Boyd spoke on Elizabeth Blvd from Madrona to Del Mar.

Council Member Brown asked about the HAWK system.

Council Member Hawkins asked about safety factors in these projects.

Council Member Brown asked if there was a similar technique that would work in the area.

Mayor Pierce asked if a HAWK system is the same thing that was installed on Washington.

Council Member Brown wants to know if there is something with similar features without going to the full-blown HAWK system.

Council Member Boyd asked for a reminder of the problem with Filer and Maurice.

Vice Mayor Reid suggested some ideas.

Mayor Pierce asked if they had to spend it all.

Council Member Cutler would like to prioritize sidewalks and fit dog park improvements in.

Jonathan Spendlove, Planning and Zone Director explained that an environmental study that is required for CDBG funds is in the works.

Council Member Boyd asked if the CDBG amount would be spent this year or next.

Mayor Pierce asked for clarification on the Thompson Park projects.

Council Member Brown asked if he would stay in the path of the current trail at Thompson Park or if they would change it. He then asked if the library would assist in creating the storybook trail.

Mayor Pierce asked about Baxter's Dog Park and if we had a design estimate.

Mayor Pierce asked what the projection for a master plan would cost?

Council Member Brown asked about money that ends up not being spent and what happens to it.

Council Member Brown stated that the dog park seems to be used quite heavily. He requested a planning document to help direct some of the funding.

Mayor Pierce asked if there was any way to partially fund Elizabeth.

Vice Mayor Reid spoke about needing to do something for Baxter Dog Park, Elizabeth Street and Stadium Street sidewalk projects.

Mayor Pierce asked if there are other funds that can be used to fund the dog park.

Council Member Brown feels either way we are speculating a little bit.

Mayor Pierce asked about someone making a motion.

Erin Steel, Public Works Assistant Director, gave an update on the Wendell St project that is from FY 2021-2022.

MOTION: Vice Mayor Reid moved to approve Council Directed Capital of up to \$40,000 to the Baxter Dog enhancement design. **Council Member Boyd** seconded the motion. Roll call vote showed all members present voted. Approved 5 to 1.

Council Member Hawkins asked about the curb and gutter sidewalk along the west side of Baxter Dog Park. He wished we had more money and is leaning a little more to the sidewalk side of things.

Council Member Boyd spoke about the dog park being one of our assets, and the need for a plan to share with people who are asking.

MOTION: Council Member Brown moved to move forward with the Sunrise East of Mountain View design for \$290,000 and include the Stadium East of Eastland, south side of the road, 230ft for \$80,000. **Vice Mayor Reid** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

Vice Mayor Reid talked about the Elizabeth St and Wendell St projects and, using the funds, understood that we don't know everything.

Council Member Boyd asked **Kathy Marcus, Information Technology Communications Manager**, about the City Council room project and if it would remove the 30 second lag. Council Member Brown stated he agrees on holding the money for the Wendell St project.

MOTION: Council Member Brown moved to earmark \$360,000 for Elizabeth Blvd sidewalk and Wendell St sidewalk projects for a later date. **Vice Mayor Reid** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

MOTION: Vice Mayor Reid moved that we adopt the tentative budget for the City of Twin Falls for the 2022-2023 FY in the amount of \$78630390 and set August 22, 2022, at 6pm as the date and time for the public budget hearing. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

6) GENERAL PUBLIC INPUT

Patty, citizen, talked about Elizabeth Blvd and how many kids are going back and forth and that she would like that sidewalk project taken care of as soon as possible.

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Travis Rothweiler, City Manager, spoke on the application for the vacant city council chair. It is available until Wed, August 17. On the 29th of August, we will present those names to the Council and invite them to council meeting that evening.

Mayor Pierce mentioned the State of the City breakfast on August 16th at 7am.

8) PUBLIC HEARINGS

a) Public hearing on fee and rate increases for the City of Twin Falls.

Breanna Howard, Chief Financial Officer, presented information for the public hearing on fee and rate increases.

Discussion ensued on the following:

Council Member Hawkins mentioned he feels the increase is reasonable.

Mayor Pierce agreed and stated that it is well below the NCI increase.

Mayor Pierce opened the Public Hearing for public comment at 6:35PM.

Patty, a citizen, stated that it's important for people to go out and shut it off or turn it back on so fees don't go back onto the homeowner.

Mayor Pierce closed the Public Hearing for public comment at 6:36PM.

MOTION: Council Member Cutler moved to approve the fee and rate increases for the City of Twin Falls. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

- b) Request for approval on the annexation and appropriate Zoning District of Open Space (OS) for 9 (+/-) acres of property located at 350 Blue Lakes Boulevard South c/o the City of Twin Falls. (PZ21-0178)

Mayor Pierce read the rules for a Planning and Zoning Public Hearing.

Ian Zollinger, City Planner, presented the request.

Mayor Pierce opened the Public Hearing for public comment at 6:42PM.

Gale Merrick, a Twin Falls County citizen, stated that this is a predicate to the next item on the agenda. He feels proper notice was not given to residents along the south side of Park Ave.

Mayor Pierce closed the Public Hearing for public comment at 6:45.

Vice Mayor Reid wanted to make sure that proper notice was given, and it was.

Council Member Boyd asked for clarification on the picture showing and as to what happens next.

Council Member Hawkins asked if Rock Creek Village is where all the fill dirt is being placed.

MOTION: Council Member Boyd moved to grant the request for annexation and appropriate Zoning District of Open Space of property located at 350 Blue Lakes Boulevard South. **Vice Mayor Reid** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

- c) Request for an Annexation and appropriate Zoning District Change and Zoning Map Amendment from R-4 to R-4 ZDA CRO for 13 (+/-) acres of property, located at 831 Park Avenue c/o Gravitas Real Estate Holdings, LLC formerly known as Idahome Development Co., LLC. (PZ22-0093)

Ian Zollinger, City Planner, presented the request.

Council Member Cutler asked about change of owners, annexation, and proper development of Park Ave., and traffic apparatus control costs.

Council Member Boyd asked if it was very similar to R-4 and how it would fit on the property. These are all rentals, and will they all share walls? She then had questions about the 20ft x 50ft lot, with its own title and ownership.

Council Member Hawkins asked about the sidewalks.

Council Member Boyd asked if the sidewalk would connect to anything.

Matt Hatfield, Cole Architects, addressed the City Council's concerns and explained in more depth his project.

Council Member Boyd asked if the exterior finishes are what's actually going to be on the buildings.

Mayor Pierce opened the Public Hearing for public comment at 7:10PM.

Gale Merrick, a Twin Falls County citizen, compliments Ian and Planning and Zoning on helping him. He then states his concern about traffic on Park Ave after the project is completed.

Patty, a citizen, clarified the number of complexes and if there would be enough parking for all the residents.

Mayor Pierce closed the Public Hearing for public comment at 7:19PM.

Council Member Boyd stated change is hard, but this is private property, and it has been sold. Private property rights go with how it's zoned and asking for a change in the arrangement.

MOTION: Vice Mayor Reid moved to approve the request for Annexation and appropriate Zoning District Change and Zoning Map Amendment from R-4 to R-4 ZDA located at 831 Park Ave, as presented and with staff recommendations. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

9) EXECUTIVE SESSION

- a) 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.

MOTION: Council Member Brown moved to convene into Executive Session 74-206 (1)(f).

Council Member Boyd seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

Council Members convened into Executive Session at 07:24 PM.

10) ADJOURNMENT

The meeting adjourned at 08:40 PM.

erin parrish

Erin Parrish, Executive Assistant

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



Date: Monday, October 3, 2022
To: Honorable Mayor and City Council
From: Ian Zollinger, City Planner

ACTION ITEM

Request:

Request to adopt Ordinance #2022-022 for the Annexation and of property located at 350 Blue Lakes Boulevard.

Time Estimate:

Approximately five (5) minutes for the presentation and questions.

Background:

On July 12, 2022, the Planning and Zoning Commission sent a positive recommendation to the City Council for this property to be rezoned to OS, Open Space, if annexed by the City Council.

On August 8, 2022, City Council heard, deliberated, and approved the Annexation with Zoning District Change and Zoning Map amendment to an OS, Open Space designation.

Approval Process:

Idaho Code requires that an ordinance be read on three separate days prior to its passage. Two of the readings can be satisfied by reading the title only. Further, Idaho Code allows the reading rules to be dispensed if "one half (1/2) plus one (1) of the members of the full council" authorize the action. Should the council wish to approve the ordinance this evening, a motion to dispense with the rules would have to be approved by five or more council members, prior to a vote on the passage of the ordinance.

Suggested motion language if dispensing the rules: *I move that we dispense with the reading rules and place Ordinance 2022-___ on third and final reading by title only.*

If five or more council members approve dispensing with the rules, then the title must be read, followed by a motion on approval of Ordinance 2022-___: *I move that we approve Ordinance 2022-___ as presented.* In order to enact this ordinance today, Council would need to suspend the rules and place it on third and final reading by motion, with a majority consent.

Budget Impact:

N/A

Regulatory Impact:

The passing of this ordinance will change the zoning district of the property and annexation will bring this property into City jurisdiction to all Titles listed in City Code.

History:

N/A

Analysis:

N/A

Conclusion:

As directed by Council, staff has prepared an ordinance to finalize the Annexation and Zoning District Change and Zoning Map Amendment process.

Attachments:

1. O-2022-022 350 Blue Lakes Blvd South annex ord draft
2. 350 Blue Lakes Blvd S quitclaim deed
3. 350 Blue Lakes Blvd S annex map
4. CC Minutes 8-8-22

ORDINANCE NO. 2022-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, **ANNEXING** CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFORE, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT

WHEREAS, City of Twin Falls has made application for annexation of property located at 350 Blue Lakes Blvd N.; and,

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 12th day of July, 2022, to consider the Zoning Designation and necessary Area of Impact and Zoning District Maps amendment upon annexation of the real property below described; and,

WHEREAS, the City Planning & Zoning Commission has made recommendations known to the City Council for Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 8th day of August, 2022, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TWIN FALLS, IDAHO:

SECTION 1. The following described real property be and the same is hereby annexed into and declared to be a part of the City of Twin Falls, Idaho:

"Exhibit A"- Legal Description

AND all public streets, highways, alley, and public rights-of-way adjacent and within this description.

SECTION 2. The real property described in Section 1 hereof be and the same is hereby zoned Open Space (OS).

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or

sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

SECTION 4. The Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the newly incorporated real property as hereby zoned.

SECTION 5. The City Clerk immediately upon the passage and publication of this Ordinance is required by law certify a copy of the same and deliver said certified copy to the County Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL _____, 20____

SIGNED BY THE MAYOR _____, 20____

Vice Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, _____, 20____

Exhibit A

A parcel of land located in the SE ¼ NE ¼, Section 21, T. 10 S., R. 17 E., Boise Meridian,
Twin Falls County, Idaho, more particularly described as follows:
Commencing at the NE Corner of said Section 21 which is a brass cap from which the E½ Corner
of Section 21 which is an aluminum cap bears S 00°08'54" W,
the Basis Of Bearing of this description,
run thence S 00°08'54" W along the easterly boundary of said Section 21 a distance of 1316.73
ft. to a point located 1.83 ft. from ½" rebar with a plastic cap on the southerly boundary of
Buena Vista Addition said point being the POINT OF BEGINNING;
Continue thence S 00°08'54" W along said easterly boundary of Section 21 a distance of
498.17 ft. to a 5/8" rebar with a plastic cap;
Thence N 85°56'08" W a distance of 830.74 ft. to a 5/8" rebar with a plastic cap;
Thence N 01°35'49" E a distance of 125.03 ft.;
Thence N 53°41'02" W a distance of 43.00 ft.;
Thence N 51°14'38" W a distance of 32.21 ft.;
Thence N 77°03'45" W a distance of 15.38 ft.;
Thence N 46°30'08" E a distance of 339.77 ft. to a 5/8" rebar with a plastic cap;
Thence N 62°00'39" W a distance of 59.15 ft. to a 5/8" rebar with a plastic cap;
Thence N 51°27'14" W a distance of 94.20 ft. to a point on said southerly boundary of Buena
Vista Addition which is a 5/8" rebar with a plastic cap;
Thence S 85°57'44" E along said southerly boundary a distance of 782.59 ft.
to the POINT OF BEGINNING.
PARCEL CONTAINS 9.02 ACRES

QUITCLAIM DEED

FOR VALUE RECEIVED, The CITY OF TWIN FALLS, IDAHO ("Grantor"), a municipal corporation, whose address is 203 Main Avenue East, Twin Falls, Idaho 83301, hereby conveys, releases, remises and forever quit claims unto The CITY OF TWIN FALLS, IDAHO ("Grantee"), a municipal corporation, whose address is 203 Main Avenue East, Twin Falls, Idaho 83301, all its right, title and interest in the following described premises situated in Twin Falls County, Idaho to wit:

(See attached Parcel Description)

together with all improvements and appurtenances on said real property

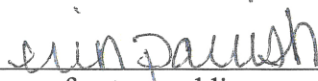
Executed and delivered this 7th day of September, 2022.



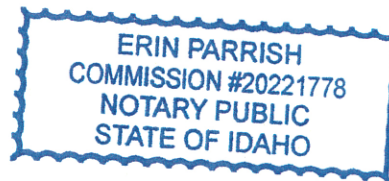
Ruth Pierce, Mayor

State of Idaho
County of Twin Falls

This record was acknowledged before me on this 7th day of September, 2022 by Ruth Pierce, Mayor of Twin Falls, Idaho.



Signature of notary public



My commission expires: 04/05/2028

PARCEL DESCRIPTION

376 Falls Avenue
Twin Falls, ID 83301
208-737-0007

A parcel of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, T. 10 S., R. 17 E., Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Commencing at the NE Corner of said Section 21 which is a brass cap from which the E $\frac{1}{4}$ Corner of Section 21 which is an aluminum cap bears S 00°08'54" W, the Basis Of Bearing of this description, run thence S 00°08'54" W along the easterly boundary of said Section 21 a distance of 1316.73 ft. to a point located 1.83 ft. from $\frac{1}{2}$ " rebar with a plastic cap on the southerly boundary of Buena Vista Addition said point being the POINT OF BEGINNING;

Continue thence S 00°08'54" W along said easterly boundary of Section 21 a distance of 498.17 ft. to a 5/8" rebar with a plastic cap;

Thence N 85°56'08" W a distance of 830.74 ft. to a 5/8" rebar with a plastic cap;

Thence N 01°35'49" E a distance of 125.03 ft.;

Thence N 53°41'02" W a distance of 43.00 ft.;

Thence N 51°14'38" W a distance of 32.21 ft.;

Thence N 77°03'45" W a distance of 15.38 ft.;

Thence N 46°30'08" E a distance of 339.77 ft. to a 5/8" rebar with a plastic cap;

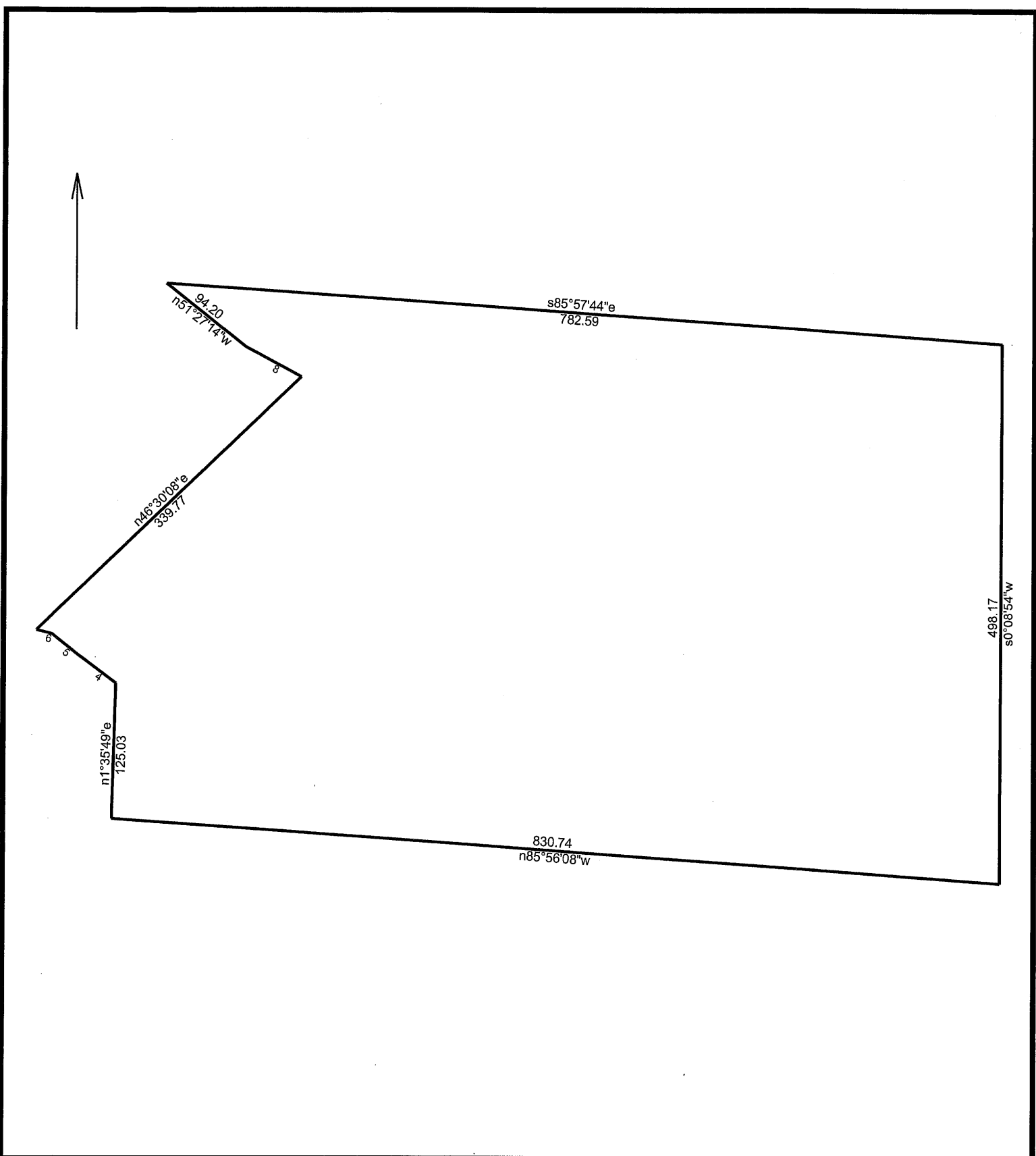
Thence N 62°00'39" W a distance of 59.15 ft. to a 5/8" rebar with a plastic cap;

Thence N 51°27'14" W a distance of 94.20 ft. to a point on said southerly boundary of Buena Vista Addition which is a 5/8" rebar with a plastic cap;

Thence S 85°57'44" E along said southerly boundary a distance of 782.59 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 9.02 ACRES





350 Blue Lakes Blvd S Annex

5/24/2022

Scale: 1 inch= 120 feet

File: 350 Blue Lakes Blvd S Annex.ndp

Tract 1: 9.0185 Acres (392844 Sq. Feet), Closure: n03.3056e 0.01 ft. (1/545998), Perimeter=2820 ft.

- | | |
|---------------------|---------------------|
| 01 s0.0854w 498.17 | 08 n62.0039w 59.15 |
| 02 n85.5608w 830.74 | 09 n51.2714w 94.20 |
| 03 n1.3549e 125.03 | 10 s85.5744e 782.59 |
| 04 n53.4102w 43.00 | |
| 05 n51.1438w 32.21 | |
| 06 n77.0345w 15.38 | |
| 07 n46.3008e 339.77 | |

PARCEL DESCRIPTION

376 Falls Avenue
Twin Falls, ID 83301
208-737-0007

A parcel of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, T. 10 S., R. 17 E., Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Commencing at the NE Corner of said Section 21 which is a brass cap from which the E $\frac{1}{4}$ Corner of Section 21 which is an aluminum cap bears S 00°08'54" W, the Basis Of Bearing of this description, run thence S 00°08'54" W along the easterly boundary of said Section 21 a distance of 1316.73 ft. to a point located 1.83 ft. from $\frac{1}{2}$ " rebar with a plastic cap on the southerly boundary of Buena Vista Addition said point being the POINT OF BEGINNING;

Continue thence S 00°08'54" W along said easterly boundary of Section 21 a distance of 498.17 ft. to a 5/8" rebar with a plastic cap;

Thence N 85°56'08" W a distance of 830.74 ft. to a 5/8" rebar with a plastic cap;

Thence N 01°35'49" E a distance of 125.03 ft.;

Thence N 53°41'02" W a distance of 43.00 ft.;

Thence N 51°14'38" W a distance of 32.21 ft.;

Thence N 77°03'45" W a distance of 15.38 ft.;

Thence N 46°30'08" E a distance of 339.77 ft. to a 5/8" rebar with a plastic cap;

Thence N 62°00'39" W a distance of 59.15 ft. to a 5/8" rebar with a plastic cap;

Thence N 51°27'14" W a distance of 94.20 ft. to a point on said southerly boundary of Buena Vista Addition which is a 5/8" rebar with a plastic cap;

Thence S 85°57'44" E along said southerly boundary a distance of 782.59 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 9.02 ACRES

DOCUMENT BEING RE-RECORDED TO CORRECT LEGAL DESCRIPTION

CASE NO. 44274SM

Twin Falls County, Idaho

Recorded for:
TITLEFACT

TitleFact, Inc.

163 Fourth Avenue North
P.O. Box 486

Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

08:41am Sep.08,2000
2000-013684
No. of Pages: 2 Fee: \$6.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: SL

Twin Falls County, Idaho

Recorded for:
TITLEFACT

03:04pm Jun.07,2000
2000-008587

No. of Pages: 2 Fee: \$6.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CD

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED HOUSEHOLD FINANCE CORPORATION, Successor in interest to TRANSAMERICA FINANCIAL SERVICES, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto CITY OF TWIN FALLS, STATE OF IDAHO, a municipal corporation, Grantee, whose address is: 321 2nd Avenue East, Twin Falls, Idaho 83301, the following described real estate, situated in Twin Falls County, Idaho, to-wit:

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho

Section 21: That part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

COMMENCING at the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 21;

THENCE South 30 rods, more or less, to a point $\frac{3}{8}$ of the distance from the Northeast corner to the Southeast corner of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 21;

THENCE West 51.6 rods; 851.4'

THENCE North 8 rods, more or less, to rim-rock at edge of Rock Creek Canyon;

THENCE Northwesterly along rim-rock to the point of its intersection with the North line of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21;

THENCE East along the North line 69 rods, more or less, to the Northeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$, the POINT OF BEGINNING. 1138.5'

EXCEPT

BEGINNING at a point where the top of the rim-rock bounding Rock Creek Canyon on the South and West intersects the South boundary of the City of Twin Falls, which said boundary is the South line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 10 South, Range 17 E., B.M. said point being designated by a cross in the rock;

THENCE along said South line South 86°30' East 376 feet to a stake in the Westerly bank of Rock Creek;

THENCE South 17°10' East 165 feet up said bank to a stake;

THENCE South 49°15' West 265 feet to a stake on the Rim-rock;

THENCE along the rim-rock in a Northwesterly direction 435 feet to the POINT OF BEGINNING.

AND EXCEPT

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho

Section 21: A parcel of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 21;

THENCE running South 00°18'27" East along the Easterly boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ for 1316.38 feet to the Northeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

THENCE North 86°30'00" West along the Northerly boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ for 780.74 feet to the REAL POINT OF BEGINNING, said point being described in a certain deed, as Instrument No. 223144, dated January 10, 1930, between H.R. Grant, Trustee, for the Southern Idaho Fish and Game Association and Eula B. Grant and the Southern Idaho Fish and Game Association as lying South 86°30' East 376 feet of a point being designated by a cross in the rock located on the South and West boundary of Rock Creek Canyon;

THENCE South 51°48'56" East for 94.36 feet;

THENCE South 62°34'22" East for 59.02 feet;

THENCE South 45°57'52" West for 369.59 feet more or less to a point on the rim-rock of Rock Creek;

THENCE North 47°10'47" West for 17.48 feet more or less along said rim-rock to the Southerly point as described in the above referenced deed;

THENCE North 49°15' East for 265 feet more or less to a point that lies South ~~47°10'~~ West 165 feet of the REAL POINT OF BEGINNING; 17°10'

THENCE North 17°10' West for 165 feet to the REAL POINT OF BEGINNING.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its Assistant Vice-President.

Dated: June 2, 2000

HOUSEHOLD FINANCE CORPORATION

BY: David M. Zimmerman
David M. Zimmerman
Assistant Vice President

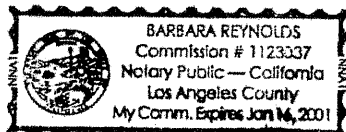
STATE OF CALIFORNIA

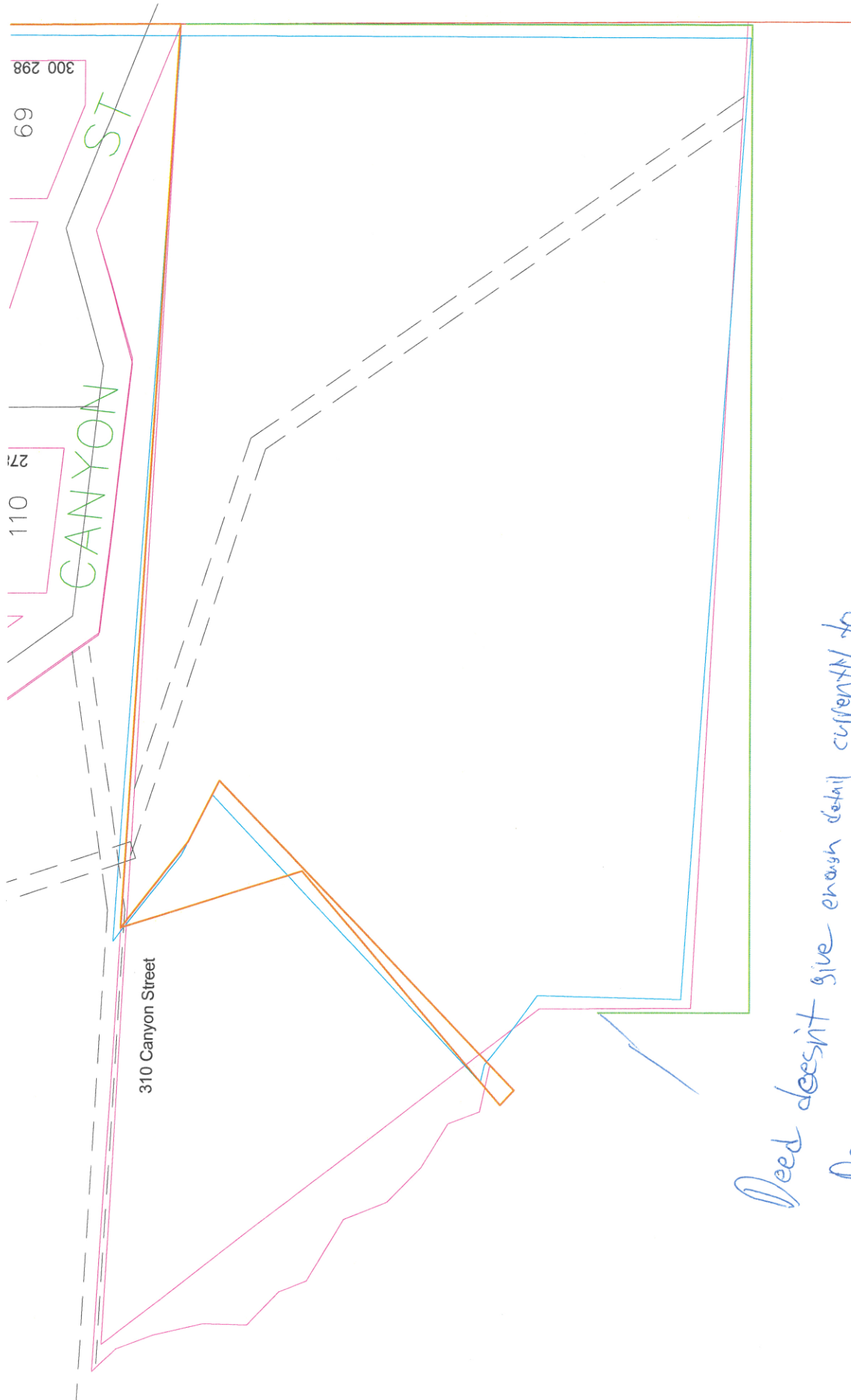
County of Los Angeles

On this 5 day of June, 2000, before me, the undersigned, Notary Public in and for said State, personally appeared David M. Zimmerman, known to me to be the Asst. V.P. of the corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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

Barbara Reynolds
Notary Public for California
Residing at: Los Angeles
My Commission expires: July 1, 2001





Deed doesn't give enough detail currently to
draw a closure. Need to get a surveyor to
write a "new" description.



Twin Falls City Council Minutes

Monday, August 8, 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 Members Spencer Cutler, Nikki Boyd, Jason Brown, Craig Hawkins.

Absent: None.

Staff Present: Travis Rothweiler, City Manager; Gretchen Scott, Deputy City Manager; Mitch Humble, Deputy City Manager; Nicole Swafford, Deputy City Prosecutor; Matt Farnes, Budget Coordinator; Chance Munns, Parks and Recreation Supervisor; Captain Brent Wright, Twin Falls Police Department; Captain Matt Hicks, Twin Falls Police Department; Erin Steel, Public Works Assistant Director; Chief Les Kenworthy, Twin Falls Fire Department; Jonathan Spendlove, Planning and Zoning Director; Nathan Erickson, Environmental Manager; Bill Carberry, Airport Director; Lieutenant Terry Thueson, Twin Falls Police Department; Josh Baird, Public Works Directors; Josh Palmer, Public Information Coordinator; Troy Vitek, City Engineer; Kathy Marcus, Information Technology Communications Manager; Ida Clark, Human Resources Director; Chief Craig Kingsbury, Twin Falls Police Department; Ian Zollinger, City Planner, Breanna Howard, Chief Financial Officer; Mark Thompson, Streets Superintendent.

Mayor Pierce called the meeting to order at 05:00 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

None.

4) CONSENT CALENDAR

MOTION: Council Member Hawkins moved to approve the Consent Calendar as published. **Vice Mayor Reid** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

- a) Request to approve Accounts Payable for July 28 - August 3, 2022.
- b) City Council Minutes August 1, 2022.
- c) Consideration of a request to approve the annual Joshua Way Block Party.
- d) Consideration of a request to authorize the Mayor to sign an Idaho Transportation Department airport grant application.
- e) Consideration of a request to accept the Improvement Agreement for the purpose of developing Eastern Sun Subdivision No. 1.
- f) Consideration of a request to accept the Improvement Agreement for the purpose of developing Golden Eagle Subdivision No. 7.

5) ITEMS OF CONSIDERATION

- a) Adoption of the Tentative Budget for the City of Twin Falls for the 2022-2023 Fiscal Year in the amount of \$78,630,390 and set August 22, 2022, at 6:00 p.m. as the date and time for the public budget hearing.

Travis Rothweiler, City Manager, presented the adoption of the tentative budget and council directed capital projects.

Mayor Pierce requested **Erin Steel, Public Works Assistant Director**, to come talk about the sidewalk projects.

Vice Mayor Reid clarified that all costs were built into the \$80,000.

Erin Steel, Public Works Director, continued to describe the sidewalk projects.

Council Member Boyd spoke on Elizabeth Blvd from Madrona to Del Mar.

Council Member Brown asked about the HAWK system.

Council Member Hawkins asked about safety factors in these projects.

Council Member Brown asked if there was a similar technique that would work in the area.

Mayor Pierce asked if a HAWK system is the same thing that was installed on Washington.

Council Member Brown wants to know if there is something with similar features without going to the full-blown HAWK system.

Council Member Boyd asked for a reminder of the problem with Filer and Maurice.

Vice Mayor Reid suggested some ideas.

Mayor Pierce asked if they had to spend it all.

Council Member Cutler would like to prioritize sidewalks and fit dog park improvements in.

Jonathan Spendlove, Planning and Zone Director explained that an environmental study that is required for CDBG funds is in the works.

Council Member Boyd asked if the CDBG amount would be spent this year or next.

Mayor Pierce asked for clarification on the Thompson Park projects.

Council Member Brown asked if he would stay in the path of the current trail at Thompson Park or if they would change it. He then asked if the library would assist in creating the storybook trail.

Mayor Pierce asked about Baxter's Dog Park and if we had a design estimate.

Mayor Pierce asked what the projection for a master plan would cost?

Council Member Brown asked about money that ends up not being spent and what happens to it.

Council Member Brown stated that the dog park seems to be used quite heavily. He requested a planning document to help direct some of the funding.

Mayor Pierce asked if there was any way to partially fund Elizabeth.

Vice Mayor Reid spoke about needing to do something for Baxter Dog Park, Elizabeth Street and Stadium Street sidewalk projects.

Mayor Pierce asked if there are other funds that can be used to fund the dog park.

Council Member Brown feels either way we are speculating a little bit.

Mayor Pierce asked about someone making a motion.

Erin Steel, Public Works Assistant Director, gave an update on the Wendell St project that is from FY 2021-2022.

MOTION: Vice Mayor Reid moved to approve Council Directed Capital of up to \$40,000 to the Baxter Dog enhancement design. **Council Member Boyd** seconded the motion. Roll call vote showed all members present voted. Approved 5 to 1.

Council Member Hawkins asked about the curb and gutter sidewalk along the west side of Baxter Dog Park. He wished we had more money and is leaning a little more to the sidewalk side of things.

Council Member Boyd spoke about the dog park being one of our assets, and the need for a plan to share with people who are asking.

MOTION: Council Member Brown moved to move forward with the Sunrise East of Mountain View design for \$290,000 and include the Stadium East of Eastland, south side of the road, 230ft for \$80,000. **Vice Mayor Reid** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

Vice Mayor Reid talked about the Elizabeth St and Wendell St projects and, using the funds, understood that we don't know everything.

Council Member Boyd asked **Kathy Marcus, Information Technology Communications Manager**, about the City Council room project and if it would remove the 30 second lag. Council Member Brown stated he agrees on holding the money for the Wendell St project.

MOTION: Council Member Brown moved to earmark \$360,000 for Elizabeth Blvd sidewalk and Wendell St sidewalk projects for a later date. **Vice Mayor Reid** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

MOTION: Vice Mayor Reid moved that we adopt the tentative budget for the City of Twin Falls for the 2022-2023 FY in the amount of \$78630390 and set August 22, 2022, at 6pm as the date and time for the public budget hearing. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

6) GENERAL PUBLIC INPUT

Patty, citizen, talked about Elizabeth Blvd and how many kids are going back and forth and that she would like that sidewalk project taken care of as soon as possible.

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Travis Rothweiler, City Manager, spoke on the application for the vacant city council chair. It is available until Wed, August 17. On the 29th of August, we will present those names to the Council and invite them to council meeting that evening.

Mayor Pierce mentioned the State of the City breakfast on August 16th at 7am.

8) PUBLIC HEARINGS

a) Public hearing on fee and rate increases for the City of Twin Falls.

Breanna Howard, Chief Financial Officer, presented information for the public hearing on fee and rate increases.

Discussion ensued on the following:

Council Member Hawkins mentioned he feels the increase is reasonable.

Mayor Pierce agreed and stated that it is well below the NCI increase.

Mayor Pierce opened the Public Hearing for public comment at 6:35PM.

Patty, a citizen, stated that it's important for people to go out and shut it off or turn it back on so fees don't go back onto the homeowner.

Mayor Pierce closed the Public Hearing for public comment at 6:36PM.

MOTION: Council Member Cutler moved to approve the fee and rate increases for the City of Twin Falls. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

- b) Request for approval on the annexation and appropriate Zoning District of Open Space (OS) for 9 (+/-) acres of property located at 350 Blue Lakes Boulevard South c/o the City of Twin Falls. (PZ21-0178)

Mayor Pierce read the rules for a Planning and Zoning Public Hearing.

Ian Zollinger, City Planner, presented the request.

Mayor Pierce opened the Public Hearing for public comment at 6:42PM.

Gale Merrick, a Twin Falls County citizen, stated that this is a predicate to the next item on the agenda. He feels proper notice was not given to residents along the south side of Park Ave.

Mayor Pierce closed the Public Hearing for public comment at 6:45.

Vice Mayor Reid wanted to make sure that proper notice was given, and it was.

Council Member Boyd asked for clarification on the picture showing and as to what happens next.

Council Member Hawkins asked if Rock Creek Village is where all the fill dirt is being placed.

MOTION: Council Member Boyd moved to grant the request for annexation and appropriate Zoning District of Open Space of property located at 350 Blue Lakes Boulevard South. **Vice Mayor Reid** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

- c) Request for an Annexation and appropriate Zoning District Change and Zoning Map Amendment from R-4 to R-4 ZDA CRO for 13 (+/-) acres of property, located at 831 Park Avenue c/o Gravitas Real Estate Holdings, LLC formerly known as Idahome Development Co., LLC. (PZ22-0093)

Ian Zollinger, City Planner, presented the request.

Council Member Cutler asked about change of owners, annexation, and proper development of Park Ave., and traffic apparatus control costs.

Council Member Boyd asked if it was very similar to R-4 and how it would fit on the property. These are all rentals, and will they all share walls? She then had questions about the 20ft x 50ft lot, with its own title and ownership.

Council Member Hawkins asked about the sidewalks.

Council Member Boyd asked if the sidewalk would connect to anything.

Matt Hatfield, Cole Architects, addressed the City Council's concerns and explained in more depth his project.

Council Member Boyd asked if the exterior finishes are what's actually going to be on the buildings.

Mayor Pierce opened the Public Hearing for public comment at 7:10PM.

Gale Merrick, a Twin Falls County citizen, compliments Ian and Planning and Zoning on helping him. He then states his concern about traffic on Park Ave after the project is completed.

Patty, a citizen, clarified the number of complexes and if there would be enough parking for all the residents.

Mayor Pierce closed the Public Hearing for public comment at 7:19PM.

Council Member Boyd stated change is hard, but this is private property, and it has been sold. Private property rights go with how it's zoned and asking for a change in the arrangement.

MOTION: Vice Mayor Reid moved to approve the request for Annexation and appropriate Zoning District Change and Zoning Map Amendment from R-4 to R-4 ZDA located at 831 Park Ave, as presented and with staff recommendations. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

9) EXECUTIVE SESSION

- a) 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.

MOTION: Council Member Brown moved to convene into Executive Session 74-206 (1)(f).

Council Member Boyd seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

Council Members convened into Executive Session at 07:24 PM.

10) ADJOURNMENT

The meeting adjourned at 08:40 PM.

erin parrish

Erin Parrish, Executive Assistant

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



October 3, 2022 City Council Meeting

To: Honorable Mayor and City Council

From: Bill Carberry, Airport Manager

Request: Consideration to approve an amendment to the existing 2022 Minimum Revenue Guarantee agreement between the City of Twin Falls/Twin Falls County and SkyWest Airlines allowing for the inclusion of a second Delta flight between Magic Valley Regional Airport & Salt Lake City International Airport.

Time Estimate: Approximately 10 minutes with additional time for questions

Background: 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 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.

Of the \$400,000 minimum revenue guarantee (MRG) for the single daily flight in 2022, only \$25,000 has been paid to SkyWest for the first quarter of the year. The second and third quarters have been profitable at \$170,990 and \$127,183 through August reporting.

With strong ticket sales and solid financial performance of the single daily flight, SkyWest has expanded the flight schedule to add a second daily flight, excepting Saturdays, for November and December of 2022. With the expanded schedule, SkyWest is requesting an amendment to this year's agreement to allow for inclusion of the second flight. This would allow for the quarterly calculation of profit and loss to include both flights and be supported by the minimum revenue guarantee if needed. This change would be the only adjustment to the 2022 agreement, no other terms of the agreement will change.

As a reference, in addition to attaching a copy of the amended agreement, I will also attach a copy of the March 28, 2022 staff report for the original SkyWest agreement.

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 amended SkyWest Minimum Revenue Agreement will take a majority vote of the Council.

Conclusion: Staff recommends the City Council approve the amendment to the 2022 SkyWest Minimum Revenue Guarantee Agreement and authorize the Mayor to sign the amendment.

Attachments: Amendment to the 2022 SkyWest MRG/ March 28, 2022 Staff Report

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

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 at least one daily Delta Connection-branded round-trip flight on a CRJ-200 between TWF and SLC beginning on January 1st, 2022. The number of round-trip flights will be mutually agreed upon between SkyWest and the Sponsor.
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 at least 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



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



Date: Monday, October 3, 2022
To: Honorable Mayor and City Council
From: Craig Kingsbury, Chief of Police, Twin Falls Police Department

ACTION ITEM

Request:

Request for City Council to authorize Craig Kingsbury, Chief of Police, to sign the Mutual Assistance Agreement with the Twin Falls County Sheriff's Office regarding the Special Investigation Unit.

Time Estimate:

Five minutes

Background:

In 2016, the Twin Falls Police Department and Twin Falls County Sheriff's Office formed a joint team to investigate violent offenders and members of criminal gangs through sustained, proactive, and coordinated investigations in order to obtain prosecutions and convictions. Furthermore, it is the purpose of this unit to identify, control, and prevent criminal gang and narcotics activity in Twin Falls County and the City of Twin Falls through enforcement, investigation and education. Additionally, it is a further purpose of SIU to gather and document intelligence and information concerning narcotics and criminal activity and ensure that such information is forwarded to the appropriate law enforcement agencies concerned. Finally, it shall be an objective of this unit to address and solve strategic and community problems and to provide investigative assistance to other law enforcement agencies, if necessary.

Currently, the unit is comprised of four investigators from the TFPD, two investigators from the TFSO, and one supervisor from the TFPD.

This unit has been extremely successful in fulfilling the mission as defined.

The attached Mutual Assistance Agreement is very similar to the original agreement signed in 2016. However, this agreement more clearly spells out the process for the dividing of assets seized as a result of investigations in section 17, subsection e.

City Attorney Shayne Nope has reviewed the attached MOU and has no concerns.

Approval Process:

Majority of the City Council vote to authorize the Chief of Police to sign the agreement.

Budget Impact:

There will be minimal impact to the City budget. This is dependent on assets that are seized and then awarded to the unit by a court of law.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Majority of the City Council vote to authorize the Chief of Police to sign the agreement.

Attachments:

1. TFPD-TFSO Mutual Assistance Agreement 2022 8-18-22

TWIN FALLS COUNTY/CITY OF TWIN FALLS MUTUAL ASSISTANCE AGREEMENT

This agreement is made and entered into by and between the Twin Falls County Sheriff's Office (hereinafter "TFSO") and the Twin Falls Police Department (hereinafter "TFPD").

Each of the parties hereto is a "public agency" as defined by Idaho Code §67-2327 and is authorized to enter into a Joint Exercise of Powers Agreement under Idaho Code §67-2328. The parties above named have joined together pursuant to the authority granted by Idaho Code §67-2337(4) to focus law enforcement efforts dedicated to the identification, investigation and prosecution of repeat violent offenders and those individuals responsible for committing violent crimes through the use of criminal organizations or gangs in Twin Falls County by creating a dual-agency enforcement unit to be known as the Special Investigations Unit, herein referred to as "SIU".

Each party owns and maintains equipment and employs personnel to perform its respective duties and responsibilities, as well as to assist other parties under this agreement. The geographical boundaries of each party are located in such a manner as to enable each party to render mutual aid assistance to another under this agreement. As articulated in Idaho Code §67-2326, the parties desire to cooperate and more efficiently intercept, investigate, and prosecute violent offenders, and to control and reduce criminal gang activity and the use of controlled substances and illicit drugs.

The primary purpose of SIU is to identify, track and pursue violent offenders and members of criminal gangs through sustained, proactive, and coordinated investigations in order to obtain prosecutions and convictions. It will also be the purpose of this unit to identify, control, and prevent criminal gang and narcotics activity in Twin Falls County and the City of Twin Falls through enforcement, investigation, and education. Additionally, it is a further purpose of SIU to gather and document intelligence and information concerning other narcotics and criminal activity and ensuring that such information is forwarded to the appropriate law enforcement agencies concerned. Finally, it shall be an objective of this unit to address and solve strategic and community problems and to provide investigative assistance to other law enforcement agencies, if necessary.

The parties therefore agree as follows:

1. Definitions. The following terms have the following meanings for purposes of this agreement:

- a. "Managing agency" means the agency assigned with fulfilling the administrative duties for the day-to-day operation of SIU. The managing agency shall provide daily oversight and direction over SIU manpower, facilities, and resources in order to accomplish its duties and responsibilities.

- b. “Member agency” means an agency that has signed the Mutual Assistance Agreement and is a current member of SIU. A member agency shall provide the necessary manpower, facilities, and resources to accomplish its duties.
- c. “Member” means an individual who has been assigned to the SIU.
- d. “Assigning agency” means the agency that assigned the individual to SIU.
- e. “Case officer” means an SIU member who has been assigned to be the lead investigator on a particular case by the Special Investigation Unit supervisor.
- f. “Awarded property” means any forfeiture property in a forfeiture proceeding that a judge has signed both an order and a judgment awarding the property to the Special Investigation Unit.
- g. “Forfeiture proceeds” means the cash that has come into SIU’s possession pursuant to a sale of awarded property.

2. Member agencies. The current member agencies of the SIU are TFSO and TFPD.

3. Board. The SIU Board of Directors (hereinafter “Board”) shall consist of the Twin Falls County Sheriff and the Twin Falls Police Department Chief of Police. The Board will work jointly to represent the interests of the directors’ respective agencies. The Board will meet regularly as mutually agreed. All decisions made under this agreement must be unanimous.

4. Managing agency. Under this agreement, the Twin Falls Police Department will act as the “managing agency.” In addition to the responsibilities outlined under the definition of the managing agency, TFPD will also be responsible for keeping minutes of all Board meetings and shall make a record of all of the business transacted by the Board.

5. Equality among board members. Each Board Director shall have equal representation regarding matters concerning the SIU and this agreement.

6. Additional member agencies. The Board may, by resolution, add a law enforcement agency as a member agency of SIU. Any new agency must agree to and sign this agreement, as it may from time to time be amended, before becoming a member agency. In the event another member agency is added, the Board of Directors shall select a Chairman. Each year, effective October 1, on a rotating basis, one of the Board members will serve as Chairman.

7. Additional associate member agencies. The Board may, by resolution, add an agency as an associate member agency to SIU. Associate member agencies do not need to be law enforcement agencies but must be involved in similar law enforcement efforts. Associate member agencies may be represented on the Board as non-voting member agencies. Associate member agencies have no liability for any actions taken by SIU except in cases where an associate member agency participates in a law enforcement action. If an associate member agency participates in a law enforcement activity, then its liability would be the same as any other member of SIU.

8. Quorum. Due to the Board currently consisting of only two Directors, both must be present for all official Board decisions. Additional Directors may be added with unanimous approval of the Board.

9. Meetings. Meetings of the Board will be held at such time or times as the Chairman may require. Notice of any meeting of the Board may be given either verbally or in writing to each Director on the Board. Special or emergency meetings may be held after giving two (2) hours' written or oral notice to the Directors of the Board upon call of the Chairman.

10. Additional agreements. The Board may, as it deems appropriate, enter into agreements or contracts with other law enforcement agencies, as authorized by law, to further the crime reducing efforts throughout Twin Falls County.

11. Policy and manual. The Board may elect to adopt a procedural manual, which will govern the day-to-day activities of SIU and its members. Unless such manual is adopted, each member of SIU shall abide by the rules, regulations, and policies of their respective assigning agency.

12. Officer assignment. The member agencies of TFSO and TFPD shall assign one (1) or more full-time officers to SIU. At the present time, TFSO shall provide two (2) deputies and the TFPD will provide four (4) police officers. In addition, the TFPD will provide one sergeant to serve as SIU supervisor. Such assignment will be for a minimum of two (2) years, unless otherwise agreed by the Board and the assigning agency. As part of this assignment, each member agency agrees to the following terms and conditions:

a. Such factors as pay, benefits, overtime, compensatory time off in lieu of overtime, personal leave, vacation, sick leave, and other matters directly related to the employment of such assigned officer shall be governed by the personnel policies and procedures of the member's assigning agency.

b. Pursuant to Idaho Code §67-2337(4), the original employing agency is responsible for any liability arising from the acts of its officers participating in this agreement.

c. Each member agency may provide such personnel assigned to SIU with a motor vehicle suitable for law enforcement work. Each member agency shall be responsible for the upkeep, repair, maintenance, and insurance of such vehicle(s) and, in the event of a breakdown, shall forthwith provide a suitable substitute vehicle. The member agency will still be responsible for upkeep, repair, maintenance, and insurance of said vehicle(s).

13. Officer duties and responsibilities.

a. *Requirements.* Each officer assigned to SIU shall have the following duties and responsibilities:

1. Adhere to and follow the policies, procedures and regulations as set forth in any approved SIU procedure manual.

2. Advise the SIU supervisor of information or intelligence received prior to initiating any investigation, action, or committing SIU personnel or equipment.

3. Prepare reports of all investigations and activities on a timely and accurate basis and submit the same for review by the SIU supervisor.

4. Conduct himself/herself as a professional law enforcement officer and adhere to SIU policies concerning personal conduct in the performance of their duties.

5. Carry a firearm, while on duty, approved by the police agency from which assignment to SIU was made. Shotguns and other weapons must be used only upon approval and under the direction of the SIU supervisor.

6. Qualify using the approved firearm at least annually.

7. Be responsible for the proper care, maintenance and security of all property or equipment issued to the officer by SIU.

8. Be responsible for funds issued and to be used in SIU investigations; ensure that the funds are used or dispersed in conformance with SIU policies, procedures, and regulations; and render an accounting of the same to the SIU supervisor.

9. Report for duty on a daily basis at the time and place designated by the SIU supervisor.

b. *Conduct violations/Failure to abide by requirements.* Acts of misconduct or failure to follow the policies or procedures of the member's agency or SIU procedures will be reported by the SIU supervisor to the appropriate member agency for investigation; possible disciplinary actions which may include written reprimand, suspension without pay, reassignment or termination.

In the event a Unit member is found to have violated a policy of their assigning agency and discipline is imposed against said member as a result of their conduct while serving on SIU, the member's assigning agency shall advise the SIU supervisor and the other Board member(s) of the sustained violation.

14. Extension of peace officer authority.

a. *Cross-deputized officers.* TFSO may extend authority to Unit members who are assigned to SIU to act as a peace officer within TFSO's jurisdiction by cross-deputizing such officers. All powers, privileges, rights, and responsibilities of each officer acting outside his jurisdiction, but pursuant to cross-deputization under this agreement, will be the same as when the peace officer is acting within the jurisdiction of the officer's employing agency.

b. *Non-deputized officers.* If a non-TFSO peace officer is not cross-deputized and is assigned to SIU by a member agency, then such officer may assist with SIU investigations only after the SIU supervisor requests such assistance from that officer's agency. Such non-deputized officers may only assist SIU within the geographical boundaries of Twin Falls County and may not be the lead investigator on any SIU investigation.

15. Supervisor.

a. *Authority.* From the personnel assigned to SIU, the Board shall select a supervisor to be in charge of operations of SIU. At the present time, this supervisor will be provided by the TFPD.

The SIU supervisor will be in charge of SIU's day-to-day operations. The Board authorizes the SIU supervisor to require that all SIU personnel follow both the rules, regulations and policies of their respective assigning agency and any adopted Unit procedures.

The SIU supervisor will report to the TFPD's CID Staff Sergeant and subsequent TFPD Command structure. These supervisors and managers will provide supervisory oversight and management of the SIU and report to the Board on SIU's activities.

b. *Duties and responsibilities.* The SIU supervisor shall have the following duties and responsibilities, subject to the managing agency's approval:

1. Report to and work under the direction of the managing agency.
2. Prepare a procedural manual setting forth policies, procedures and regulations regarding SIU operations and activities. Said manual must be approved by the Board with such approval specifically noted upon the minutes of the Board.
3. Prepare reports of SIU investigations and activities and present the same to the Board at least quarterly, or as often as requested by the Board, and keep the Board apprised of all SIU investigations and activities.

4. Train, or select a designee to train, all SIU personnel in the areas of felony investigation, criminal apprehension, gang, and narcotics enforcement, and update the training as needed.

5. Take such action as is necessary to deter an SIU member's actions which may be deemed hazardous to the public or another officer and which is contrary to the approved SIU procedures and regulations.

6. Notify the managing agency and the Board immediately of any violation of SIU policies, procedures and regulations and recommend reassignment of SIU members who violate such policies, procedures, and regulations.

7. Be responsible for the administration of all SIU field operations and take charge of and render an accounting of SIU funds to the managing agency and the Board at least quarterly or as often as requested by the managing agency or the Board.

8. Be responsible for the effective and efficient management of SIU, ensure that the goals and purposes of SIU are met and that all SIU personnel comply with SIU policies, procedures, and regulations.

16. Control of seized property. Property seized for forfeiture purposes and/or evidentiary purposes must be processed and retained per SIU protocol. An important tool in the fight against illicit drugs is the use of the forfeiture laws (IC §§37-2744 - 37-2744B and Title 37, Chapter 28 of the Idaho Code). These laws are designed to permit law enforcement agencies to seize property involved in the trafficking, manufacturing, distribution, dispersion, acquisition, and/or possession of illegal drugs and narcotics and to use proceeds from that property in the furtherance of drug-related law enforcement activity.

17. Forfeitures.

a. *Initial processing.* All property seized for forfeiture purposes by any SIU member will be the responsibility of SIU. When the members of SIU take legal possession of such seized properties and currency, they shall follow the proper evidentiary policies and procedures of the TFPD.

b. *Handling of proceedings.* The Twin Falls County Prosecuting Attorney's Office (TFCPA) will be SIU's representative in court to process and handle all forfeitures arising out of SIU investigations and activities and to represent the interests of SIU in all court proceedings involving forfeitures. SIU shall follow the TFPCA Forfeiture Policy.

c. *Retention of property for official use.* The SIU supervisor shall consult through his/her chain of command to decide whether to retain awarded property, most commonly motor vehicles, for official use. In the event of official use of a motor vehicle, SIU supervisor may assign such vehicle to an SIU member. Said vehicle will then be titled to that SIU member's agency, which will then be responsible for upkeep, repair, maintenance, insurance, and other matters incident to ownership, even though the vehicle will be retained and used by SIU. Once said vehicle is no longer used in an official capacity, then the vehicle must be sold in accordance with section 17(d) of this agreement.

d. *Sale of awarded property.* SIU supervisor shall consult through his/her chain of command to decide to sell awarded property. If it is decided to sell awarded property, then SIU must sell the property pursuant to LC §37-2744.

e. *Division of proceeds.* The parties waive all of their statutory rights under Idaho Code §§37-2744(e) and 37-2744A(d) to reimbursement from forfeiture proceeds to cover expenses incurred, including but not limited to costs from publication, repair, maintenance, storage, transportation, witnesses, transcripts, travel, investigation, title companies, and insurance premiums. Instead, after satisfying the interests of bona fide or innocent parties under Idaho Code §37-2744(d)(3)(D)(IV), each member agency will receive an equal share of all remaining forfeiture proceeds. The member agencies and associate member agencies agree that these aforementioned costs are the responsibility of each agency, and that each agency donates these costs in furtherance of the purposes of this agreement.

Alternatively, the parties agree that the proceeds distribution requirements of Idaho Code §§37-2744(e) and 37-2744A(d) are satisfied by the parties' aforementioned donation of costs and subsequent reimbursement of an equal share of the forfeiture proceeds. At this time, SIU consists of two (2) member agencies, and thus each member agency's forfeiture account would receive one-half (1/2) of all forfeiture proceeds. This distribution agreement also applies to any federal asset forfeiture awards pursuant to 18 USC § 981.

f. *Use of proceeds.* All forfeiture proceeds must be used in conformance with Idaho Code, as well as the approved policies, procedures and regulations of the appropriate agency and SIU and must be used for purposes related to enforcement of the Uniform Controlled Substances Act of the State of Idaho. Upon approval of the Board, forfeiture proceeds from awarded property may be distributed to a member agency or associate member agency for the purpose of training its deputies or officers in narcotics investigation or criminal investigation techniques, the purchase of equipment or property in furtherance of its ability to investigate or prosecute drug-related matters, or for such other purposes directly related thereto.

18. Notice. Any notices required to be given or which shall be given under this agreement shall be in writing delivered by first-class mail addressed to the parties as follows:

TFSO:

Twin Falls County Sheriff's Office
425 Shoshone Street North
Twin Falls, Idaho 83301
Telephone: (208) 736-4110

TFPD:

Twin Falls Police Department
321 2nd Avenue East
Twin Falls, Idaho 83303
Telephone: (208) 735-4357

In the event that notices, statements, and payments required under this agreement are sent by certified or registered mail by one party to the other party at its above address,

they shall be deemed to have been given or made as of the date so mailed. Any party may change its contact information by giving notice to all of the other parties in the foregoing manner.

19. Termination.

a. *Term.* The term of this agreement shall run from the date of final execution through September 30, 2020, and automatically renews for one (1)-year terms thereafter. This agreement will terminate when dissolved by the Board or when the enabling provisions of Idaho Code are substantially amended so as to frustrate the purposes of this agreement, whichever comes first.

b. *Revocation.* Any party may revoke its participation in this agreement immediately at any time by written notice, with or without cause, by providing the other parties with written notice of revocation. In the event that one party to this agreement unilaterally terminates its affiliation and support of SIU, that party waives all rights in and to any and all forfeiture property acquired by SIU.

c. *Dissolution.* This agreement may be terminated, and dissolution of SIU effected by majority vote of all members of the Board at a meeting specifically called for such purpose. In the event dissolution occurs pursuant to this paragraph, all surplus funds and/or property acquired by forfeiture shall be sold as set forth in section 16(d), and the proceeds will be distributed in accordance with section 16(e).

20. Financing. This agreement does not provide for any joint financing of activities. No compensation will be due and owing for services rendered and equipment furnished under this agreement by a party. Each party agrees to be responsible for the payment of compensation and benefits for its employees who provide mutual aid assistance under this agreement for another party. Each party shall independently budget for expected expenses under this agreement for another party. Each party shall independently budget for expected expenses under this agreement. Each party shall be responsible for all wages, salaries, benefits, insurance, and workers' compensation for their respective officers. Officers of each respective agency will always be considered officers of their respective agency at all times and will never be considered an employee of another agency, even when providing assistance or responding to requests for aid.

21. Non-appropriation. In order to comply with the requirements of Article VIII, Section 3 of the Constitution of the State of Idaho, the parties understand and agree that any party may cancel this contract for any fiscal year when the necessary funds for fulfillment of this contract are not budgeted for and appropriated. Each party may, solely at its option at the end of its fiscal year, cancel this contract, without penalty, if that party's budgeting authority determines not to budget or appropriate funds from revenues legally available to it, for the goods and services contracted for.

22. Liabilities, responsibilities, and remedies. Nothing in this agreement shall be construed to limit or expand the liability or responsibilities of any member agency, or as requiring any party to expend any sum or appropriate any funding. This agreement sets forth the understanding of the parties in achieving a common purpose and does not provide a basis for legal action upon breach of any of its provisions. Nothing in this agreement

shall be construed as establishing or modifying any employment relationship.

23. Ratification and approval. Each signatory of this agreement does hereby specifically agree to submit this agreement to the executive authority of their respective city or county for ratification and approval. Upon the giving of said approval, a copy of such approving resolution or document is to be entered upon the minute records of the Board.

24. Severability. If any provision of this agreement is held unenforceable, then that provision will be modified to the minimum extent necessary to make it enforceable, unless that modification is not permitted by law, in which case that provision will be disregarded. If an unenforceable provision is modified or disregarded in accordance with this section, then the rest of the agreement will remain in effect as written. Any unenforceable provision will remain as written in any circumstances other than those in which the provision is held to be unenforceable.

IN WITNESS WHEREOF, the parties have signed this agreement on the dates written below.

DATED this _____ day of _____, 2022.

TOM CARTER, Sheriff
Twin Falls County
425 Shoshone Street North
Twin Falls, Idaho 83301

DATED this _____ day of _____, 2022.

CRAIG KINGSBURY, Chief of Police
Twin Falls Police Department
321 2nd Avenue East
Twin Falls, Idaho 83303

ATTEST:
