

A meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, October 4, 2016, by Mayor Tammy de Weerd.

Members Present: Mayor Tammy de Weerd, Joe Borton, Keith Bird, Genesis Milam, Ty Palmer, Luke Cavener and Anne Little Roberts.

Others Present: Bill Nary, C.Jay Coles, Jayce Holman, Sonya Allen, Bruce Freckleton, Warren Stewart, Kyle Radek, Berle Stokes, Mark Niemeyer Bongiorno, and Dean Willis.

Item 1: Roll-call Attendance:

Roll call.

<u> X </u> Anne Little Roberts	<u> X </u> Joe Borton
<u> X </u> Ty Palmer	<u> X </u> Keith Bird
<u> X </u> Genesis Milam	<u> X </u> Lucas Cavener
<u> X </u> Mayor Tammy de Weerd	

De Weerd: Okay. I will go ahead and start tonight's meeting. Thank you all for joining us. We greatly appreciate it and certainly appreciate our Boy Scout troop that's here. They are Troop 104 and they are sponsored by Sherbrooke Ward. So, welcome to our Boy Scouts. Mr. Clerk, will you, please, kick us off with roll call attendance.

Item 2: Pledge of Allegiance by Boy Scout Troop #104

De Weerd: Item No. 2 is the Pledge of Allegiance and we will be led in the pledge by our Boy Scout troop, so if you young man will come forward and lead us in the pledge.

(Pledge of Allegiance recited.)

De Weerd: If I could ask you to come forward, I have a City of Meridian pin to thank you for leading us in the pledge. And good luck with the merit badge.

Item 3: Community Invocation by Randy Rodes with reSURGE Church

De Weerd: Item No. 3 is our community invocation. Tonight will be led by Randy Rhodes with -- oh, we have renamed your church. So, it is reSURGE Church. It's nice to see you Pastor Randy. Thank you for joining us.

Rodes: Thank you, Mayor Tammy. Good to be here. Thank you. Let's bow our heads. Lord Jesus, tonight as we come before you we are so grateful for being able to live in this tremendous community called Meridian. We thank you for our

Mayor. We thank you for every Council person serving and, Lord, tonight as we think about our city and all of the decisions to be made, we are reminded once again that your word says that you are high above us, but that you also dwell with those who are of a humble heart. So, Lord, we humble ourselves before you and we ask for your wisdom and I pray you would give wisdom in every decision, that this would be a community where families and people can continue to thrive and we will be forever grateful, Lord, to you, in Jesus' name, amen.

Item 4: Adoption of the Agenda

De Weerd: Item No. 4 is adoption of the agenda.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: On the agenda, under the Consent Agenda, 6-R, the resolution number is 16-1170. And T is resolution number 16-1171. Department Reports. Item 9-C, the proposed resolution number is 16-1172. Under 10-A, Action Items, Item A has been asked to be continued to October 18th. Applicant did not post the site appropriately. So, with that I move we approve the amended agenda.

Borton: Second.

De Weerd: I have a motion and a second to approve the agenda as amended. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Item 5: Proclamations

A. Fire Prevention Month

De Weerd: I have two proclamations tonight. I will move to the podium and, Pam Orr, if I could have you join me at the podium. Actually, this fire hat is not about Fire Prevention Week, it's for a pug. But I'm stealing his hat for now. I don't think he will mind. So, Pam, would you like to introduce our guest and say a few words before I read the proclamation.

Orr: So, this is Sparky, the Fire Dog, and Sparky, the Fire Dog, is the international mascot for fire prevention and he was born probably about 62 years ago and we take him out to the schools and he helps to teach the young people all about fire safety.

De Weerd: Well, welcome, Sparky. We will give you a little bit of competition in a little bit with our Hometown Hero. Yes. It's an evening of the dogs. I would

like to say this meeting is going to the dogs, but that has a different meaning. So, it is my privilege to read this proclamation on Fire Prevention Month. Whereas the City of Meridian is committed to ensuring the safety and security of all those living in and visiting our city and whereas fire is a serious public safety concern, both nationally and locally, and homes are the location where people are at the greatest risk from fire and whereas Meridian's first responders are dedicated to reduce the occurrence of home fires and home fire injuries through prevention education measures, such as the fire safety training center and Project Safe and whereas our residents are responsive to public education measures and are able to take personal steps to ensure their safety from fire; whereas the 2016 Fire Prevention Month theme is Don't Wait, Check the Date. Replace smoke alarms every ten years. This theme effectively serves to remind us all of the simple actions we can take to stay safer from fire. Therefore, I, Mayor Tammy de Weerd, do hereby proclaim the month of October to be Fire Prevention Month here in the City of Meridian and call upon the people in our community to heed the important safety message of replacing their smoke alarms every ten years. And I'm going to turn this over to the chief for additional comments and with great privilege I will present this to Pam Orr.

Niemeyer: Thank you, Madam Mayor. I do just want to thank our -- our fire public education division, Pam and her staff. This is a busy month for her, as you can imagine. We have several activities going on. We do have a Public Safety Day and that is this Saturday. So, anybody can attend. That's all day with demonstrations on fire prevention, fire awareness. Also some law enforcement awareness as well. It's a great day and we do that together. So, I will take this reminder and we are going to meet a pug in a little bit, but not all of us have a pug named Jaxson. So, I will say change your smoke detector batteries if they are chirping. Please don't take them out and put them in a drawer. Put a battery in them or replace them. So, that's the message. Thank you.

B. Everyone Shops Day

De Weerd: Thank you. Stacey, do you want to come on up. If you have additional people to bring with you -- I'm going to let you introduce yourselves and your team here before I read the proclamation.

Moody: I'm Stacey Moody. I'm the director of contributions for the Idaho Youth Ranch and we have our CEO Steve Woodworth, Leah Toland and Emily --

Folger: Folger.

Moody: There you go. Her name is so hard to say. The reason we are here is for the Idaho Youth Ranch and Everybody Shops Weekend, which is this weekend. So, you can participate in the fire prevention on the 8th and come shop at the Idaho Youth Ranch. We want more shoppers to come into our

stores, because we have a waiting list right now for kids in our programs. So, the more shoppers we get the more kids we can help in Idaho.

De Weerd: Thank you. And I will tell you that this was my grandmother's favorite charity -- it was her charity of choice and it goes to the heart of each of our communities. So, thank you for joining us. Whereas more than 4,500 children in the Treasure Valley School District are homeless; one out of every four kids in an Idaho high school is bullied; suicide is the second leading cause of death for Idaho teens and whereas there are more than 45 reports of child abuse every day in Idaho, almost two per hour, 24 hours a day, 365 days a year and whereas the Idaho Youth Ranch has helped 34,400 of Idaho's most vulnerable kids find promising futures. They learn to cope with their feelings, heal from their pain, and develop skills that will make them stronger adults and future leaders and whereas for every child helped by the Idaho Youth Ranch there are dozens more who are still in need. Idaho Youth Ranch can provide hope for kids and their families who are suffering and whereas Treasure Valley shoppers that support the Idaho Youth Ranch provide revenue to support more kids and more families in need. Each dollar spent in the Meridian and other Idaho Youth Ranch thrift stores will have lasting generational impact on Idaho's kids. It is for that reason, I, Tammy de Weerd, here -- do hereby proclaim October 8th as Everyone Shops Day here in the City of Meridian and I urge all of you -- all of our citizens to join with us in shopping at Idaho Youth Ranch thrift stores to provide promising futures for the most vulnerable kids in Meridian and Idaho as a whole state. So, I thank you again for being here. I am honored to present this proclamation to you.

Woodworth: Well, we are very pleased about this proclamation and the Idaho Youth Ranch has been in operation for over 60 years in Idaho and we have programs and services throughout the state, including here in the Treasure Valley, and we are working on our new ranch outside of Middleton. So, that will be a fantasy project for the kids in this area. So, thanks again for your help in helping our most vulnerable kids have promising futures. Thank you.

De Weerd: And if you wonder where the Idaho Youth Ranch store is, it's just two blocks south of City Hall on Main Street.

Item 6: Consent Agenda

- A. Approve Minutes of September 15, 2015 PreCouncil Meeting**
- B. Approve Minutes of November 24, 2015 Regular Meeting**
- C. Approve Minutes of May 10, 2016 City Council Special Joint Meeting**

- D. Approve Minutes of June 8, 2016 City Council Budget Workshop Meeting**
- E. Findings of Fact, Conclusions of Law for Approval For Silverwater South (H-2016-0082) by Trilogy Development Located at South of E. Victory Road and West of S. Locust Grove Road**
- F. Findings of Fact, Conclusions of Law for Approval for Silverwater North (H2016-0083) by Trilogy Development Located at South Side of E. Victory Road and West of S. Locust Grove Road**
- G. Findings of Fact, Conclusions of Law for Approval for Little Creek Subdivision (H-2016-0076) by David Alexander Located 1470 N. Locust Grove Road**
- H. Findings of Fact, Conclusions of Law for Approval for 2016 City Initiated Annexation (H-2016-0093) by City of Meridian**
- I. Findings of Fact, Conclusions of Law for Approval for T-Mobile (H-20160091) by T-Mobile Located at 1855 N. Black Cat Road**
- J. Finding of Facts, Conclusions of Law for Approval for Knightsbridge Subdivision (H-2016-0088) by Schultz Development Located 3870 E. Victory Road**
- K. Findings of Fact, Conclusions of Law for Approval for Paisley Meadows (H2016-0089) by Hayden Homes Idaho, LLC Located at 2180 East Amity Road**
- L. Final Order for Rainer Villas (H-2016-0107) by Intermountain Pacific, LLC Located West of Meridian Road and South of West Penwood Street and North of West Corporate Drive**
- M. Second Addendum to Development Agreement for Twelve Oaks(MDA-H2016-0100)with Twelve Oaks, LLC located at 1845 W. Franklin Road, in the NE 1/4 of Section 14, Township 3N., Range 1 W**
- N. Sewer Main Easement Contract with New Cavanaugh LLC a Not-To-Exceed Amount of \$1,802.00**

- O. Approval of AIA A133, A133 Exhibit A & A201 Construction Management as General Contractor Agreements to Kreizenbeck Constructors for the “HOME COURT MOISTURE BARRIER REPAIR” project. The Not-To-Exceed Guaranteed Maximum Price for this project is \$48,767**
- P. Approval of Task Order 10626.a to J-U-B Engineers, Inc. for the “Well 22 Water Treatment Facility” for a Not-To-Exceed amount of \$243,700.00.**
- Q. Police Department: Renewal and Modification Intergovernmental Agreement Among Law Enforcement Agencies of Ada County, Idaho for Consolidated Records Management System (RMS)**
- R. Resolution No. 16-1170: A Resolution of the City of Meridian Vacating the 5Foot Wide Property Drainage, Utility Construction and Maintenance Easement Along the Shared Lot Lines between Lots 2 & 3 and Lots 3 & 4, Block 5, Gemtone Center Subdivision, No. 5.**
- S. Acceptance Agreement - Main Street & Fairview Avenue Artwork: "Natives"**
- T. Resolution No. 16-1171: Resolution Signifying City's Final Acceptance of Main Street & Fairview Avenue Artwork "Natives" by C.J. Rench**

De Weerd: Okay. Item No. 6 is our Consent Agenda.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: As stated earlier, Consent Agenda Item R, the resolution number is 16-1170 and Item T, resolution number is 16-1171. With that I move we approve the agenda -- or the Consent Agenda as published.

Borton: Second.

De Weerd: I have a motion and a second to approve the Consent Agenda as printed. Mr. Clerk, will you, please, call roll.

Roll Call: Bird, yea; Borton, yea; Milam, yea; Cavener, yea; Palmer, yea; Little Roberts, yea.

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Item 7: Items Moved From the Consent Agenda

De Weerd: There were no items moved from the Consent Agenda.

Item 8: Community Items/Presentations

A. Hometown Hero Award Presented to Jaxson, the Fire Dog

De Weerd: So, we will move right to 8-A, which is our Hometown Hero and I will ask the chief to -- the chief and whomever to join me at the podium and, then, we will ask our special guest to join us as well. And Todd and Mikaela and the pug. So, I will say this is a first for the City of Meridian, to recognize not a person, but a four-legged hero and it certainly is a moving story and it's a story that I will let the chief say, but, Todd, do you want to come up here with Jaxson.

Niemeyer: Madam Mayor, Members of Council, as you may have heard by now, it's been pretty widely publicized so far -- on August 29th about 10:00 o'clock p.m. our Chief Financial Officer Todd Lavoie was at his house and his dog Jaxson started acting funny and if all of you -- any of you have dogs you know how they act and what's normal and what's not normal and in talking to Todd he said I didn't know why the dog was acting so abnormal, but he was and he ended up alerting Todd to a potential fire that they were having in an outlet. Jaxson either sniffed it or caught sight of it or had a sixth sense. Most of us use smoke detectors. Todd uses Jaxson. So, we were notified. That was my first question. You did call us; right? He did call us out and, yes, our crew came out to assist him, but, truly, Jaxson notified and Todd was able to put some dry chem to the -- to the outlet and stop that fire from going up into the walls and putting our crews to work big time. So, that's the backstory. I'm going to turn it back over to the Mayor for the presentation, then, I'm sure we would love to hear from Todd and from Jaxson if he wants to say a few words.

De Weerd: Now we know how to get the media out, just have a dog story. Okay. This -- this is a plaque. We have some fire department gifts that are dog appropriate and as well some really nice little nibbles for Jaxson to -- I'm sure he won't share with his parents. This is a Home Town Hero Award presented to Meridian residents or pets who perform selfless acts of heroism, going above and beyond the call of duty and service to others in our community without regard or attention to personal gain. This is presented the 4th day October to Jaxson the Pug in recognition of his quick thinking and selfless actions to protect his family. So, Jaxson, thank you so much.

Lavoie: Well, Madam Mayor, first of all, I want to say thank you for the recognition. Again, all the credit goes to Jaxson over there, the 11 year old pug. Mikaela Sebree, my wife, you know, she brought pug -- the pug into her life 11 years ago. Mikaela obviously joined my life. So, again, we have a lot to be thankful for for what Jaxson did that night. He does have an instinct to alarms and so forth, so, again, Mikaela and I are very blessed for what occurred. I have talked to the fire chief. I have talked to Captain Murry. I have talked to a few building inspectors and they said if we had not acted so quickly one-third of the house would have been lost. The memories. The inventory. So, again, so much to be thankful for. We are extremely blessed with what happened. Again, Mayor, City Council, again, we appreciate the honor. Jaxson is going to enjoy these. We will see if he shares it with his brother. And, then, just a little note, I know Sparky was here, but, Sparky, you have some competition. Pugs are going to be the new fire dog.

Niemeyer: I'm seeing some signs and I'm catching a sense here. We have Pug for President.

De Weerd: They even have their own fan club as well. Well, let's see, I have been Mayor for 12 years. I'm in my 13th and on Council prior to that and I have yet to be able to honor a dog. So, this is a first. Mr. Bird, have you ever had this honor?

Bird: Never had -- never had had it. Thank God for it though.

De Weerd: Yes. That's a unique story and we are glad to be able to share it.

Item 9: Department Reports

A. Mayor's Office: Mayor's Youth Advisory Council (MYAC) Update

De Weerd: Under Item 9-A another ray of sunshine in our city. Our Mayor's Youth Advisory Council and, Susannah, I'm going to turn this over to you.

Bradford: Madam Mayor, Members of the Council, my name is Susannah Bradford. I'm the vice-chair for MYAC for this year. I will be giving a brief update on what the council did in August and September and this is our first update of the MYAC year. First we had an orientation meeting on August 29th. We had over 200 students attend and we are now set at 194 students and we have a new student joining every single week. Five of our MYACers were placed on commissions. Lance Baumgartner on Transportation. Kayla McNay on Parks and Rec. Taylor Farmer on Meridian Arts. Ella Kramer on Historic Preservation and Victoria Madrigal on Solid Waste Advisory Commission. Our biggest event this month was the Treasure Valley Youth Safety Summit on September 23rd.

We had over 200 students and 30 adult volunteers in attendance. We learned the dangers of distracted driving by driving go-karts with -- and texting at the same time. We played mini-golf with intoxicated vision goggles to learn how that can impair our judgment and experienced bullying by playing laser tag with uneven teams. We also had parent panels on seatbelt safety and distracted driving from parents who have lost their children to accidents where that was present and we did workshops with different mentors on how to deal with the stress of being a teenager and to cope with suicide in -- among our peer groups at school and at home. We also had ninja training to learn how to stay safe and to keep ourselves aware when we are out in public or we feel uncomfortable with our surroundings and we had a general meeting on September 26th. We had three guest speakers. Officer Gomez came to talk about suicide awareness, addressing a recent suicide in our -- in the Treasure Valley. Dan Clark from the Meridian Food Bank told us how we can assist our peers and our family -- peers and families around us during the holiday season and Rocky Detwiler from Samsung Live came to talk about suicide prevention as well. We also broke out into subcommittees to begin planning. And -- oops. That's all we had. Are there any questions?

De Weerd: And I think it is important to note, too, that this year for the Youth Safety Summit we had students from youth councils from Notus, Middleton, Eagle, Nampa, Caldwell and from Boise -- and, of course, Meridian. So, they really reached out to try and engage some of the kids from the surrounding communities. Oh. And I forgot Kuna as well. So, it was really nice. One other thing that we really expanded on is breaking into schools to have discussions after hearing the -- the various subject matter speakers and kind of apply through play some of what they heard is to convene into their school groups and have discussions about issues facing their school and possible solutions that they can bring back. So, it wasn't just a day of some very weighty subjects and play, it was trying to bring solutions back and identify them for further discussion as they went back to their own schools. And our leaders are phenomenal. I think that is certainly one of the reasons you see the interest from other kids are their teams and learning some of these leadership opportunities and an engaging in whatever they have a passion for, whether it's planning events, community service or advocacy and policy, as they do have those opportunities and I'm very proud of our executive officers this year. They are on top of things. It's going to -- you're going to have your socks knocked off every single month with their reports. I have no doubt. So, any questions?

Cavener: Madam Mayor?

De Weerd: The man in the pink.

Cavener: Man in the pink. Susannah, thanks for your presentation. We are excited to hear from you. Can you maybe share with the Council what school you attend, what year you are in school, and why you decided to join MYAC.

Bradford: Yes. I am a senior at Rocky Mountain High School and I have been in MYAC all four years of high school and I joined because I went to the Treasure Valley Youth Safety Summit in eighth grade. I snuck in with all the high schoolers. And it was so much fun and I thought it was just awesome and I love being able to have my own say in the community and be involved in more than just what I do at school or what I do with my church. I like being able to come here every week and have that little something different than what most people do.

Cavener: Great job.

De Weerd: And I will say that they are busy planning the upcoming trunk or treat and you'll have a couple of new things that are in addition to the many trunks that we usually have sign up. All of the sponsor spots are taken. They will be opening it up to food trucks this year. So, kids can actually have dinner and the dinner is not the candy in their bags. So, that's going to be a phenomenal event as well. So, they are already up and running and organizing some pretty amazing things. So, if there is nothing further from Council, thank you, Susannah, for joining us --

Bradford: Thank you.

De Weerd: -- and sharing your report.

**B. Legal Department: Waiver of City Purchasing Policy
Regarding Disposal of Property**

De Weerd: 9-B is under our Legal Department. I will turn this over to Mr. Nary.

Nary: Thank you, Madam Mayor, Members of the Council. I apologize for not bringing you a slide, but there is a -- there is a memo in your packet regarding this request. About a month ago Walmart, the store that's located at Ten Mile and McMillan, contacted Community Development, because they have a new program there, they have a pick up program and they want to build a building on the south side of their building immediately attached to the store for use for this new pick up service. I had a conversation with Mr. Freckleton and Dinae Edwards from Community Development, because there is some city public infrastructure, the sewer line that's under the -- under the parking lot adjacent to the building, but not under the building, that the city owns and the city has an easement to that location to be able to service that line if it's needed. That was built as part of the development process. It's fairly common. It's built by the property owners and donated back to the city for the long-term maintenance and repair of that line for the future and we do not allow buildings to be built over the top of that. Walmart asked is there any way that we could find in our policy or the statute to allow them to turn that to a private line, return it back to Walmart and

allow them to maintain it in the future. In reviewing the state code and our city policy, it's a fairly unique circumstance. I think Mr. Freckleton had said no one had ever asked for something like this before. Normally if we abandon sewer line it's because we don't need them anymore. We don't normally turn them back into private lines. But the state code is silent on this type of transaction and relinquishment of property. Our city policy has an ability for you as the Council to waive selling the property and, essentially, returning it back to the property owner. We are going to look in the future for maybe some policy changes because of this request, but at this particular point they are asking us to relinquish a portion of the city's public infrastructure. You can wave that. You don't have to require it be sold. We don't have to auction it. We can just return it to them based on their request that's in your packet. The store manager is here if you have any other specific questions or anything I might have left out and, then, there is a resolution as an action item that you would, essentially, grant that request. We would relinquish that. We will get a -- we already have all the legal descriptions of the property and, then, they would get an acknowledgment from Walmart they have received it back and they will maintain it in perpetuity. We will bring you a vacation of the easement. I saw an e-mail the other day. That should be a fairly simple process to do that. But they can get started on their building as soon as they give us the acknowledgement that they have accepted this pipe back. Did I miss anything, Bruce?

Freckleton: I think you got it covered well.

Nary: Okay. Thank you.

De Weerd: Council, any questions for Bruce or Bill or the representative from Walmart?

Bird: I have none.

C. Resolution No. 16-1172: A Resolution of the City Council of the City of Meridian, Granting a Waiver of the City's Purchasing Policy in Regards to the Disposal of Property Regarding the Request of the Property Owner, Wal-Mart, to Relinquish Ownership of Specific Public Infrastructure Located on the Property at Ten Mile and McMillan.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: Seeing none, I move that we approve resolution number 16-1172.

Bird: Second.

De Weerd: I have a motion and a second to approve Item 9-C. Any discussion from Council? Mr. Clerk, will you all roll.

Roll Call: Bird, yea; Borton, yea; Milam, yea; Cavener, yea; Palmer, yea; Little Roberts, yea.

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Item 10: Action Items

- A. Public Hearing for Blakeslee Commons Subdivision (H-2016-0066) by Global Senior Housing, LLC Located South Side of E. Ustick Road Between N. Locust Grove Road and N. Eagle Road**
- 1. Request: Annexation and Zoning of 12.01 Acres from RUT in Ada County to the R-15 (Medium-High Density Residential) Zoning District**
 - 2. Request: Preliminary Plat Consisting of Seventy-Four (74) Single Family Residential Lots and Twelve (12) Common Lots on Approximately 12.01 Acres in the Proposed R-15 Zoning District**

De Weerd: Before I move to Item 10 under Action Items, I thought I would give maybe Councilman Cavener an opportunity to talk about his -- this is typical --

Cavener: Wardrobe?

De Weerd: -- wardrobe.

Milam: That is.

De Weerd: No.

Cavener: Well, Madam Mayor, thank you. I wasn't expecting to speak on this, but I do look a little out of place. I'm fortunate enough, along with Chief Niemeyer and Chief Lavey to be part of the American Cancer Society's Real Men Wear Pink Campaign. There are 20 men throughout the Treasure Valley that are committed to wearing pink every day through the month of October. I'd like to specifically thank Councilman Borton and Gordon Lakey for sponsoring me tonight with some of my wonderful fashionable accessories, such as this scarf, handkerchief, and sunglasses.

De Weerd: So, we can blame Councilman Borton.

Cavener: Yes. Very much so. He's proud to take the blame for that. So, you know, the American Cancer Society talks about that we are all one degree away from cancer and it's touched my life. I lost my aunt to breast cancer six years ago. I have an aunt that is a two-time survivor and every day I find myself meeting people that are in the fight and are survivors and so to spend a month wearing pink to bring a little awareness, it's the least that I could do. I'm honored to be a part of it. I'm proud that the fire chief and the police chief have joined me in this. We are all raising funds. So, if you have got a couple of extra shekels I'm sure any one of the three of us would appreciate that for this campaign as well.

De Weerd: Yes. But if you give it to Chief Lavey he has raffle tickets. You can win prizes and so -- hold onto your dollars. There are some incentives there.

Cavener: Lots of opportunities to participate. Thank you, Madam Mayor. I appreciate that.

De Weerd: Thank you for sharing that. I will go ahead and move to Item 10-A. Council, I will open the public hearing for H-2016-0066 and I will apologize to anyone who might be here for this item. The property wasn't posted appropriately and so this needs to continue to October 18th, so the applicant can post the property per our requirements. So, I would need a motion to continue this to October 18th.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we continue H-2016-0066 to October 18th, 2016.

Milam: Second.

Bird: I have a motion and a second to continue Item 10-A to October 18th. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

B. Public Hearing Continued from September 27, 2016 for Hill's Century Farm Commercial (H-2016-0092) by Martin Hill Located 3625 E. Amity Road

- 1. Request: Preliminary Plat Approval Consisting of Twenty (20) Building Lots on 19.73 Acres of Land in a C-N Zoning District**
- 2. Request: Modification to the Development Agreement to Include a Detailed Site Plan and Modification of Certain Provisions**

De Weerd: Item 10-B is a public hearing continued from September 27th on H-2016-0092. I will ask for staff comments at this time.

Allen: Thank you, Madam Mayor, Members of the Council. The first application before you tonight is a request for a preliminary plat and development agreement modification. This site consists of 19.73 acres of land. It's zoned C-N and R-8 and it's located at 3625 East Amity Road at the southwest corner of East Amity Road and South Howry Lane. The Comprehensive Plan future land use map designation for this site is mixed-use neighborhood. The applicant requests a modification to the development agreement to include a detailed site plan and modification of certain provisions of the agreement. The existing development agreement includes a conceptual bubble plan, as shown on the left, for the mixed-use designated area that lists future possible uses and no site details. A detailed site plan was required to be submitted and approved prior to a plat application being submitted and any development occurring beyond the school, YMCA, and park site to ensure development is consistent with the objectives and vision of the mixed-use neighborhood designation. A detailed plan shown on the right there for the first phase of development is proposed, which includes a medical clinic at the northeast corner of the site, with an assisted living facility immediately to the west. Details are not depicted for the remaining area. The applicant anticipates many of the proposed building lots will be consolidated as users are determined in the future and has included a list of possible uses in the application. All allowed uses in the mixed use neighborhood designation and requests the development agreement not be required to be modified again in the future to include a detailed site plan. To ensure the site layout is consistent with that desired in mixed-use neighborhood designated areas, staff recommends the development agreement is still required to be modified in the future to include a detailed site plan for the remaining area. Conceptual building elevations were submitted for future retail, office, and professional services buildings and the assisted living memory care facility as shown. All structures are required to comply with the design standards listed in the architectural standards manual. A preliminary plat is proposed consisting of 20 building lots and two common area lots on 19.73 acres of land in a C-N zoning district. The preliminary plat is shown there on your right. The boundary of the plat does not include all of the area included in parcel two, which is shown on the record of survey on the left. A 171 foot wide strip of land, zoned R-8, along the west boundary shown in red there is not included. Because this will create a remnant parcel that's not legal to build on, staff recommends this area is included in the plat. This area may still be

included in the preliminary plat with the rest of the residential property to the west in the future. That is the applicant's intention to do down the road. A driveway access is proposed via East Amity Road and another driveway access is proposed via South Hillsdale Avenue, future collector street. A local street, South Tavistock Way, is also proposed via Amity and that is the -- the one you see right here going north-south. And a local street, East Hill Park Street, that's the east-west one here along the south boundary of the site, is proposed via South Hillsdale Avenue. Because the UDC requires access to be provided by a local street when available, the proposed direct lot accesses via Amity and Hillsdale require Council approval of a waiver. A cross-access ingress-egress easement is required between lots in the proposed subdivision. A 25 foot wide landscape street buffer is required along Amity and a 20 -- excuse me -- 20 foot wide buffer is required along Hillsdale with a ten foot buffer required along Tavistock and Hill Park. The Commission recommended approval of the preliminary plat application at their public hearing. Mike Wardle, Brighton Corporation, the applicant's representative, testified in favor. No one testified in opposition or commented and written testimony was received from Mike Wardle in response to the staff report. Key issues of discussion by the Commission was the creation of a remnant parcel by not including the western R-8 zoned portion in the plat and revised conditions to Section 2 in Exhibit B as requested by the applicant. Commission changes to the staff recommendations are as follows: At staff's request a condition was added for on-street parking to be provided on the south side of East Hill Park Street adjacent to the park and a modification to conditions numbered 2.2-3, 2.2-9, and 2.2-11 as requested by the applicant and agreed upon my staff. Staff was not in favor of modifying condition number 2.1.1 as requested by the applicant. Outstanding issues for Council is the waiver as requested to UDC 11-3A3 for access via Amity Road, an arterial street, and South Hillsdale Avenue, a future collector street. Written testimony since the Commission hearing was received today from Mike Wardle, the applicant's representative. You should have a letter from him dated October 4th. I will go through the requested changes he has that staff is in agreement with and I will let the applicant cover those that staff is not in agreement with and staff will be available to answer any questions or comment on those changes after the applicant's presentation. The first changes are in Exhibit A.5, proposed modifications to the existing development agreement. 5.1A. Staff is in agreement with the applicant's requested change. Staff is also in agreement with the requested change to 5.1E and 5.1I. In Exhibit B, the conditions of approval in the staff report, 2.2.3, staff is in agreement with this condition. We have changed that condition effective October 1st as a result of discussions in the development services advisory committee. And 2.2.9, staff is not in agreement with the applicant's changes. However, staff does support replacing this condition in its entirety with the following language: All improvements related to public life, safety, and health shall be completed prior to occupancy of the structures. Where approved by the city engineer an owner may post a performance surety for such improvements in order to obtain city engineer signature on the final plat as set forth in UDC 11-5C-3B. And condition number 2.2.11, basically same

thing. Staff is not in agreement with the applicant's requested changes. However, we do support the following language. In the event that an applicant and/or owner cannot complete non-life safety and non-health improvements prior to city engineer signature on the final plat, and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C. These last two conditions were needing to be revised. They weren't entirely per they UDC standards, so that's why staff has agreed to change that condition and I think it meets the intent of what the applicant was wanting also, hopefully. So, staff will stand for any questions.

De Weerd: Thank you. Council, any questions at this point?

Bird: I have none, Mayor.

De Weerd: Okay. Would the applicant like to make comment? Good evening. If you will, please, state your name and address for the record.

Wardle: Thank you, Madam Mayor. Mike Wardle. Brighton Corporation. 12601 West Explorer Drive in Boise. I just want to assure you that this is probably not as complex as the paper would suggest. I appreciate staff's clarifying issues as they have gone through those same conditions and I'm going to discuss those in a few minutes and cite the agreement that we have with them, a couple of items that we consider more of a -- just a potential for confusion in the future, but a couple of major items that we will ask the Council to consider. The first slide up, actually, shows the DA bubble plan that was submitted with the application when annexation and zoning was achieved last year. The next one is looking to the south from Amity Road being at the foreground back toward the improved areas. It shows that the zoning of the C-N to the left -- to the left of that, which is on the east side of the property. The R-8 zoning to the right with the elementary school Hillsdale already in session at the upper left and, then, of course, Hill Century Farm Subdivision that's well underway beyond the property. I would just note that in the future the area zoned R-8 will be coming forward with residential applications that will have some additional higher-density elements to them, some different types of offerings than we find in our Century Farms Subdivision to the south. I was told that it might freeze up. Again, just for a little bit more clarity, again, looking from Amity Road to the south, the site to the left for the commercial application, the YMCA soon to be commenced just adjacent to the elementary school. The city park also forthcoming and, then, the R-8 zone and I would just note that we are going to be talking about -- I think we have actually addressed it with the staff the concurrence with the language, but Marty and Dixie Hill's home is in that -- that upper area adjacent to the future park, also within the R-8 zone. Just continue on and get these -- Madam Mayor, you will be pleased when you look at this item to see that Hill Park Street, an east-west street, runs basically along the entire frontage of the park. Certainly an interest that you had when we first brought this annexation forward last year and through the planning process it became obvious that that creates a good separation

between the public uses to the south and the commercial uses to the north. Again, showing the existing -- or the proposed uses that we have defined thus far on the project and just for clarity, this is what the commercial area will be facing with the park to the left, the YMCA adjacent to the elementary school, kind of the upper right of this. Of course, the extension of the street fronting the school currently up to Amity Road. Staff noted that there are several waivers associated with the request and I would note that the highway district has approved all of the street intersection locations, as well as the two red arrowed access points, one to -- from Amity Road to the assisted living complex proposed there in the middle of the project and one about midway between Amity and Hill Park Street that will serve the clinic on the northeast corner of the property. Probably the biggest issue that we have that we will talk about in a few minutes with regard to the conditions relates to what happens on the surrounding properties. West Ada School District owns the 40 acres to the north -- north of Amity and there has been I believe -- well, in fact, I know that there have been considerations for a future high school. I have seen some site plan concepts for that of some time back. There is no timetable. Probably no guarantee that, in fact, that it will happen, but I believe that's -- it is something that they anticipate in the future. So, it gets back to the question that relates to, then, the final slide and probably the big issue and that's the water main condition 2.1.1. The solid red lines are the system that we proposed in the conceptual engineering design that was submitted with the application. Staff has reviewed and re-reviewed this and we have had a number of discussions. The system as proposed works. There is fire flow even at the north end of the stub on the east side at Amity. There will be, of course, in the future as we develop these parcels cross-connections internal to the property that will create even additional looping. What we are simply concerned with is that because the system works as proposed and because the service to the north is uncertain and it could well be that if a high school is constructed that they would take two points of connection and I would note that the -- the upper left corner of this the number 12 in goldenrod is, actually, an existing water main that terminates at about that point. They would very likely take access from that point and, then, the extension of the one on the east and loop it through their system, rather than taking just -- I guess service from Amity frontage. One of the concerns that we have is if we put in that water main on Amity, there is no cost recovery possibility for us for putting in that line that, frankly, this project doesn't need at this point. That's -- that will be probably the -- the Solomon-like decision that the Council will get to make this evening. So, let me just quickly go through, then, the applicant respond items and the conditions and I'm going to note concurrence -- if you want to just cross some of these off, so that we don't spend time looking at those in detail, but as you go through 5.1A, staff has as noted agreement with that. We have no issue. I'm going to -- staff noted that they did not agree with our proposal for 5.1B, but they give an explanation that I believe satisfies our concern. So, I'm going to suggest that we have no issue with 5.1B as proposed. Staff has also agreed with the language proposal in 5.1E. G is probably the concern, because when you look at the slide on the screen currently you can see that there are a number of lots -- parcels

that Sonya noted may be consolidated in the future when we have users come forward, but it also suggests that we could be back in front of you many times every time that -- if they went into smaller uses, each time we would have to come back with a DA modification. We can't necessarily out guess all of it in the future, we could possibly, you know, do a bit more, but our concern is that it seems I guess just a matter of redundancy of the many times that we might have to come back to deal with this. So, what we had proposed in the language is that using the sample uses from the MUN land-use designation from the Comprehensive Plan, which are on page two at the top of the page there in red, we were simply suggesting that if the uses that come forward are consistent with those, that we would not have to come back each and every time. I think we need to have a little bit more discussion with that and would look forward to your comments on it before a decision is made. The next three items which fall under G are noted as discretionary. Staff has stated that these are items for consideration. They are not mandated. However, it kind of gives you the impression that some things would need to occur and I guess the first one, Roman numeral small I, is that we would have to create some type of a common use area, such as a plaza or green space within this area that faces a city park and a YMCA, which, essentially, are public open space, seems to be unnecessary. Roman numeral II-i, the transitional uses and landscape buffering adjacent to or between the commercial and existing lower medium density residential developments -- and there are none. So, again, it's discretionary, but it -- since there are none at this point it would seem that having that as an item could be a fall back to create additional uncertainty in the future. And, then, the -- the last one of those three, the Xii, talks about the size of buildings and, again, this is a discretionary item, but we note that already the school, the YMCA, the proposed assisted living and the clinic, would all exceed that and they are uses that are appropriate, they are not uses that I think the city or the community or that area would find overwhelming or offensive. So, it just seemed that it would be reasonable to relieve that discretionary statement, so that we don't end up, again, with any confusion in the future on what would or would not be allowable. And, then, I, the last item in 5.1, staff had already made that proposed change. The Planning Commission recommended we concur with that one. Going, then, to the planning division site specific conditions, this is one that, again, relates to the area to the west of the north-south street Tavistock. It's the area that's already zoned R-8 and includes the older structure adjacent to Amity Road and it can be included in the preliminary plan. There is really no reason we couldn't. But it will never be final platted with his project. So, you will have a drawing in the file that will show a parcel that will not come to be until the R-8 development application, including that parcel, comes forward to you hopefully within a few months, certainly within the next year. So, it can be included. I think it will be confusing. That would be your call. So, that would relate to condition 1.1.1A and B. Going to the next page, page three, E at the top actually relates to the waiver for the access points that are proposed to Amity and to Hillsdale Avenue to the east. The landscape -- excuse me -- the next item, 1.1.2, again, the first item relates to that parcel to the west in the R-8 zone that we suggest not be included

in this preliminary plat. And, then, the next two items, 1.1.2B and, then, the general condition of approval 1.2.2, both relate again to the waiver and if the Council concurs with the approval that ACHD has given us to those waivers, those all go away. Which now brings us really to the big issue and that is the request that we propose to remove the statement concerning the 12 inch water main along the Amity Road frontage. Again, it gets -- it gets simply back to the point that it is not necessary for this project. It anticipates something in the future that may not end up being the actual points of access that the school district would require, so we request that it be stricken as noted that -- and it's just a simple decision perhaps. And the last items there under general conditions of approval, I believe everything that the staff has noted we are in concurrence with all of those items, including the language -- wording changes that have been proposed for 2.2.9, 2.2.11. So, Madam Mayor, Council Members, I hope that adds a bit of clarity, but it really boils down to do we have a way not to have to come back for many DA modifications in the future and do we need to install that water main in Amity, when, in fact, the system works as proposed. I would be happy to answer your questions. We have others in the audience. Mr. Turnbull is here to assist in answering some of those if need be.

De Weerd: Council, anything?

Bird: I have none at this time.

De Weerd: None at this time. Thank you, Mike.

Wardle: Thank you.

De Weerd: This is a public hearing on Item 10-B. Is there any member of the public who would like to offer testimony on this item? Staff, did you have anything further?

Allen: Madam Mayor, Council, staff can certainly respond to any of the requested changes by the applicant if you would like further information or clarification. Staff's response to the applicant's request and modifications are noted in your hearing outline. Staff is willing to go over those.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I see we got -- Mr. Turnbull is going to -- so, I will hold my question for staff.

Turnbull: Good evening, Madam Mayor, is it appropriate that I speak at this time? I just want to amplify something that Mike touched on, which was the requirement -- this is really small print. I think it's regarding the requirement to have some common area open space. You know, this is really kind of an

interesting one, since this is -- this is Marty Hill's property we are talking about here and as noted Marty has already -- and Brighton has already dedicated substantial open space to the south of this for a YMCA, for a school, and, then, to come in with a sort of sub application to the entire area and be required to provide additional common area open space seems sort of silly to me. So, we would definitely want -- I just wanted to emphasize that, so it doesn't get lost. There is so many items we are talking about here that I didn't want that to get lost. The other item I would just amplify on that Mike touched on regarding that water line in Amity. I don't think you necessarily need to make that decision, other than to let us work with staff and if need be we can come back, but if a high school goes across the site we would be building a line in Amity Road that, you know, essentially, they -- we will -- they will have and we will be providing 12 inch water mains to both their west and east property lines and, you know, typically if you're building a high school, then, you're going to tap on those and move them through your entire system with another 12 inch main that would provide fire flow for their entire campus. So, the line that would be existing in Amity Road may well be a redundant one that would be, you know, possibly never tapped at all. So, we just don't want to incur expense unnecessarily and that's what our point is there. So, if you have any other questions for me I could -- I would clarify that the clinic that's been mentioned is it -- it's a St. Luke's clinic. We are working with them and Hummel Architects and, then, the assisted-living is a Veranda property that you have already seen under construction in Paramount Subdivision. So, those are the two uses that are going forward first. The rest of them -- the rest of the site we anticipate there to be a heavy concentration of other medical uses as well, professional offices and those kind of things. So, if you have any questions in that regard I would be happy to answer them.

De Weerd: Thank you. Council, any questions for David?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I have got a question for -- I got a question for Warren. Regarding the water line. That isn't a sewer line going in there either? It's just water?

Stewart: Madam Mayor, Members of the Council, Councilman Bird, that's correct. It is -- it is a water line. I actually have prepared some comments with regard to this issue, because we knew that it was likely to come up tonight, so I would love to have the opportunity to -- and I know Bruce has got a few comments on this as well. So, with your permission I would be happy to share that information with you. So, the water system master plan is our guiding document in the City of Meridian for the installation of water --

De Weerd: Warren, can you pull that a little closer.

Stewart: Sure. The water system master plan is the guiding document for the water -- the construction of our water infrastructure throughout the City of Meridian and it helps us to address growth and development. The city has also adopted ordinances, policies, and practices that help with the implementation and application of our master plan over -- for over a decade, longer than I have been here at the City of Meridian, the city has been guided by the model that growth pays for growth. To that end anytime new development is proposed the developer has been required to install the primary or master planned infrastructure that supports or fronts the proposed development. This practice has worked very well and has allowed the city to develop a robust distribution system that has kept pace with growth and fire protection. The current water master plan recommends the installation of a 12 inch main on section line roads to serve as the primary or backbone infrastructure for the city's water system. Amity Road is a section line road and serves as a primary water distribution corridor for the areas along its route. This phase of the proposed Century Hill Farm development fronts Amity Road for over a thousand feet. Therefore, in accordance with our master plan, our ordinances, and our practices for more than a decade, staff has placed a condition on this development to install 12 inch water main along its frontage with Amity Road, just as we have done hundreds of other times. The applicant, Brighton Corporation, is requesting that Council waive this requirement because they feel the line is not absolutely necessary to serve their development and, therefore, should be borne by the school district property to the north. Although the subject 12 inch water main may not be critical to the proposed Brighton development, it will certainly strengthen their water system and it's important to note that the exact size of the buildings in this development and their fire flow requirement is not set in stone and may change based on what size and type of building goes in. Although Brighton's request to remove the condition to build the 12 inch line in Amity Road may save them some money in this case, it could be, in my opinion, a bit shortsighted. The requirement to build master planned water lines along frontage -- of the frontage of developments will benefit future developments along this corridor as often as it will not and I would point out that the 12 inch water line that's highlighted in yellow was installed in Amity Road because of this policy and would not be there if it wasn't. They have benefited from this same practice in the past. The City Council -- if the City Council allows this exception it will certainly not be the last request of its kind. It will open the door for others to make similar requests. The likely result will be gaps in our primary infrastructure, increased costs to the city -- to the city to install mains in these gaps or impediments to future growth and development. The strength and integrity of our water system will be diminished. And I would -- we talked tonight on a couple of occasions about the fact that it may not be necessary for Brighton's development and about how it would impact or not the high school property across the street, but I would also point out that there are existing parcels to the east of Brighton's development, both on the north and the south side of Amity Road who may be looking to develop their ground and if they want to do that ahead of the high school's development, they would be -- it would be a serious impediment to them. There would be over a thousand feet of water

infrastructure that they would have to build in order to get there. So, I think -- although this seems like an added cost at this time, because of this I think Brighton Corporation and other developers have benefited by this policy, because it is required infrastructure to be brought to their property lines as well and so we simply ask you to consider those points as you deliberate on this tonight. And I think Bruce may also have a couple comments.

Freckleton: Thanks, Warren. Madam Mayor, Members of the Council, much of what I had written kind of reiterates what Warren was saying. We as staff are strongly opposed to this waiver request. As it's been stated, the developer is asking for a waiver from the requirement to construct a 12 inch water main in Amity Road. However, the City of Meridian's master plan requires that 12 inch water main on a half-mile grid. These main -- main lines on the grid are critically important for the backbone of our hydraulic network for distribution. The grid main lines follow the collector arterial roadway network across the city for the mainline network -- or main mile network and, then, 12 inch main generally follow roadway networks at the mid mile. It is not the policy the City of Meridian to allow main lines that extend off the grid, as is being proposed, and, then, return back to the grid, as has been stated, to satisfy the master plan requirement. However, those internal looped water systems are important for the delivery of domestic water supply and fire protection, as well as they provide redundancy to help protect the consumer from water outages. As you know, the majority of the city's water and sewer infrastructure is development driven and developer installed. When development occurs, as Warren said, we impose Meridian City Code to require the extension of water, sewer, and when applicable recycled water systems. In your -- in your document that Sonya handed out to you in the beginning of the meeting, I put in a section of Meridian City Code -- Meridian Code 9-1-11, which covers this -- this requirement. I guess in closing the developer is proposing that this section of water main be required for future -- or required of future development projects north of Amity Road, i.e., the future West Ada School District's high school parcel. It is our opinion that if this water -- if this water main waiver is granted, this section of main line will ultimately be needed and, therefore, the burden will be on the Meridian ratepayers if the city has to install it or Meridian School District patrons. In this case development would not be paying for growth.

Bird: Thank you.

Freckleton: And I think Kyle had something to add as well.

Radek: Bruce. Stewart. Madam Mayor, Council Members, I -- I don't have much to add to that. They covered pretty much all the bases. The only one thing I would say is if I were the developer I wouldn't want to have a 500 foot 12 inch dead end serving my assisted living facility either. I think this -- this policy that is grounded in the code, in the master plan, in design standards is appropriate and

will benefit that -- that development, as well as the future developments that are going to be in the area. Thank you.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I got a couple of questions for staff. A mile up was the water supply to the south end of what I call Tuscany -- I don't think that's the subdivision out there, but whatever that is at the south end of Tuscany -- was that supplied by water in Amity? Did it -- did the line run up through -- between Locust Grove and Eagle Road on the south side of Amity? Is that how -- is that what is supplying the water to the north there? To the south end of the subdivision?

Freckleton: Madam Mayor, Councilman Bird, the -- I'm not exactly sure when the water main was extended out Eagle Road, but it served the LDS church that's south of Amity. The Diamond View assisted living facility that's on the north side of Amity just west of this site, they were responsible for the main line extension from Eagle Road up to the point on this map that is shown with the goldenrod 12 inch. They needed that water main to be able to supply fire flow for that assisted care facility.

Bird: Okay. I got a second question, Madam Mayor. Okay. Then -- then my second is that 40 acres that we are talking about to the north, this is -- this is the way -- this is the only way we can get water to it? It won't be coming in from the north down as those -- as the subdivisions go in north of that or west of it?

Stewart: Madam Mayor, Members of the Council, Councilman Bird, the high school would be primarily served off of this main off of Amity Road. There is a main that was installed with Diamond View assisted living, although it's just an eight inch main, it also comes back from the south and runs along the westerly side of the school district's property. It's actually not on their property. I believe it's on the adjacent property, but they may be able to get access to that.

Bird: Thank you, guys.

De Weerd: Any other questions from Council?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Question for Bruce or Warren or Kyle. Have -- have we encountered a situation like this before in previous councils, dealt with this type of a request and what, if anything, has occurred and what, if anything, has been the result?

Stewart: Madam Mayor, Members of the Council, Councilman Cavener, the only one that comes to mind that we have ever allowed in the past was a few years ago W.H. Moore requested a waiver of a sewer line requirement along the western boundary of the Redtail development and that was granted and we, as a city right now, are in the process of designing that sewer line as part of the south Meridian extension and I just asked the developer -- or not the developer, but our engineer today for the estimated cost associated with just that section of the line that would have been required by W.H. Moore, because I thought this question might come up and so he e-mailed me back that is costing the city over 200,000 dollars to install that piece of line, which will happen this year, so --

Cavener: Thank you.

De Weerd: Mr. Turnbull.

Turnbull: May I put an end to this. I apologize --

De Weerd: Restate your name for the record.

Turnbull: David Turnbull. I don't -- I didn't give you my name -- address last time. David Turnbull. 12601 West Explorer Drive, Boise. I apologize, I just came back into town after several weeks out and was able to review -- I'm still on jet lag right now, so I apologize. I was able to review with Mike. We have an alternative to me -- we can go ahead and do this. We will reroute it internally, so it won't be as significant a burden. I would say this, though. It would be nice if the city had some way of having some latecomer agreements or something like that, so that when we are installing a line that fronts somebody else's property or provides services to somebody else's property, we get a little bit weary of extending a lot of lines and having other people tap on and just, you know, riding on your coattails. So, if the city could work on a policy like that that would help share the burden that would be much appreciated. So, we are okay with the condition as it is. Thank you.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I have a question for staff regarding 1-G. So, have we -- this is kind of like just giving them a blank slate and has that -- is that something we have done before?

Allen: Madam Mayor, Councilman Milam, Councilmen, no, to answer your question. Typically when a property is annexed we require some kind of conceptual development plan. If they don't know at the time we typically condition them to come back and modify the development agreement to include a concept plan and this is to ensure that the vision of the Comprehensive Plan is

carried out in the future, because once they get the zoning they can simply develop according to the zoning district regulations. There is nothing that requires them to comply with the standards for the Comprehensive Plan. In this case a mixed-use neighborhood development, there are certain design aspects of that type of designated area that are covered in the comp plan that aren't in the zoning ordinance. So, that's the reason. And we like to see a development come in that is cohesive, you know, in a larger form, rather than piecemeal. That doesn't always happen. We can't always have that happen. But this is an attempt to get a look at it conceptually before it comes in for detailed approval.

Milam: Thank you.

De Weerd: Any other questions from Council?

Borton: Yeah. Madam Mayor?

De Weerd: Mr. Borton.

Borton: Is there an example -- when I hear the -- and we are looking at the proposed condition back on 5.1G -- that speaks to the ability to control the commercial objective of the DA, the same purpose that you have described to the CZC process, so long as the use conforms to the sample uses in a mixed-use neighborhood and the permitted and conditional -- and the conditional uses cited in the UDC, is there an example that their proposed language still doesn't capture that you're concerned about?

Allen: Madam Mayor, Council, Councilman Borton, yes, they are just asking to not have to come back with a conceptual development plan for Council approval. That would leave it at staff level decision and that -- like I said, it doesn't -- it doesn't make them -- or it doesn't bring the issue about at a public hearing before the Council so far as development of the area and its consistency with the comp plan.

Borton: Okay. Madam Mayor?

De Weerd: Mr. Borton.

Borton: The other question -- and this might be for Mike or David -- was -- this is 2.2.9 and .11. Staff in their report disagreed with the proposed language from the applicant, but gave some alternative language. I'm curious the applicant's comment on what the staff presented tonight with regard to those two, .9 and .11.

Wardle: Madam Mayor, Councilman Borton, I did note that we agree with the revised language of staff. What we are trying to do is -- there are just a couple of issues that sometimes get us into a little bit of uncertainty and so I think this addresses. These were not major items, but just -- I think it gets us there. Let

me just note the comment that you're -- the question you just asked, you know, concerning the future of the area that is as yet undefined. When you look at the Comprehensive Plan cut sheets from your -- your website it identifies the types of uses and those were restated there on that -- that second page. There is not only the CZC process, but there is also design review and so we are simply saying that if there are items that come forward that are already identified as the types of uses desired, it would be probably a waste of your time to have to sit and make those decisions on the individual piece-by-piece-by-piece basis. We are just looking for a way to streamline that process, so that the project can move forward, you're protected by the way you manage the project approvals, even at staff level because of the design review and CZC, they look at the site, they look at the designs and so forth. And I appreciate Mr. Turnbull -- I asked, actually, for the continuance from last week's meeting so that David would be here to address the question particularly of the -- the water line, because our submittal proposed what is in front of you. I didn't feel like I could come and make that determination and appreciate David, even into jet lag condition, doing so. But I would -- if you have other questions about any of those I would be happy to answer them, but I think we have got it down to a point now where if there is a better way to deal with the development agreement modification in the future and I think the others are -- are simple. Thank you.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: Mike, I have got a question and -- David mentioned mostly medical offices and such. Is this going to be all commercial or -- and office or is there going to be -- we have townhouses and multi-family developments listed here and that's I think the part for me that makes me uncomfortable with that situation.

Wardle: I don't anticipate that there will be -- other than the assisted living complex -- anything that would be a residential component within this commercial subdivision. We are working on plans for everything west of this to be residential and there could be some attached product in that area, but not in this one.

Milam: Thank you.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Back to the DA comments, if it goes the route that you have described and it delegated the staff authority to the CZC process and through those discussions they make a determination that a particular use doesn't warrant a change, there is an appeal of that to Council, is there not? If that were to happen and there be a disagreement, that would route it here.

Wardle: It would bring it here. Yes. Anything that comes forward that staff says just doesn't really fit with what we see, they are going to defer to you folks anyway. So, there is a safety valve in this process.

Nary: Madam Mayor?

De Weerd: Mr. Nary.

Nary: Madam Mayor, Members of the Council, I guess the quandary I can see in this discussion is this individual developer has a history of being very committed to these concepts. The concern we have had and the reason this policy and practice was created is because many other developers don't do that and very often it is left to the staff to make this decision. So, making the decision on Mr. Wardle and the Brighton's project is probably not going to be as complicated as the hundreds of other projects that other people are going to ask for and if you look at just the list, they are very broadly stated. I mean there is a variety of difference between coffee and sandwich ice cream shops and club houses, churches and dental clinics. So, it's really difficult from a staff one and that's the reason why -- and I know Madam Mayor and Councilman Bird remember many years ago we had a lot of very vague developments come forward and we didn't put a lot of strict regulation or rule on how they could be developed and we left it to staff and you didn't get exactly what you thought you were, because it came in as one thing and it ended up something else. So, the basis of that was really to get the developers to make at least a good-hearted effort at showing what they were wanting to do and if it changes, then, we come and do a development agreement modification, because the product didn't work anymore or the marketing showed it didn't really fit the areas they thought it would. But that was the reason for it. So, it's just a caution and I want to say is the reason this was developed was not for developers like this, but for many others that we deal with and -- and I don't think it would be that problematic for this one, but, again, everything you do for one you have to recreate for everybody else and that's going to be the trouble, is it's not always going to be quite so clear or quite so clean cut with the developer as to what they think they want to do with what they actually bring that they are going to do.

Wardle: A cautionary tale.

De Weerd: Oh, we have some real humdingers.

Wardle: Madam Mayor, I'm aware of some of those.

Bird: We have eliminated most of them, though, by the way.

Wardle: Obviously, a decision for the Council to make. If, for instance, you do not agree with us tonight, there will come a time that we will probably get far

enough into this and maybe one or two more iterations -- one or two more evenings with you folks and you will say we are close and also there is only one or two parcels left -- anyway, that's been our concern. We just don't want to come back and waste your time each and every time that we have a different -- or a new use on one of those parcels.

De Weerd: Well, we love seeing you. And I'm really having a hard time feeling sorry for Mr. Turnbull and this jet lag.

Wardle: Anyway, if there is nothing further I appreciate your time and I think with that change on the water system you're really down to this one. The others I think are much simpler. Thank you.

De Weerd: Thank you.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Warren, I believe that between staff and -- and Brighton Corporation we can work out a situation that will solve that 12 inch front line. Do you believe that?

Stewart: Madam Mayor, Members of the Council, Councilman Bird, from what I heard it sounds like they are willing to work with us to -- to get the water line in Amity Road with some modifications perhaps to the internal water line routing to try to mitigate some of that. Yeah.

Bird: Okay. Madam Mayor?

De Weerd: Mr. Bird.

Bird: Seeing how we have no more public testimony -- and, Council, you need any more things on public? I move we close the public hearing on H-2016-0092.

Palmer: Second.

De Weerd: I have a motion and a second to close the public hearing. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I'm going to make this motion simple, because I'm not going to go through all these deals on and off, but by stating in the motion what public, staff and -- comments have, I think covers it. Sonya, do you feel comfortable with that or do I have to go -- or do I have to go through every one of these?

Allen: No, Councilman Bird.

Bird: Don't get me laughing now. So, I think we know what we are on agreement -- the ones we are in agreement on. If the Council is not in agreement with staff's response to the applicant's comments, I would like to know that.

Bird: Before I make the motion, Sonya, can I add -- Madam Mayor?

De Weerd: Yes, Mr. Bird.

Bird: Can I ask you -- I -- I took it that -- that what applicant and staff -- all these things we discussed and we kind of agreed upon what we disagreed upon, both sides -- is that right?

Allen: I have no idea where the Council landed on those items that we agreed of what we disagreed on or whatever you said.

Bird: Well, that's the reason I asked on the one item -- why I asked Warren, so that we had -- the staff already had the --

Allen: I understand that we are -- the applicant and staff are going to work together on the 2.1.1. Did Council want the development agreement to be modified in the future for the remaining development area to include a conceptual site plan or no?

Bird: Well --

Allen: Because that was one of the major issues I would like a decision on. And, then, also the other --

Bird: I -- I personally believe that -- Sonya, if -- if you don't agree upon it we -- it still comes back to us, am I not right?

Allen: Then that needs to be included in your motion.

Bird: You know -- yeah. So, if they -- if it isn't an allowed use or something that we can't agree upon, it would come back for final decision, which, you know, I don't want to see -- as much as they have to, but, you know, we -- if it comes down to something that the staff and them can't agree upon, then, I guess it would have to come -- I -- I thought that by going with the mixed use

neighborhood deal that we were pretty well covering everything in your CZC process on the buildings and stuff would cover some of that.

Allen: So, am I to understand that the Council does not want to see conceptual development plans in the future with annexations and rezones?

Bird: No. No. No. We didn't say that. We didn't say that. I didn't say that.

De Weerd: Yes, we do.

Bird: We want -- want to see that, so -- this is one time that maybe we --

Allen: Okay. So, that needs to be part of your motion if you would, please, just to make sure everyone is on that -- that page with you. I saw some heads shaking and maybe not necessarily fully in agreement, so --

Bird: I will make the motion and, then, we can have our discussions.

Allen: Okay.

Bird: Or we can have our discussion --

De Weerd: Maybe we better --

Bird: Go ahead and have your discussion.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: Councilman Bird, I agree. I wouldn't necessarily feel like I would need to see this every time. The problem is that we are setting a precedence to really complicate things for staff for future developers -- other developers and future development. Otherwise, I don't have a problem.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, I agree we are setting a precedence that if you're going to be consistent in doing what you say you're going to be doing, that we are going to give you a little bit longer leash. I'm okay with that.

De Weerd: But I think that's a problem is they are not really saying and that's staff's discomfort by leaving it at staff level Council has no clear understanding of what you are approving tonight and you're leaving it up to staff to interpret

whatever it is you think that you're approving and it's not built, that's -- therein lies the problem. And I guess just -- I -- I don't know if this sets precedent to the degree that I think how you can separate this one apart from maybe others is this developer has consistently developed areas that have only enhanced our community. That's been the reputation. And I can't say that precedence in approving this tonight would -- would set -- set this for others that don't have that same track record. If that makes any sense. The relationship between this applicant and our staff with the vision that is generally associated with their developments have always been quality and -- and I think that's the comfort level here. Right? So, if they say that this was in the -- the intent of the zone that is similar to what has been presented in their concept and the discussion and the presentation, that there is an appeal to -- to Council if staff does not see that that is consistent with -- within the record that's been established, that they have an appeal to Council.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: To add to that, I would be moving to deny it if I thought that this owner and applicant was not going to develop it. My -- and that's why I don't think we are setting a precedence. Their track record is -- when they come -- bring something forward they finish it. We have other developers that bring it forward to get it zoned and, then, sell it. That's one comfort I have and I don't think we are setting a precedence.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I agree a hundred percent. I trust this developer. However -- so, say the next developer comes in and we are going to -- they are going to ask us for the same type of waiver and how many of you are going to sit here and say, you know, you don't really have a good track record, you kind of make crappy developments and you don't always follow through --

De Weerd: That probably would be me.

Milam: That's what we are -- we would have to take that responsibility if we approve it based on that. If we all agree that there is -- this is a developer that is going to follow through with what they say, we know -- that's not in question. The questionable part is what -- what are we going to say when somebody else asked for the same treatment and -- and that's pretty -- kind of difficult to do, so --

Bird: Let me assure you that it has been -- it has been brought up to developers before in here.

Allen: Madam Mayor? Along with that there are several other provisions that I would like your direction on. One being the inclusion of that western portion of the parcel that is not included in their plat. If Council is okay with that or if Council wants them to include that. And they had asked for the provisions that -- that are listed as should be considered when reviewing development applications to be stricken. They are out of the comp plan. Do you know if you want those stricken or -- or left in.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: You're referencing 5-G, I-1, 2, 3?

Allen: Yes, Councilman Borton. And, then, the other one was 1.1.1-A and B, regarding the remnant parcel.

Nary: Madam Mayor?

De Weerd: Mr. Nary.

Nary: Madam Mayor, Members of the Council, I think there is a significant waiver on the access as well and I just thought of this and so I'm not sure if this would work. Mr. Wardle had raised a portion of the Comprehensive Plan language that was what was -- they were using as their guide in relation to the language they were proposing for the development agreement with the MUN. We could incorporate that language -- or is this the only language he was referring to in red? We could incorporate the language out of the Comprehensive Plan into the findings, so that you have a better guide -- at least some guide to what they are proposing to do, because I remember your testimony -- or not testimony -- your comment was once they have this zoned they are only bond by the zoning regulations, not the Comprehensive Plan. If we take the Comprehensive Plan language and add it to the findings would that cover the gap a little bit better without having to do a development agreement modification on every conceptual plan change that comes along?

De Weerd: Council, I think I'm going to recommend something here that -- a continuation until -- I know next week is a workshop, but there have been so many changes and it gives the applicant some time to maybe work with staff in bringing some recommendations to Council that everyone can live with it. I would make a suggestion to open up the public hearing specific to a summary on where we are at and suggested language that -- that you can have in front of you in black and white, because I'm feeling like I'm the one with the jet lag right now. My head is spinning on -- on where we are and I -- maybe you are tracking it

better than I am, but it might help with giving it some clarity. Two weeks, would that be okay? Yes? No?

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, before we do that, I think -- the only reason they are asking for some of the things they are is so that they don't have to come back and see us so much. Let me try something and if it doesn't get a second, so be it, then, we can go that route. I move we approve H-2016-0092 with the exceptions granted that they have requested that are still disagreements between staff and the applicant.

De Weerd: Which are what?

Palmer: Everything they disagreed on. It was -- everything was noted that they do agree on, including the water issue now. Any of the other things I'm good with. I'm sure they will all be included anyway.

Borton: I will second it for discussion.

De Weerd: Okay. I have a motion and a second to approve -- with the exception of where there is disagreement.

Borton: Madam Mayor? I -- I think -- I like what Councilman Palmer is trying to do. I agree with you. I think it needs actual language that we might not articulate today. We kind of are getting the gist from the staff and the applicant, kind of get -- we can give you the gist and of where we are leaning on the main items, that can help you articulate language that even in a week might be able to bring back. There is not a lot of disagreement when we get to the end of it. It sounds like things are resolved, but the language is critical. So, I -- would the maker of the motion be inclined to withdraw the motion and allow us to table it for a week for the sole purpose of providing actual accurate language that allows staff and the -- the applicant to proceed and know what they are doing.

Nary: Madam Mayor? Just one caution.

De Weerd: Mr. Nary.

Nary: Our ordinance prohibits land use hearings on your workshop. So, you can't continue a land use hearing to the workshop either. So, it still has to be two weeks.

Borton: I would rather -- to this discussion, I would rather have it done right than done right now and I don't like it two weeks away, but I don't know if we can articulate the specifics to give staff --

De Weerd: Could you speak in your microphone.

Borton: -- to give staff comfort. So, that's my concern. I like the idea of the motion, but I'd rather do a two week delay and give them our direction on these issues.

De Weerd: And I think it allows the applicant and staff to work on language on -- and clarity for you all to know where there is still disagreement.

Borton: And -- yes. Madam Mayor, I'm supportive of the application and I will give you at least my two bits on these particular issues, articulating the language if it's continued, if that's the route we go.

Palmer: Madam Mayor, it seems that my motion may have delayed, rather than trying to speed it up, so I just end it and I will withdraw it.

De Weerd: Okay. Second --

Borton: Second agrees.

De Weerd: Can I have a motion to reopen this public hearing.

Bird: So moved.

Borton: Second.

De Weerd: All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

De Weerd: So, before we -- I ask for a motion to continue, would you like to -- to give maybe a summary, Mr. Borton, on where you feel you still have questions?

Borton: Sure. Madam Mayor, of the few items that remain unresolved, I am supportive of what the applicant is trying to do with 5.1G in light of unique circumstances in this case to allow the CZC process to be utilized in lieu of repetitive DA modifications and -- and legal counsel articulated a way maybe to include the Roman numeral I, double I and 12 -- whatever that is. Xii. Those comp plan concepts into the language to give staff some additional guidance and sideboards in managing the future parcels with the CZC process. I'm comfortable with the exclusion of the westerly parcel as requested by the applicant. I'm comfortable with the access request and the waiver for the two

access, which were approved by the highway district. 2.1.1 has been resolved. And the comments from staff for 2.2.9 and 2.2.11 that were presented tonight would be incorporated that the applicant has agreed with. I think everything else -- all of the other provisions were resolved on the record as being either acceptable for staff or the applicant.

De Weerd: Was 2.2.5 resolved? I didn't mark that, so --

Allen: Madam Mayor, may I?

De Weerd: Yes, please.

Allen: It appears we are really right down to the end here to me. If I may suggest just including a provision in the development agreement -- the future development comply with the Comprehensive Plan vision for the mixed-use neighborhood designation and leave it at that. If that's where you're wanting to go and not wanting to have the applicant come back and modify the development agreement -- if Mr. Borton would make a motion basically just what he just said, I think we can work with the language in the -- in the development agreement to follow the comp plan and call it good and I think the applicant would be in agreement with that. You have made a decision. There is a motion -- there could be a motion on the exclusion of the western part of that parcel. Not requiring the applicant to come back and modify the development agreement in the future every time. You made a decision on the access for -- or the waiver for access. Council wants the applicant and staff to work together on the service -- services. Water. I really don't think there is a lot to -- in my opinion to continue it for if Council is amenable to that. Just my two cents worth.

De Weerd: And, Mike, you agreed with the 2.2.9 and 2.2.11 on the language that was proposed by staff?

Wardle: Madam Mayor, that is correct. The only issue that I have -- we didn't understand Mr. Borton's comments about those three discretionary items concerning the Comprehensive Plan. That would be the Roman numerals I-ii and Xii. Was the intent to retain or to remove?

Borton: Madam Mayor, they would -- the idea was they would come out, but somehow be incorporated into the general direction of what the CZC process would be looking for when staff's had those in the future. I think, if I described that right, Counsel Nary --

Nary: Madam Mayor, Members of the Council --

Borton: Legal counsel.

Nary: -- Council Member Borton and Mr. Wardle, I was referring more to that cut sheet you were to as saying that was the direction you felt, so the language of that could, then, be incorporated into the findings. So, not -- no particular ones on this page two, but the ones that you were displaying that are part of our comp plan.

Wardle: I would agree with that, Madam Mayor.

Allen: Madam Mayor, to clarify, including provisions in the development agreement that tie back to those in the Comprehensive Plan, which those three they are asking to be removed are actually straight from the comp plan. I could include basically all of the design elements and -- and vision for that area or I could just simply say, you know, refer it back to the comp plan, too.

De Weerd: I would include the design elements and vision that was supplied. That gives you some guidelines and takes away an arbitrary feeling to -- to this and -- and, again, there is the appeal to City Council.

Allen: It does. There, again, it is very difficult, though, for staff to review an application in a mixed use area when they only come in with individual uses one at a time. That area is really looking at to be an integration of residential uses, lower density, medium high apartments into the neighborhood commercial areas. We do like to see like a small plaza area -- no necessarily a park, you know, but some kind of plaza area for folks to gather. Shoppers, employees on their lunch, you know, some kind of thing like that. Gazebo. But that's the intent of the mixed use neighborhood designation. Pedestrian oriented. Those uses are smaller, generally, that service the surrounding neighborhood. That's the whole point of them coming in with a comp plan -- or a concept plan, excuse me, to look at the overall development area as a whole. While staff understands and they don't always have that opportunity, but that's the intent and it's still hard, even if we -- or Council makes a decision for the -- you know, the staff to review each individual application, it's -- it's very difficult. We can -- we can do that if that's what you would like to do. But that's -- that's the explanation and the intent behind that.

Wardle: Madam Mayor?

De Weerd: Mr. Wardle.

Wardle: Just one final comment. I think one of the things that's happening to us tonight -- is we are looking at just one component of the broader property. When the comp plan objectives are reached, you will have parks, schools, you will have commercial and you will have a lot of residential, which you have not seen the residential components yet. So, the open space aspect that's being suggested in the commercial is actually provided in the context of what will be across the street in the city park, a place for people to go and probably find a shady tree and

the bench to sit on and eat a lunch or whatever. Maybe even run over and do a little exercising at the Y during their lunch hour. But we will also have some common open spaces in the residential components to the west with some community facilities that will come forward in the future. So, we need to take ourselves out of this commercial piece and just look at it in the broader context, which you will see. There will be a development agreement modification that comes forward and will eventually tie this whole thing together, but not hopefully each individual parcel within the commercial. I hope that helps.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: And I can see it striking out pretty dark. That's the one that -- that I agree would be excluded in particular with regard to the open space Roman numeral I wouldn't need to be incorporated. I agree.

De Weerd: You know, I think that the difficulty -- and I -- I know the struggle staff has in this is let's say you're not the applicant, you didn't -- and the applicant is different than who did everything south of you, they are going to be saying the same thing and we are going to say, well, no, you have a responsibility to that piece of property you're developing and you can't depend on what another developer or the city is doing in that area and I think that's a struggle that we have been tiptoeing around when you don't bring it in in one large application that we can't see the whole picture, because we are getting it in pieces and we would be asking this of another developer if it were not you that did all of that to the south. And I'm trying to explain what it has been -- these requirements are not -- don't contemplate the -- the bringing it in at separate times.

Wardle: Well, Madam Mayor, I don't disagree with the -- the desire, but I would be surprised if anybody with the magnitude of this whole parcel, the school, park, YMCA complex, kind of a unique element with the commercial and with the residential component in the future would be able to put all of this together in one fell swoop. The market here just doesn't sometimes allow us to do all of that initially. So, I think it's a great objective. I think we are bringing it forward as we have something that we can concretely propose, give you an opportunity to approve. There will be another step in the future with the residential to the west. So, hopefully, we can get there tonight.

Turnbull: Madam Mayor?

De Weerd: Mr. Turnbull.

Turnbull: Madam Mayor, David Turnbull. I understand what you're saying, but I want to look at this in the context -- this is Marty Hill and this is Brighton Corporation and we brought this western -- or eastern 40 acres in already with a

school, a park and all of those other elements. This is just the commercial development portion of an already public facility. So, going back to Council Member Borton's comment, the one element in there that we are talking about is why would we be required to create more open space and more public open space in this commercial development when we have already got everything across the street that, guess what, we made happen and so it's part of a larger development, the development part of which has already been approved and moving forward. So, that's --

De Weerd: And all's my point was is we understand that, but staff follows our ordinance and the application process and if the ownership is -- when it comes in piece by piece like this is silent. You know, it -- you can't take into consideration really that -- Council can, but staff's recommendations are different. So --

Turnbull: Well, I understand where Sonya is coming from and so that's why we are asking you to make that decision. So, thank you.

De Weerd: Thank you.

Allen: Madam Mayor? Staff is comfortable with going forward if the -- if the Council decides that's how they want to land on this, staff I think has heard enough of your intentions to be able to prepare a findings document for you, if that's the route you should choose to go tonight.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: It is, but I appreciate you bringing it up anyway. I mean the idea of your consistent recommendation and we can discuss it and make a case-by-case decision as unique elements warrant removal of something like this, but I appreciate you bringing it up.

De Weerd: Good job.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearing on H-2016-0092.

Palmer: Second.

De Weerd: I have a motion and a second to close the public hearing. All those in favor say aye. All ayes.

MOTION CARRIED: ALL AYES.

Bird: Madam Mayor?

De Weerd: Do not just say and whatever was -- Mr. Bird.

Bird: I move that we approve H-2016-0092 and include all staff, applicant, Council discussion and I think Sonya more or less said -- Sonya said that she had it -- what we needed; right? That I don't have to go through this again. We get in another half hour argument.

Allen: We are good, Councilman Bird.

Bird: Thank you very much. That's my motion.

Palmer: Second.

De Weerd: If you all know what you're voting on I'm good with that, too. I have a motion and a second. Any discussion?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: I hate to be the wet blanket on this, but I think it's important that we are articulating what it is that we are voting on, so I -- I mean if the maker of the motion and second want to continue that's fine, but in this particular situation I will be voting adamantly no, because we haven't articulated what -- the items that we are voting on.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor and Councilman Bird and Councilman Borton, please jump in if I miss something or say it wrong, so I'm going to attempt to --

Bird: Go after it.

Palmer: -- fulfill that. 5.1G as not being exactly what staff approves of, but what the applicant is asking for that we are approving, as with --

Bird: Here we go.

Palmer: Well, yeah. G and little I, little I, little I -- little I, little I, little I. And 1.1.1 A, B and E. 1.1 point -- still good, Councilman Borton?

Bird: Keep going.

De Weerd: I want to see these minutes.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I -- I thought you had it. From what I heard I was checking stuff off and I think I -- I'm comfortable making the motion -- or making the motion. Excuse me. Voting as Councilman Bird has stated, because I think it did capture where the agreement was and we got the okay from staff that they understand that language. So, that's what I was looking at. I didn't know -- I'm comfortable without going through it again.

Palmer: I'm just trying not to miss any of them that I might have missed crossing out that we were good on.

Nary: Madam Mayor, can I help?

De Weerd: Yes, please.

Nary: So, what I thought everyone had a consensus on on the request in 5.1G was to not require the open space in small I. To include language that was proposed by the applicant about the mixed-use neighborhood uses and additionally some other additional language from the Comprehensive Plan into the findings to show the vision and direction of the Council assisting staff for future development to grant the waiver of the access to Amity Road to not require the remnant parcel be included in the preliminary plan at this time. There was resolution by the applicant in regards to the water line and on the ones the applicant requested on the final page of the document that were recommended approval by the Planning and Zoning Commission, 2.2.5, 2.2.9 and 2.2.11 you were okay with those. I think that covers all of the discussion points that I thought the Council had consensus on and you will get findings and if you don't agree with them or the applicant doesn't, we can talk about it again.

De Weerd: I think you and Sonya have earned Meridian Way coins.

Bird: We will get you a fire hat.

Allen: Do I get to ride in the big red truck, too?

De Weerd: Okay. So, the motion maker and the second both agree with that?

Bird: Yes.

Palmer: Absolutely.

De Weerd: Council, any questions on the motion? Okay. Mr. Clerk, will you call roll. This was supposed to be a short meeting.

Milam: I know.

Roll Call: Bird, yea; Borton, yea; Milam, yea; Cavener, yea; Palmer, yea; Little Roberts, yea.

De Weerd: Hallelujah. All ayes.

MOTION CARRIED: ALL AYES.

Item 11: Future Meeting Topics

De Weerd: Okay. Council, any items for future agendas?

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: It came up this evening maybe changing our ordinance to allow land use items in workshops on certain -- under certain circumstances. For example, a continuance for a specific short item. Just a thought.

De Weerd: Council, do you have an interest in -- in that? We have three meetings a month.

Milam: Madam Mayor? It would be something, for example, like this. If we needed to continue it just for a decision for some clarification of paperwork, to not make a developer wait additional weeks because it -- because we have an ordinance that doesn't allow it. I'm not talking about having full blown out hearings necessarily. It would only be in a situation of -- like I said, a continuance for a specific item that, obviously, would be a public hearing, but if it was a -- one that was going to take all night and, then, we wouldn't continue it to that week. It's at our discretion. It would just be allowing us to do that, so we choose.

De Weerd: We can put it on the agenda to --

Cavener: You're not alone in this, Genesis. I think having that as an option is a great idea.

De Weerd: Okay.

Cavener: It's a great recommendation.

Item 12: Executive Session per Idaho State Code 74-206A (1)(a): A governing body or its designated representatives may hold an executive session for the specific purpose of: (a) Considering a labor contract offer or to formulate a counteroffer.

De Weerd: Item 12 is Executive Session. Do I have a motion?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we go into Executive Session as per Idaho State Code 74-206(a),(1)(a).

Milam: Second.

De Weerd: I have a motion and a second to adjourn into Executive Session. Mr. Clerk, will you call roll.

Roll Call: Bird, yea; Borton, yea; Milam, yea; Cavener, yea; Palmer, yea; Little Roberts, yea.

De Weerd: All ayes.

MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION: (8:05 p.m. to 8:34 p.m.)

De Weerd: Okay. I would entertain a motion to come out of Executive Session.

Bird: So moved.

Borton: Second.

De Weerd: All in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

De Weerd: Do I have a motion to adjourn?

Bird: So moved.

Borton: Second.

De Weerd: All those in favor. All ayes.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:34 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)


MAYOR TAMMY DE WEERD

10, 18, 16
DATE APPROVED

ATTEST:

C. JAY COLES, CITY CLERK

