

**COUNCIL MEMBERS:**

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
					Mayor	



**AGENDA**

5:00 P.M.

Meeting of the Twin Falls City Council

Monday, November 9, 2015

City Council Chambers - 305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA

**PROCLAMATIONS:** None

**GENERAL PUBLIC INPUT**

**5:00 - AGENDA ITEMS**

**I. CONSENT CALENDAR:**

- |                                                                                                                                                                                                                                                                                                                         |                           |                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------|
| 1. Consideration of a request to approve the Accounts Payable for November 3--9, 2015.                                                                                                                                                                                                                                  | <b>Purpose:</b><br>Action | <b>By:</b><br>Sharon Bryan |
| 2. Consideration of a request to approve the November 2, 2015, City Council Minutes.                                                                                                                                                                                                                                    | Action                    | Sharon Bryan               |
| 3. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for a PUD Modification for Canyon Park Development, LLC.                                                                                                                                                                | Action                    | Jonathan Spendlove         |
| 4. Consideration of a request to approve a Trust Agreement for Broadmoor Subdivision, placing the following lots into trust: Lots 1 through 13, Block 1; Lots 1 through 20, Block 2; Lots 1 through 20, Block 3; Lots 1 through 20, Block 4; Lots 1 through 20, Block 5; Lots 1 through 38, Block 6; Tracts A, B and C. | Action                    | Troy Vitek                 |
| 5. Consideration of a request to approve the final plat for the Sunterra Subdivision, Phase 4, for residential development on property located at the southwest corner of North College Road West and Grandview Drive North.                                                                                            | Action                    | Rene'e V. Carraway-Johnson |

**II. ITEMS FOR CONSIDERATION:**

- |                                                                                                                                                                                       |                                 |                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------------------------------|
| 1. Presentation of Peace Officer Standards and Training Council Certificates to the following individuals: Officer Eric Strassner, Sergeant Justin Dimond, and Sergeant Kevin Loosli. | <b>Purpose:</b><br>Presentation | <b>By:</b><br>Bryan Krear<br>John K. Wilson          |
| 2. Consideration of a request to approve using contingency funds to repair roof damage at the Senior Center.                                                                          | Action                          | Lorie Race                                           |
| 3. Presentation of an update on the City Hall and Public Safety Complex.                                                                                                              | Presentation                    | Clint Sievers/Hummel Architects<br>Travis Rothweiler |
| 4. Consideration of a request to approve a Memorandum of Understanding (MOU) between the City of Twin Falls and the Urban Renewal Agency.                                             | Action                          | Travis Rothweiler                                    |
| 5. Public input and/or items from the City Manager and City Council.                                                                                                                  |                                 |                                                      |

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

**IV. PUBLIC HEARINGS:** 6:00 P.M. - None

**V. ADJOURNMENT:**

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

## Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
  2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
  3. 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.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.
  4. A City Staff Report shall summarize the application and history of the request.
    - The City Council may ask questions of staff or the applicant pertaining to the request.
  5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
    - Five or more individuals, having received personal public notice of the application under consideration, may select 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. The spokesperson shall be limited to 15 minutes.
    - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
    - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
  6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
  7. The Mayor shall close the Public Hearing. The City Council 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.

**COUNCIL MEMBERS:**

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
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Vice Mayor

Mayor



**MINUTES**

**Meeting of the Twin Falls City Council  
 Monday, November 2, 2015  
 City Council Chambers  
 5:00 P.M.  
 305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho**

**PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA**

**PROCLAMATIONS:** National Hospice and Palliative Care Month - *Nora Wells, Volunteer Coordinator, Hospice Visions, Inc.*

**GENERAL PUBLIC INPUT**

**5:00 - AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the Accounts Payable for October 27-November 2, 2015.
2. Consideration of a request to approve the following City Council Minutes: August 17, 2015, September 21, 2015, October 5, 2015, and October 12, 2015, **October 26, 2015.**
3. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for a Vacation for Edmunds Group, LLC & Larry Fairbanks.
4. Consideration of a request to approve the 25<sup>th</sup> Annual Christmas in the Night Time Sky Event sponsored by Kimberly Nurseries to be held at 2862 Addison Avenue East on November 27, 2015.
5. Consideration of a request to approve the Annual Festival of Lights Parade to be held on Friday, December 4, 2015.

**Purpose:**

Action  
 Action  
 Action  
 Action  
 Action

**By:**

Sharon Bryan  
 Sharon Bryan  
 Jonathan Spendlove  
 Ron Fustos  
 Ron Fustos

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of Peace Officer Standards and Training Council Certificates to the following individuals: Officer William Jansen, Officer Medina Alajbegovic, and Officer Preston Stephenson.
2. Presentation of an update of the Twin Falls Police Department's implementation of body-worn cameras and the Body-Worn Camera Implementation Program Grant.
3. Consideration of a request to approve a contract with R.C. Peterson Consulting, LLC. to develop a Transit Development Plan for the City of Twin Falls.
4. Public input and/or items from the City Manager and City Council.

**Purpose:**

Presentation  
 Presentation  
 Action

**By:**

Bryan Krear  
 Terry Thueson  
 Anthony Barnhart  
 Mandi Thompson

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

<b>IV. PUBLIC HEARINGS: 6:00 P.M.</b> 1. Consideration of a request to provide input on the Greater Twin Falls Area Transportation Committee's (GTFATC) project priority list.	PH/Action	Jaqueline Fields
<b>V. ADJOURNMENT:</b> 1. 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 Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.***

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

Absent: Jim Munn

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Deputy City Manager Mitchel Humble, Deputy City Manager Brian Pike, Captain Anthony Barnhart, Lieutenant Terry Thueson, City Engineer Jackie Fields , Deputy City Clerk Sharon Bryan

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Hall called the meeting to order at 5:00 P.M. He then invited Boy Scout Samuel Crawford to lead us in the pledge of Allegiance to the flag Mayor Hall asked all present, who wished, to recite the pledge of Allegiance to the Flag.

## **CONFIRMATION OF QUORUM**

A quorum is present.

## **CONSIDERATION OF THE AMENDMENTS TO THE AGENDA – None**

**Due to technical difficulties Mayor Hall asked to move the Executive Session to the beginning of the meeting.**

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:**

Councilmember Talkington made a motion to move in 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. The motion was seconded by Councilmember Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

Introduction of Boy Scouts from Troop 70.

**PROCLAMATIONS:** National Hospice and Palliative Care Month - Nora Wells, Volunteer Coordinator, Hospice Visions, Inc.

Mayor Hall read the proclamation and presented to Nora Wells.

Nora Wells, Volunteer Coordinator, thanked Council.

## **GENERAL PUBLIC INPUT**

None.

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

1. Consideration of a request to approve the Accounts Payable for October 27-November 2, 2015.
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5. Consideration of a request to approve the Annual Festival of Lights Parade to be held on Friday, December 4, 2015.

**MOTION:**

Vice Mayor Hawkins moved to approve the Consent Calendar as presented. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of Peace Officer Standards and Training Council Certificates to the following individuals: Officer William Jansen, Officer Medina Alajbegovic, and Officer Preston Stephenson.

Lieutenant Thueson gave the presentation and Mayor Hall presented certificates.

2. Presentation of an update of the Twin Falls Police Department's implementation of body-worn cameras and the Body-Worn Camera Implementation Program Grant.

Captain Barnhart said that body-worn cameras could be an effective law enforcement tool aimed at improving public safety, reducing crime, and improving public trust. In June of this year, the Twin Falls Police Department applied for the Body-Worn Camera Pilot Implementation Program Grant through the Department of Justice. The Twin Falls Police Department was awarded ninety thousand dollars (\$90,000). The Twin Falls Police Department will be responsible for a mandatory cash match. The cash match was budgeted in this year's fiscal budget.

Council discussion ensued on the following:

- Recordings are public record how long do we need to keep the recordings.
  - Legislatures will be discussing regulations in this year's legislative session.
  - Department of Justice providing resources and support on body worn camera regulations
  - Need to make sure that we are up to date on the regulations for body worn cameras.
3. Consideration of a request to approve a contract with R.C. Peterson Consulting, LLC. to develop a Transit Development Plan for the City of Twin Falls.

Grant Writer Thompson explained that Staff has been negotiating with R.C. Peterson Consulting, LLC to finalize a scope of work and associated contract. The scope of work includes an estimated cost of \$48,730.

Councilmember Mills Sojka said the contract is well written

**MOTION:**

Councilmember Lanting moved to approve the contract with R.C. Peterson Consulting, LLC to develop a Transit Development Plan for the City of Twin Falls in the amount of \$48,730.00 and have the Mayor sign the contract. The motion was seconded by Councilmember Talkington. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

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

Mayor Hall and Councilmember Lanting encouraged citizens to get out and vote tomorrow.

Recess at 5:46 p.m.

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

None

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

1. Consideration of a request to provide input on the Greater Twin Falls Area Transportation Committee's (GTFATC) project priority list.

City Engineer Fields explained the Greater Twin Falls Area Transportation Committee's project priority list using visuals.

Council discussion ensued on the following:

- Benefit of cost ratio and project future.
- Level of Service 2018
- Greater Twin Falls Area Transportation Committee is a Twin Falls County Committee.
- Member on the Greater Twin Falls Area Transportation Committee.
- By laws of appointment of members on the Greater Twin Falls Area Transportation Committee.
- Greater Twin Falls Area Transportation Committee meeting legally on October 13, 2015.
- Priority list is updated every year.
- Safety and capacity priority list.

Open public hearing: 6:32 p.m.

Jill Skeem , 3684 N 3500 Kimberly complained about the Greater Twin Falls Area Transportation Committee not following the open meeting law.

Tom Skeem, 3684 N 3500 E, Kimberly, Idaho, said he is confused on who serves on the Greater Twin Falls Area Transportation Committee.

Steve Woods, 3210 Longbow Drive, Twin Falls, Idaho, concerned about the affect the southeast corridor truck route would have on property owners in that area.

Ben Rhoades, 3598 N 3200 E, Kimberly, Idaho said he has concerns with the southeast corridor truck route proposal.

Cindy Schmidt, 3634 N 3300 E, Kimberly, Idaho, said she wants to be kept informed about the southeast corridor truck route proposal.

Nicki Frances, 3644 N 3200 E, Kimberly, Idaho, said she want to be kept informed about the southeast corridor truck route proposal.

Max Newlan, 328 7<sup>th</sup> Ave E, Twin Falls, Idaho said he is concerned with the management of the Greater Twin Falls Area Transportation Committee.

Closed public hearing: 6:44 p.m.

Council discussion ensued on the following:

- Posting Greater Twin Falls Area Transportation Committee Meeting Notice and Agenda on City Website.
- Who is responsible for the Greater Twin Falls Area Transportation Committee?
- Greater Twin Falls Area Transportation Committee is a Twin Falls County Committee.
- Twin Falls County Resolution overrides the City of Twin Falls resolution.
- Safety projects are priority.
- Safety and capacity projects overlap.
- Need to be in the scope of the Strategic Plan.
- Cost to benefit ratio important.
- Projects on the list that can be done in less than 10 years.
- Idaho Transportation Department projects.
- Amount of projects on priority list.
- Priority projects that will enhance the downtown.
- Goal is to get through traffic around Twin Falls.
- Information on Poleline to Eastland.

**MOTION:**

Councilmember Talkington moved to approve Priority List: a warning signal near the Washington Street and Orchard intersection, left turn signal improvements at Kimberly Road and Locust Street, and left turn lanes on Kimberly Road at 3300 East. The motion was seconded by Councilmember Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

**MOTION:**

Councilmember Barigar moved to approve Priority List projects to widening Shoshone Street and Sixth Avenue West at that intersection, to put a second northbound left turn lane on Shoshone and adding a right turn lane on Minidoka Avenue and a traffic analysis and traffic light at Murtaugh Street and Second Avenue South. The motion was seconded by Councilmember Mills Sojka. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

**MOTION:**

Councilmember Barigar moved to rebuild Washington Street, Minidoka Avenue and Sixth Avenue West to reroute U.S. 30 off of the Second Avenues and to expand Poleline Road and Eastland Drive from Blue Lakes Blvd to Candleridge Drive. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

Mayor Hall invited Commissioner Mills to explain the Twin Falls Commissioners understanding on the Greater Twin Falls Area Transportation Committee.

Commissioner Mills explained that the Greater Twin Falls Area Transportation Committee is a Twin Falls County Committee. He said they have consulted legal counsel and it is a resolution of the County.

Mayor Hall and City Engineer answered the following questions concerned citizens had regarding the southeast corridor truck route.

Mayor Hall asked who came up with the three routes?

City Engineer Fields said Keller & Associates was contracted by Idaho Transportation Department and produced a technical report and produced three routes.

Mayor Hall asked what authority the Greater Twin Falls Area Transportation Committee has?

City Engineer Fields said the Greater Twin Falls Area Transportation Committee provides recommendations to the Idaho Transportation Department.

Mayor Hall asked whose Committee is it?

City Engineer Fields stated it is a Twin Falls County Committee.

Councilmember Lanting gave a brief history on another bridge crossing over the canyon.

City Engineer Fields said that a study was done to investigate the needs, and according to the study the bridge crossing was not needed at that time.

Jill Skeem said she was told by the Idaho Transportation Department the study was commission by the Greater Twin Falls Area Transportation Committee.

City Engineer Fields said the Greater Twin Falls Area Transportation Committee requested the study be done.

**V. ADJOURNMENT:**

Council reconvened into executive session.

There being no further business the meeting ended at 7:31 p.m.

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Sharon Bryan, Deputy City Clerk



# BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>PUD Modification, Application,</u>	)	FINDINGS OF FACT,
	)	
	)	CONCLUSIONS OF LAW,
<u>Canyon Park Development, LLC</u>	)	
<u>c/o EHM Engineers, Inc.-Martens</u>	)	AND DECISION
Applicant(s)	)	

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This matter having come before the City Council of the City of Twin Falls, Idaho on October 26, 2015 for public hearing pursuant to public notice as required by law for a PUD Agreement Amendment for the Canyon Park West PUD #264 to allow a Panera Bread Restaurant on Lot 7 Block 1 of the Canyon Park Amended Subdivision with a drive through facility, 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 a PUD Agreement Modification to allow Canyon Park West PUD #264 to allow a Panera Bread Restaurant on Lot 7 Block 1 of the Canyon Park Amended Subdivision with a drive through facility.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: September 10, 2015 and October 8, 2015
3. The property in question is zoned C-1 CRO PUD pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Commercial/Retail 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, Visitors Center/Snake River Canyon Rim; to the south, Blue Lakes Boulevard North/Magic Valley Mall; to the east, Blue Lakes Boulevard North/Commercial; to the west, Commercial

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

CONCLUSIONS OF LAW

1. The application for a PUD Agreement Modification to allow Canyon Park West PUD #264 to allow a Panera Bread Restaurant on Lot 7 Block 1 of the Canyon Park Amended Subdivision with a drive through facility is consistent with the purpose of the C-1 PRO PUD Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use 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, 10-1-5, 10-4-8, 10-4-19, 10-6-1 through 4, 10-7-6, 10-10-1 through 3, 10-11-1 through 9, 10-14-14 through 6, Canyon Park West Amended PUD #264 of the Twin Falls City Code and the PUD Agreement.

3. The proposed use is proper use in the C-1 PRO PUD Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. The application for a PUD Agreement Modification to allow Canyon Park West PUD #264 to allow a Panera Bread Restaurant on Lot 7 Block 1 of the Canyon Park Amended Subdivision with a drive through facility 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 subject 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 a PUD Agreement Modification to allow Canyon Park West PUD #264 to allow a Panera Bread Restaurant on Lot 7 Block 1 of the Canyon Park Amended Subdivision with a drive through facility is hereby granted, and incorporated by reference as though full set forth herein.

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 and incorporated by reference as though fully set forth herein.

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MAYOR - TWIN FALLS CITY COUNCIL

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DATE

APPLICATION #2748



**Date:** Monday, November 9, 2015  
**To:** Honorable Mayor and City Council  
**From:** Troy Vitek, Assistant City Engineer

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**Request:**

Consideration of a request to approve a trust agreement for **Broadmoor Subdivision**, placing the following lots into trust:

Lots 1 through 13, Block 1;  
Lots 1 through 20, Block 2;  
Lots 1 through 20, Block 3;  
Lots 1 through 20, Block 4;  
Lots 1 through 20, Block 5;  
Lots 1 through 38, Block 6;  
Tracts A, B and C

**Background:**

The **Broadmoor Subdivision** is located at the northeast corner of Grandview Dr. N. and Falls Ave. W. The final plat was approved on August 24, 2015 by the City Council. Gerald Martens purchased a portion of Broadmoor Subdivision and wants to put the lots that were purchased into trust.

**Budget Impact:**

None

**Conclusion:**

Staff recommends that the Council accept the agreement and authorize the Mayor to sign.

**Attachments:**

1. Trust Agreement with Phase Control Notice
2. Location Map/Plat
3. Final Plat

## TRUST AGREEMENT

This Trust Agreement (the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between **GERALD MARTENS**, (hereinafter "Trustor"); **TITLEFACT, INC.**, (hereinafter "Trustee"); and the **CITY OF TWIN FALLS, IDAHO** (hereinafter "Beneficiary"), and is made with respect to the following facts and objectives:

### WITNESSETH:

WHEREAS, Trustor is the owner of the real property described below (the "Property"); and

WHEREAS, it is the desire and intent of Trustor to arrange, by and through this Agreement, for the orderly development and sale of the Property, in a manner that is conducive to achieving full compliance with applicable rules and regulations of Twin Falls County, Idaho, and the City of Twin Falls, Idaho, in effect on the date of approval of the subdivision of the property.

NOW THEREFORE, it is agreed between the parties hereto as follows:

1. That upon the execution of this Agreement by both parties, the Trustor agrees to execute and deliver to the Trustee a Warranty Deed, conveying to the Trustee, in Trust, to be held solely for the benefit of the Beneficiary, the Property, to-wit:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, Block 1;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 2;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 3;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 4;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 5;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38, Block 6;

Tracts A, B and C,

**BROADMOOR SUBDIVISION**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book \_\_\_\_\_ of Plats, page \_\_\_\_\_, records of Twin Falls County, Idaho.

2. The Trustor and the Trustee agree that the Trustee shall hold said title to the Property in trust, solely for the benefit of the Beneficiary under the terms hereof, and that title to the Property shall be and remain good and marketable and free from any defects, liens, conditions or encumbrances of any kind or nature, other than those appearing of record in the office of the Twin Falls County Recorder, and conditions of the Phase Control Development Notice for lots in ^ Subdivision, a copy of which is attached hereto as Exhibit "A," or those which are placed on the Property with the prior written consent of the Trustee. The Trustee shall not convey, transfer or encumber all or any interest in the Property, save and except to the extent as directed by the Trustor by written instrument delivered to the Trustee.
3. It is understood and agreed that the purpose of this Agreement is to provide Trustor with a convenient means of, subdividing, developing and selling the Property. It shall be the entire responsibility of the Trustor to effect such developing, subdividing and selling of the Property and to provide whatever subdivision plat it may desire and to pay all costs and expenses of said developing, subdividing and selling, and Trustee shall have no liability for any costs or expenses therefor or for any claim, damage, loss or liability sustained to the Property or Trustor or to any

other person or persons in connection with said matter, save and except to the extent caused by Trustee's failure or refusal to comply with the terms and conditions of this Agreement.

4. The Trustor may, as it desires from time to time, sell all or any portion of the Property in its sole and complete discretion. The Trustee agrees that, when it is so instructed in writing by Trustor, Trustee shall execute and deliver to the person or persons designated by Trustor, a fiduciary deed conveying good and marketable title to the Property or any part thereof as designated, and at said time the Trustor agrees to pay to Trustee any reasonable costs and expenses incurred by the Trustee hereunder and to pay the normal and customary fee for the cost of an owner's title insurance policy to be issued by *TITLEFACT, INC.*
5. It is agreed that Trustee shall not be liable or responsible for the condition of title to the Property, except as may be provided in any title insurance policy issued by the Trustee, and Trustee shall have no liability concerning possession or survey or any taxes, costs or expenses in connection with the Property, other than as herein provided.
6. It is agreed that the term of this Agreement shall expire when all of the above described Lots have been conveyed by the Trustee pursuant to Trustor's written instructions.
7. It is agreed that this Trust Agreement may not be revoked or amended without the prior written approval of the Beneficiary. If Trustee is presented with written notice of Termination by both Trustor and Beneficiary, and Trustee receives Trustor's payment of all reasonable out-of-pocket costs and expenses incurred by Trustee in connection with this Agreement, if any, the Trustee shall immediately reconvey to Trustor the remaining part of the Property; and thereafter no party hereto shall have any further liability to the others in connection with the Property or under the terms of this Agreement.
8. Trustor agrees to indemnify and save harmless Trustee from any claims, demands, judgments, costs and expenses including reasonable attorney's fees and any other obligation or liability of any kind or nature that the Trustee may for any reason suffer, incur or expend by reason of this Trust Agreement or in the administration thereof, other than for or as a result of Trustee's misconduct, breach of this Agreement, or willful neglect.
9. This Agreement shall bind the parties hereto, their heirs, representatives, successors and assigns.

Date: \_\_\_\_\_

TRUSTOR:

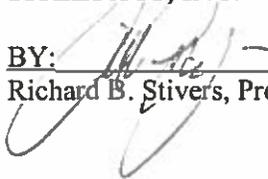
BY: 

GERALD MARTENS

Date: \_\_\_\_\_

TRUSTEE:

*TITLEFACT, INC.*

BY: 

Richard B. Stivers, President

Date: \_\_\_\_\_

BENEFICIARY:  
CITY OF TWIN FALLS, IDAHO

BY: \_\_\_\_\_  
Don Hall, Mayor

STATE OF IDAHO  
County of Twin Falls

On this 26<sup>th</sup> day of October, 2015, before me, a Notary Public in and for said State, personally appeared **GERALD MARTENS**, known or identified to me to be the person whose name subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS HEREOF I have hereunto set my hand and official seal the day and year first above written.

Margo Williams  
Notary Public for  
Residing at Twin Falls  
Commission expires: 9-1-2018



STATE OF IDAHO  
County of Twin Falls

On this 27<sup>th</sup> day of October, 2015, before me, the undersigned, Notary Public in and for said State, personally appeared **RICHARD B. STIVERS**, known or identified to me to be the President of the said 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

Nancy Tellez  
Notary Public for Idaho  
Residing at: Jerome  
My Commission expires: 12/01/2017



STATE OF IDAHO  
County of Twin Falls

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned, Notary Public in and for said State, personally appeared Don Hall, known or identified to me to be the Mayor for the City of Twin Falls, Idaho, and known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of the City of Twin Falls, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

---

Notary Public for Idaho

Residing at:

My Commission expires:

**"EXHIBIT A"**

**PHASE CONTROL DEVELOPMENT NOTICE**

THIS NOTICE prohibits the conveyance of any undeveloped lot in **BROADMOOR SUBDIVISION** until such time as an Improvement Agreement for Developments between the City of Twin Falls and the Developer is recorded designating the lots and blocks in each phase which are approved for conveyance.

TITLEFACT, INC., will hold the deed to all undeveloped lots in Escrow with instructions to convey only those lots covered by the recorded Improvement Agreement for Developments.

The real property subject to this notice is

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, Block 1;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 2;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 3;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 4;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 5;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38, Block 6;

Tracts A, B and C,

**BROADMOOR SUBDIVISION**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book \_\_\_\_\_ of Plats, page \_\_\_\_\_, records of Twin Falls County, Idaho. as platted in the records of Twin Falls County, Idaho.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Developer

BY: \_\_\_\_\_

Gerald Martens

TITLEFACT, INC.

BY: \_\_\_\_\_

Richard B. Stivers, President

TitleFact, Inc.  
163 Fourth Avenue North  
P.O. Box 486  
Twin Falls, Idaho 83303

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

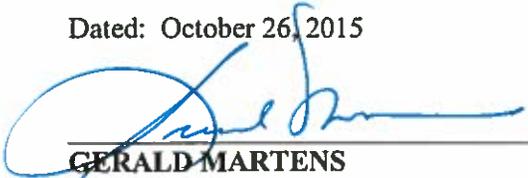
## WARRANTY DEED

FOR VALUE RECEIVED GERALD MARTENS, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto TITLEFACT, INC., an Idaho corporation as Trustee for the benefit of GERALD MARTENS, hereinafter called Grantee, whose address is: 754 North College Rd., Ste A, Twin Falls, ID 83301, the following described premises in Twin Falls County, Idaho; to-wit:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, Block 1;  
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 2;  
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 3;  
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 4;  
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 5;  
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38, Block 6;  
Tracts A, B and C,  
**BROADMOOR SUBDIVISION**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book \_\_\_\_\_ of Plats, page \_\_\_\_\_, records of Twin Falls County, Idaho.

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 said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 26, 2015

  
GERALD MARTENS

STATE OF IDAHO  
County of Twin Falls

On this 26<sup>th</sup> day of October, 2015, before me, a Notary Public in and for said State, personally appeared GERALD MARTENS, known or identified to me to be the person whose name subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS HEREOF I have hereunto set my hand and official seal the day and year first above written.

  
Notary Public for  
Residing at Twin Falls  
Commission expires: 9-1-2018



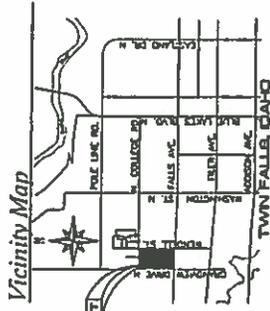


# BROADMOOR SUBDIVISION

A SUBDIVISION OF  
 A SUBDIVISION OF  
 "ORCHALARA SUBDIVISION"  
 LOCATED IN A PORTION OF  
 SW 4 OF SECTION 5 &  
 NW 4 OF SECTION 8  
 TOWNSHIP 10 SOUTH,  
 RANGE 17 EAST, B.M.,  
 TWIN FALLS COUNTY, IDAHO  
 2015

## Legend

- SUBDIVISION BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE
- ADJACENT PROPERTY LINE
- CENTERLINE OF STREET
- LOT LINE
- CALCULATED POINT (NOT SET)
- FOUND BRASS CAP
- FOUND 5/8" REBAR, LS 8077
- SET 5/8" x 24" REBAR & CAP - LS 10110
- TO BE SET 1/2" x 24" REBAR & CAP - LS 10110
- TO BE SET 5/8" x 24" REBAR & CAP - LS 10110



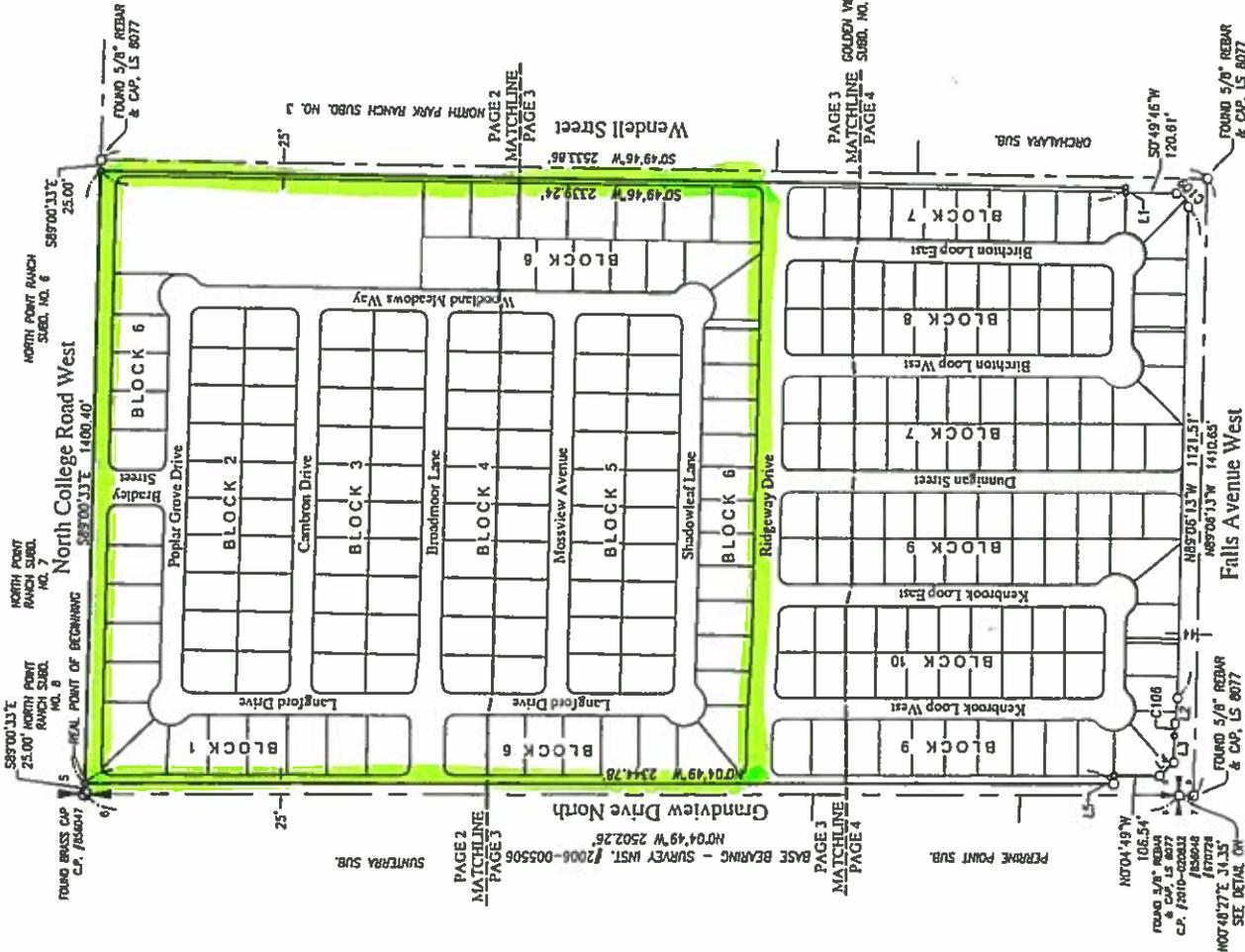
## Notes:

- A 15 FOOT WIDE UTILITY EASEMENT EXISTS ADJACENT TO ALL FRONT LOT LINES AND ADJACENT TO STREET FRONTS.
- ALL TRAFFIC ACCESS ON LOTS ADJACENT TO COLLECTOR OR ARTERIAL ROADS SHALL BE PROVIDED FROM INTERIOR RESIDENTIAL STREETS EXCEPT FOR COMBINED ACCESS ON LOTS 6, 7, 9, 11, 13 AND 16 OF BLOCK 6.
- WHERE DESIGNATED WITH THE NOTATION OF "DA", COMBINED ACCESS DRIVEWAYS (WITH FRONT YARD TURNOVER) ARE REQUIRED FOR ZERO LOT LINE LOTS ON WENDALL STREET AND RIDGEWAY DRIVE.

## Health Certificate

SANITARY RESTRICTIONS AS REQUIRED BY DAHO CODE TITLE 50, CHAPTER 13, HAVE BEEN REVIEWED BASED ON THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) PERMITS FOR EACH PLAT AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR THE PROTECTION OF PUBLIC HEALTH AND SAFETY. THE DEVELOPER AT THE TIME OF THIS APPROVAL, NO DRAINING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. THE DEVELOPER HAS BEEN ADVISED WITH APPROPRIATE BUILDING PERMITS IF DRAINING WATER OR SEWER/SEPTIC FACILITIES HAVE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS MAY BE RE-IMPOSED. IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRAINING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

Sheet Index	Sheet Number	Sheet Title
1 OF 7	1 OF 7	PLAT FACE
2 OF 7	2 OF 7	PLAT SHEET 2
3 OF 7	3 OF 7	PLAT SHEET 3
4 OF 7	4 OF 7	PLAT SHEET 4
5 OF 7	5 OF 7	LINE & CURVE TABLES
6 OF 7	6 OF 7	ACKNOWLEDGMENTS
7 OF 7	7 OF 7	CERTIFICATE OF OWNERS



DISTRICT HEALTH DEPARTMENT, REHS

TRACTS Owned & Maintained By:  
 TRACT A - CITY OF TWIN FALLS  
 TRACT B - HOMEOWNERS ASSOCIATION  
 TRACT C - CITY OF TWIN FALLS  
 TRACT D - CITY OF TWIN FALLS  
 TRACT E - CITY OF TWIN FALLS

## Monument Certification

THE MONUMENT LOCATIONS ON THIS PLAT SHOWN AS "TO BE SET" WILL BE SET IN ACCORDANCE WITH SECTION 50-1311, IDAHO CODE ON OR BEFORE 1 YEAR AFTER THE RECORDED DATE OF THIS PLAT OR AS DETERMINED BY THE CITY OF TWIN FALLS.

EHM Engineers, Inc.





Public Meeting: **MONDAY, November 09, 2015**  
 To: Honorable Mayor and City Council  
 From: Rene'e V. (Carroway-) Johnson , Zoning & Development Manager

## ITEM I

**Request:** Consideration of a request for approval of the final plat for the Sunterra Subdivision, Phase 4, consisting of 157 lots on 35 (+/-) acres for residential development on property located at the south west corner of North College Road West and Grandview Drive North c/o EHM Engineers, Inc. on behalf of R.G. Messersmith

**Time Estimate:**

There is no presentation on this item.

**Background:**

<b>Applicant:</b>	<b>Status:</b> Property Owner	<b>Size:</b> 35(+/-) acres
R.G. Messersmith c/o Gerald Martens 621 N. College Rd, Ste 100 Twin Falls, Idaho 83301 208-734-4888 208-420-2461cell <a href="mailto:gmartens@ehminc.com">gmartens@ehminc.com</a>	<b>Current Zoning:</b> R-2	<b>Requested Zoning:</b> Approval of a final plat for residential development
	<b>Comprehensive Plan:</b> Urban Village/ Urban Infill	<b>Lot Count:</b> 157 lots
	<b>Existing Land Use:</b> undeveloped	<b>Proposed Land Use:</b> single family development
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
	<b>North:</b> R-2; North College Rd W /Xavier Charter School/LDS Stakehouse	<b>East:</b> R-2; residential development for Sunterra phases 1, 2 & 3
	<b>South:</b> Perrine Pointe PUD; undeveloped mixed use planned development	<b>West:</b> R-1 VAR; undeveloped/Sunway Soccer Fields/1 <sup>st</sup> Fed Splash Park
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-4, 10-7-6, 10-12	

**Approval Process:**

**As per Twin Falls City Code 10-12-2.4 (A) & (F) - Action on Final Plat:**

- (A) Application: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed, and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the administrator three (3) copies of the final plat. (Ord. 2012, 7-6-1981)
- (F) Council Action: The council, at its next meeting following receipt of the administrator's report, shall consider the commission's findings and comments from concerned persons and agencies to arrive at a decision on the final plat. The council shall approve, approve conditionally, disapprove or table the final plat for additional information. A copy of the approved plat shall be filed with the administrator. Upon granting or denying the final plat the council shall specify what if any conditions shall apply prior to recordation or development of the site.

**Budget Impact:**

Approval and recordation of a final plat will allow the site to be developed as approved. Development could be a positive impact on the City budget.

**Regulatory Impact:**

Upon approval of a final plat by the City Council and upon approval of construction plans, the plat may be recorded and lots sold for development.

**History:**

The City Council annexed this 80 acre site on July 6, 2004. The preliminary plat was denied by the Planning & Zoning Commission due to the lack of open space provided within the subdivision. The developer appealed the decision. Staff and the developer met several times and came to an agreement regarding this issue. On December 6, 2004 the City Council approved the preliminary plat as presented.

The site is zoned R-2. The minimum lot size in the R-2 zoning district is 6,000 sq. ft. for single family and 10,000 sq. ft. for a duplex. A tri-plex or a 4-plex are not allowed in the R-2 zone.

The preliminary plat consisted of 77 acres (+/-) and designated the development for 305 single family lots.

On March 7, 2005 the final plat for Sunterra Sub, Phase 1, consisting of 13.5 +/- acres and 45 s/f lots was unanimously approved by the City Council as presented and subject to final technical review by the City Engineering Dept. The plat was recorded on June 30, 2006.

On March 7, 2005 the final plat for Sunterra Sub, Phase 2, consisting of 11.5 +/- acres and 37 s/f lots was unanimously approved by the City Council as presented and subject to final technical review by the City Engineering Dept. The plat was recorded May 20, 2005.

On September 26, 2005 the final plat for Sunterra Sub, Phase 3, consisting of 17 +/- acres and 70 lots was unanimously approved by the City Council and subject to final technical review by the City Engineering Dept. The plat was recorded December 26, 2006.

**Analysis:**

The request this evening is for the council's consideration for approval of the final plat for Sunterra Sub, Phase 4, consisting of 35 +/- lots and 157 lots. The property is zoned R-2 and is located at the south west corner of North College Road West and Grandview Drive North. This is the final phase of development of the Sunterra Subdivision. The submitted final plat is consistent with the approved preliminary plat and the current development of the surrounding area.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential development.

**Conclusion:**

Staff recommends the Council approve the final plat of the Sunterra Subdivision, Phase 4, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.

**Attachments:**

1. Sunterra Sub, Phase 4 Final Plat Exhibit
2. Preliminary Plat Exhibit showing phases
3. Zoning Vicinity/Aerial Map

**SUNTERRA SUBDIVISION NO. 4**

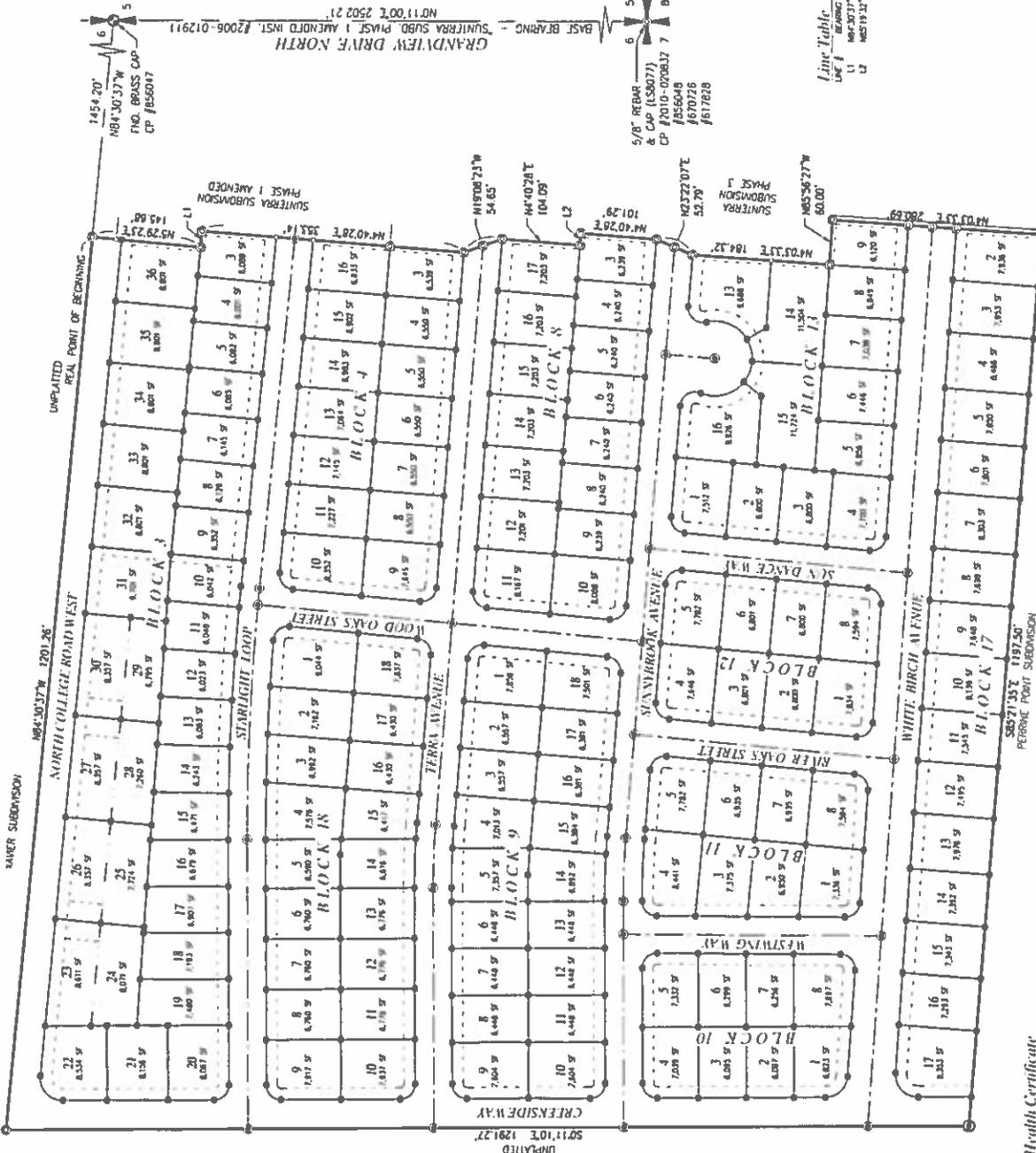
A Portion of  
 N<sup>2</sup> SE<sup>4</sup>, Sec. 6  
 T. 10 S., R. 17 E., B.M.  
 Twin Falls County, Idaho  
 2015



- Legend**
- SURVEY BOUNDARY LINE
  - SECTION LINE
  - UTILITY EASEMENT
  - - - PRIVATE ACCESS & UTILITY EASEMENT
  - - - CENTERLINE OF STREET
  - - - PLATTED LOT LINE
  - - - PLATTED ZERO BLOC. SETBACK LOT LINE
  - FOUND BRASS CAP
  - FOUND 5/8" REBAR & CAP
  - FOUND 1/2" REBAR & CAP
  - SET 5/8" 24" REBAR & CAP (LS1000)
  - TO BE SET 5/8" 24" REBAR & CAP (LS1000)
  - TO BE SET 1/2" 24" REBAR & CAP (LS1000)
  - ⊕ SECTION QUARTER CORNER
  - ⊕ SECTION CORNER

Line Table

LINE	BEARING	DISTANCE
L1	N84°30'37"W	21.71'
L2	M85°19'33"E	18.00'



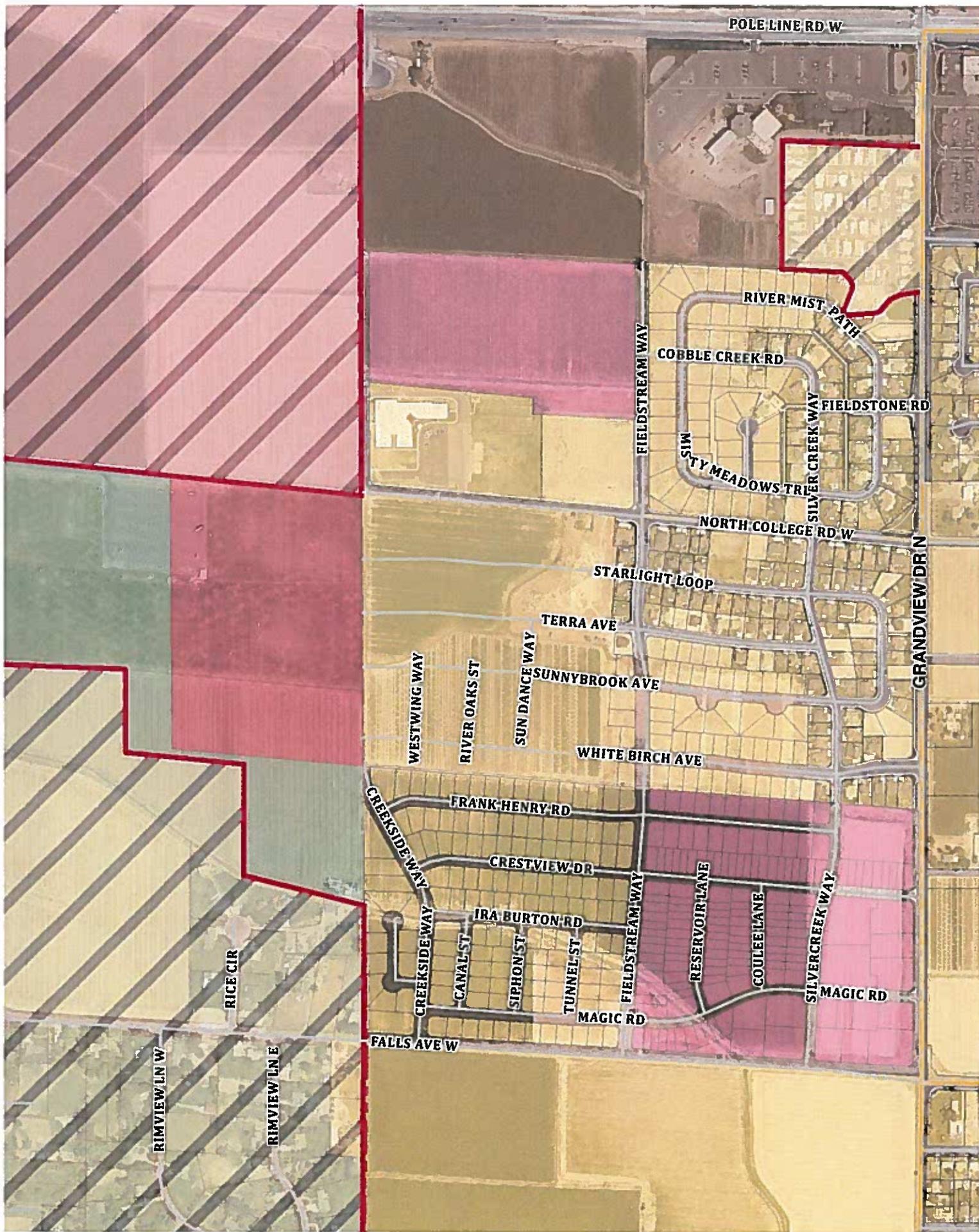
**Notes:**  
 EACH LOT IS SUBJECT TO A RETENTION AREA TO RETAIN STORM WATER RUNOFF IN ACCORDANCE TO THE C.C.R.'S AND PER THE CITY OF TWIN FALLS REGULATIONS.  
 LOTS FRONTING MORRIS COLLEGE ROAD WEST AND GREENEWAY WAY SHALL COMPLY WITH CITY CODE 10-10-218) AND PROVIDE A PARKING LAYOUT THAT DOES NOT REQUIRE BACKING DIRECTLY INTO THE PUBLIC TRAFFICWAY

**Health Certificate:**  
 SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13, HAVE BEEN APPROVED BY THE TWIN FALLS HEALTH DEPARTMENT. THE DEVELOPER HAS OBTAINED APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPPOSED ON THE DEVELOPER FOR COMING INTO SATISFACTION OF SANITARY RESTRICTIONS. BUTTER IS CAUTIONED AT THE TIME OF THIS APPROVAL, NO DRAINING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS FOR DRAINING WATER OR SEWER FACILITIES. HAVE SURE TO OBTAIN THE NECESSARY PERMITS FOR DRAINING WATER OR SEWER FACILITIES. IF THE DEVELOPER FAILS TO COMPLY WITH THESE CONDITIONS OF DEC, THEN SANITARY RESTRICTIONS MAY BE RE-IMPOSED. IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRAINING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.



EHM Engineers, Inc.





POLE LINE RD W

RIVER MIST PATH

COBBLE CREEK RD

FIELDSTONE RD

FIELDSTREAM WAY

SIM CITY MEADOWS TR

SILVER CREEK WAY

NORTH COLLEGE RD W

STARLIGHT LOOP

TERRA AVE

SUN DANCE WAY

SUNNYBROOK AVE

WHITE BIRCH AVE

GRANDVIEW DR N

WESTWING WAY

RIVER OAKS ST

FRANK HENRY RD

CRESTVIEW DR

IRA BURTON RD

RESERVOIR LANE

COULEE LANE

SILVERCREEK WAY

RICE CIR

CREEKSIDE WAY

CREEKSIDE WAY

CANAL ST

SIPHON ST

TUNNEL ST

FIELDSTREAM WAY

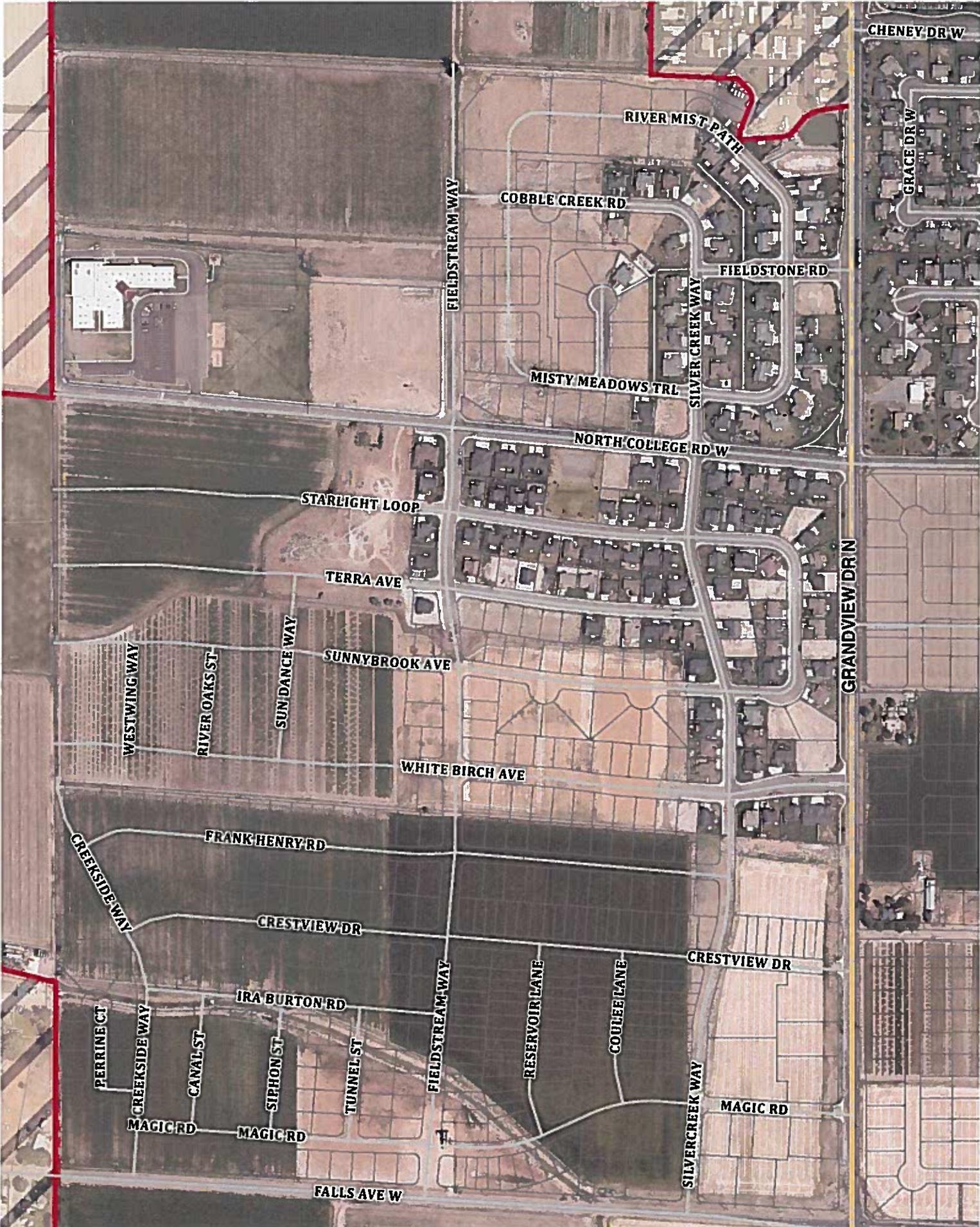
MAGIC RD

MAGIC RD

RIMVIEW LN W

RIMVIEW LN E

FALLS AVE W



CHENEY DR W

GRACE DR W

RIVER MIST PATH

COBBLE CREEK RD

FIELDSTONE RD

FIELDSTREAM WAY

MISTY MEADOWS TRL

SILVER CREEK WAY

NORTH COLLEGE RD W

STARLIGHT LOOP

TERRA AVE

SUNNYBROOK AVE

WHITE BIRCH AVE

WESTWING WAY

RIVER OAKS ST

SUN DANCE WAY

FRANK HENRY RD

CRESTVIEW DR

CREEKSIDE WAY

PERRINE CT

CANAL ST

IRA BURTON RD

RESERVOIR LANE

COULEE LANE

MAGIC RD

MAGIC RD

TUNNEL ST

FIELDSTREAM WAY

CRESTVIEW DR

MAGIC RD

SILVER CREEK WAY

FALLS AVE W

GRANDVIEW DR N



**Date:** Monday, November 9, 2015  
**To:** Honorable Mayor and City Council  
**From:** Chief Bryan Krear and Lieutenant John K. Wilson,  
Twin Falls Police Department

---

**Request:**

Presentation of Peace Officer Standards and Training Council Certificates to the following individuals before the Twin Falls City Council: **Officer Eric Strassner, Sergeant Justin Dimond, and Sergeant Kevin Loosli.**

**Time Estimate:**

Staff presentation will take approximately 10 minutes.

**Background:**

On March 3, 2015, **Officer Eric Strassner** was awarded his POST Basic Certification. Officer Strassner attended and graduated from the 10-week POST Patrol Academy in 2014. Officer Strassner successfully completed the Twin Falls Police Department's Field Training Program and has served as a Police Officer in the State of Idaho as required to receive this certification.

On May 26, 2015, and July 20, 2015, **Sergeant Justin Dimond** and **Sergeant Kevin Loosli**, respectively, were awarded their POST Supervisor Certification. To receive this certification, Sergeants Dimond and Loosli were each required to hold a higher-level POST certification, complete 100 hours of POST-approved supervisory training within a specified time frame, and be a first-line supervisor for a minimum of one year.

The personal commitment of these Officers to better themselves through training has helped the Twin Falls Police Department in achieving its goal of being the best Police Department in the State of Idaho.

**Approval Process:**

None

**Budget Impact:**

None

**Regulatory Impact:**

None

**Conclusion:**

Chief Krear and Lieutenant Wilson will present POST Certificates to Officer Eric Strassner and Sergeants Dimond and Loosli before the City Council.

**Attachments:**

1. Copy of POST Basic Certificate – Officer Eric Strassner
2. Copy of POST Supervisor Certificate – Sergeant Justin Dimond
3. Copy of POST Supervisor Certificate – Sergeant Kevin Loosli

aed

# State of Idaho

*The Peace Officer Standards  
& Training Council*

*hereby awards the*

*Basic Certificate*

*to*

*Eric E. Strassner*

*Twin Falls Police Department*

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace  
Officer Standards & Training Council on the 3rd day of March, 2015.*

  
Chairman

  
Division Administrator

# State of Idaho

*The Peace Officer Standards  
& Training Council*

*hereby awards the*

## *Supervisor Certificate*

*to*

*Justin L. Dimond*

*Twin Falls Police Department*

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace  
Officer Standards & Training Council on the 26th day of May, 2015.*

*JLH*

*Chairman*

*V R McLean*  
*Division Administrator*

# State of Idaho

The Peace Officer Standards  
& Training Council

hereby awards the

## Supervisor Certificate

to

Kevin D. Loosli

Twin Falls Police Department

For having fulfilled the requirements of this certificate as set forth by the Idaho Peace  
Officer Standards & Training Council on the 20th day of July, 2015.

*[Signature]*

Chairman

*[Signature]*  
Division Administrator



**Date:** Monday, November 9, 2015

**To:** Honorable Mayor and City Council

**From:** Lorie Race, CFO

---

**Request:**

This is a request to use contingency funds to repair roof damage at the Senior Center.

**Time Estimate:**

I will give a brief background of the problem, a plan for taking care of it, and a potential funding source for the repairs. This presentation should take less than 5 minutes, with additional time for Council questions.

**Background:**

The City of Twin Falls owns the Senior Center building. With the recent rains, issues with the roof leaking have come to light. Compounding this is the fact that the building is undergoing an upgrade to the HVAC system, with new cooling units yet to be installed on the roof. With the assistance of Jarrod Bordi, it's been determined that the City can move forward with repairing the leaks, and not interfere with the new HVAC system.

This project was not anticipated during the preparation of the FY 2016 budget.

**Budget Impact:**

Use of \$4,500 of budgeted contingency funds.

**Regulatory Impact:**

There is no regulatory impact.

**Conclusion:**

I would recommend the City Council approve the use of contingency funds to cover the roof repairs for this City owned asset.

**Attachments:**

- None



**Monday**                      November 9, 2015  
**To:**                              City Council  
**From:**                         Travis Rothweiler, City Manager

---

**Request:**

Update on the City Hall and Public Safety Complex

**Time Estimate:**

The presentation from Hummel, Starr Corporation and City Staff will take approximately 45 minutes, plus time to answer questions and answers.

**Background:**

The purpose of this agenda item is to provide the City Council with an update on the City Hall and Public Safety Complex.

Clint Sievers, Michael Arrington and members of the City's staff will:

1. Summary of where we are in the process.
2. Design update
3. Schedule update
4. Budget update

**Budget Impact:**

There is no budget impact associated with this project at this time.

**Regulatory Impact:**

There is no regulatory impact associated with this agenda item.

**Attachments:**

1. None.



**Monday**                      November 9, 2015  
**To:**                              City Council  
**From:**                         Travis Rothweiler, City Manager

---

**Request:**

Consideration and Approval of a memorandum of understanding (MOU) between the City of Twin Falls and the Urban Renewal Agency

**Time Estimate:**

The staff presentation will take approximately 10 minutes, plus time to answer questions and answers.

**Background:**

The City of Twin Falls has been in the process of redeveloping and transforming an old, vacant, department store into a new, modern City Hall. The Twin Falls Urban Renewal Agency has been working on plans to update and renovate Main Street. Both of these project call for demolition services.

The City is planning partial demolition of the Banner Building in conjunction with the construction of a new City Hall. The Urban Renewal Agency is planning on a full, or complete, demolition of the Rogerson Hotel Building and the existing fountain area. All three of these projects are scheduled to occur in the general location of Main Street and Hansen Street.

The purpose of the Agreement is to allow for the collaboration between the two entities and have Starr oversee, and possibly perform, the demolition of the City Hall, Rogerson Building and the existing fountain. The contract the City has with Starr allows for these projects to be included. The benefit of the Agreement is it allows for the work to be coordinated. This could create economies of scale and will assist in lowering the overall costs of the demolition of each area. Additionally, the coordination will lessen the overall disruption associated with the demolition.

The Agreement specifically states the City will oversee the project. The URA will pay for all of the costs associated with demolishing the Rogerson and the fountain, just as they would if the City was not overseeing the project.

The Agreement that will be presented to the City Council was drafted by City Attorney Fritz Wonderlich.

**Budget Impact:**

There is no increased budget impact associated with the MOU Agreement.

**Regulatory Impact:**

There is no regulatory impact associated with approval of the MOU Agreement.

**Conclusion:**

Staff recommends that the City Council approved the MOU Agreement.

**Attachments:**

1. MOU Agreement between the City of Twin Falls and the Twin Falls Urban Renewal Agency

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between the City of Twin Falls, Idaho (“City”) and the Urban Renewal Agency of the City of Twin Falls, Idaho (URA”).

WHEREAS, The City is planning partial demolition of the Banner Building in conjunction with the construction of a new City Hall on Main Avenue North and Hansen Street; and,

WHEREAS, The URA is planning demolition of the Rogerson Hotel Building, across Hansen Street from the Banner Building, and demolition of the fountain area located on the Hansen Street right of way, across Main Avenue from the Banner Building and Rogerson Hotel Building, in conjunction with its Main Avenue Redevelopment Project; and,

WHEREAS, The City has hired Star Corporation, pursuant to the Idaho Public Works Construction Management Licensing Act, to act as a construction manager/general contractor for the City Hall project, including the partial demolition of the Banner Building; and,

WHEREAS, Conducting the City and URA demolition projects simultaneously by a single contractor will result in the least impact to the business operations in the area at the lowest cost.

NOW, THEREFORE, In consideration of the mutual promises contained herein, the parties agree as follows:

1. URA agrees to provide bidding specifications for the URA demolition project to the City, so that these specifications can be included in the documentation for bidding the project.
2. City agrees to competitively bid the URA demolition project as an additional and separate item to the competitive bidding of the Banner Building demolition, so that the costs for the demolition projects can be separated.
3. City agrees to share with the URA the bids received for the demolition projects.
4. URA agrees to pay all costs associated with the URA demolition project, in accordance with the payment schedule set forth in the demolition contract.

DATED, This \_\_\_\_ day of November, 2015.

CITY OF TWIN FALLS

URBAN RENEWAL AGENCY  
OF THE CITY OF TWIN FALLS

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Mayor

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Chairman