

A meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, March 29, 2016, by Mayor Tammy de Weerd.

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

Members Absent: Genesis Milam.

Others Present: Bill Nary, Jaycee Holman, Bruce Chatterton, Josh Beach, Jamie Leslie, 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>    </u> Genesis Milam	<u>  X  </u> Lucas Cavener
<u>  X  </u> Mayor Tammy de Weerd	

De Weerd: Okay. Good evening. Thank you for joining us. I will go ahead and call our special meeting of City Council to order. For the record it is Tuesday, March 29th. It's 6:00 p.m. I will start with roll call attendance. Madam Clerk.

**Item 2: Adoption of the Agenda**

De Weerd: Item No. 2 is adoption of the agenda.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve the agenda as published.

Borton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**Item 3: Public Hearing Continued from March 15, 2015 for Brinegar Prairie Subdivision (H-2015-0046) by Suggs Community Solutions Located 2220 N. Ten Mile Road**

1. **Request: Annexation and Zoning** of 23.46 Acres of Land with an R-8 Zoning District
2. **Request: Preliminary Plat** Approval Consisting of Ninety-Six (96) Building Lots and Twelve (12) Common Lots on 22.6 Acres of Land in a Proposed R-8 Zoning District

De Weerd: Item 3 is our public hearing. Continued from March 15th. It was continued specifically for the preliminary plat. I will turn this over to Josh.

Beach: Thank you, Madam Mayor. As was said, this is an item that's been continued to tonight for some changes requested by Council for the preliminary plat. So, again, this is an application for annexation and zoning and preliminary plat. The site consists of 23.46 acres of land, zoned RUT, located 2220 North Ten Mile Road on the east side of North Ten Mile Road north of West Cherry Lane. There, again, this is an annexation, so there is no history on the property as far as the city is concerned yet. The future land use map designation for the property is medium density residential. The applicant had previously presented a preliminary plat with 96 residential lots and 14 common lots. The revised preliminary plat, what you will see tonight will be 93 single family residential lots and the same number of common lots being 14. Staff has reviewed the proposed plat and, again, I will go through these with you. But it doesn't meet our current standards in the UDC. So, as you can see here this is the original preliminary plat that was proposed to the Planning and Zoning Commission, which they recommended some changes. The applicant then came -- came back with this revised preliminary plat. As you can see this one having the -- the 5,000 -- around 5,000 square foot lots here on the south. Council then asked at our last meeting that the applicant revise that to increase the size of the lots to a minimum of 8,000 square feet. The applicant has done that and will present that to you tonight. With that staff did receive a number of additional comments from the public in between the previous City Council meeting and tonight from -- one from Debbie McDonald and, then, from Shirley Carol. Staff will stand for any questions you have.

De Weerd: Thank you, Josh. Council, any questions?

Bird: Not at this time.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Josh, were there changes in the -- in the perimeter on the east side as well or just the south?

Beach: No. Just on the south. So, you can see here on the plat that was reviewed at the last Council meeting -- I think the lot size changed slightly in that southwest corner, but very minimal.

Borton: Okay.

Beach: Yeah. Open space is comparable to that -- to the previously reviewed plat as well.

Borton: Thank you.

De Weerd: Okay. Thank you. Is the applicant here? Good evening. If you will, please, state your name and address for the record.

Suggs: Thank you very much, Mayor. My name is Jane Suggs, 200 Louisa Street in Boise, and I'm representing Trilogy Development and the Brinegar Prairie Subdivision and, first, I'd like to say thank you to the staff for that brief, but complete analysis of our new plat and a very special thank you to the Council and all the other staff for being here tonight for this very special meeting and for the neighbors who have shown up. First, I think Josh did a good job of what happened is we lost three lots. We did have more lots along the south boundary and we have lost three lots and enlarged those lots. We haven't made any other lots smaller. Council Member Borton asked about the east boundary. That east boundary already the lots were 8,000 square feet. So, we did not change those. That meets the R-4 requirement for our perimeter, which matches R-4 lots that are around us. We also -- I remember a comment from Council Member Milam, who said it looks like you're just doing minimums and so -- I think she was talking about open space. We did on our last plat show that usable open space was ten percent, even though we had quite -- more actual open space. We have now recalculated 13.8 percent of our space is usable open space and, again, that's just using portions. We haven't included some of the open spaces that we could include as usable, we just want to make sure that you realize we are not going just for minimums on open spaces. Again, we have developed this very closely with the staff. We have met the Comprehensive Plan. We also met all the subdivision requirements, no requests for waivers or any kind of extra consideration of the subdivision ordinance. We agree with all the conditions of approval. So, we actually respectfully request your approval of this and I will stand for questions if there are questions about this, because, really, the only change you see now is fewer lots and larger lots along the south.

De Weerd: Thank you, Jane. Council, any questions for the applicant?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Jane, first I want to thank you for going back and redoing this. If my calculation is right, we have got -- we have got two of the lots are in excess of 10,000 square feet. We have three over 9,000 and we got 21 over 8,000 and, then, 68 of them that's 5,000 plus. So, actually, you have not taken -- you have not used the R-8 minimum at anyplace.

Suggs: Which is a 5,000 square foot lot. Yes.

Bird: Which as one of the biggest doubters last time around I appreciate that.

Suggs: Thank you.

Bird: I very much appreciate the effort you guys put into this. That's all. That's all I have got to say. Thank you.

Suggs: Well, thank you.

De Weerd: Thank you.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor. Jane, quick question. What do you anticipate being the minimum home value for the smallest one in the subdivision?

Suggs: I'm glad you asked. Just a moment and I will get something I can give to Josh, because I wanted to show you something. I want to make sure I'm not doing anything special that would require me not to -- not to participate -- to change this hearing, but I have -- I have some homes and home values from a similar subdivision. Can I show that to the Council?

Nary: Sure.

Suggs: Okay. P&Z did not see this particular drawing.

Nary: Well, I -- Madam Mayor, Members of the Council, I guess it's in response to the question --

Suggs: Yes.

Nary: -- so I guess that's -- I think that's personally fine.

Suggs: At the last hearing I showed you some homes that were typically built by the -- by the home builder and so I wanted to actually go out and look at a new subdivision where similarly sized and valued homes were being built and that's

the Chesterfield Subdivision in Meridian. So, we have a couple of houses here that -- from the assessor's data, but they are fairly new houses and that's one that's close to 200,000. If you will scroll up you will see they are fairly large, over 2,000 square feet. And, then, this last one I did show a smaller home, probably one like I would buy, and that shows a 1,340 square foot home with a value of 157,400. We actually think that the values here will be a little higher than Chesterfield, because of location. So, again, that value includes lot values and home values, so I would hate to say the minimum value, but it would be something very comparable to that, with most of the homes in the 200 range.

Palmer: Okay. Thank you.

De Weerd: Okay. Any other questions from Council? Okay. Thank you. I did have several people that signed up. When I call your name if you would like to provide testimony I will indicate how you signed up. Blaine Tewell -- I don't know why I never remember how to say your last name. But did sign up against as is and come on forward. Or neutral. I am sorry, I had Michael Matson's comments as yours.

Tewell: Okay.

De Weerd: Thank you for being here.

Tewell: My name is Blaine Tewell. I'm in the Sunburst Subdivision. Thank you for having me tonight and allowing me to speak and thank you, Councilman, for your question, because that was something that was on my mind. The house that --the last one she mentioned, 1,340 square feet, with an approximate value of 157, my house is about a hundred square feet less than that and the value is -- is about 168,000. So, I think it's going to be a little bit of a pull on the value of my home or any home comparable to mind if they are going to be pricing some of those houses on the smaller lots at 157. You know, I'm open to the idea of, obviously, having the development. I'm not totally against anybody trying to do something positive in the community, but I just want to make sure it doesn't negatively impact myself as a homeowner and mixing apples and oranges. I'm looking for consistency and so I appreciate the improvements on the south -- south end where they changed the size of the lots, because that's pretty comparable to mine. Mine's 7,800 square feet. But my concern would be if they are still going to be putting in lower priced homes it's still going to be a little bit of an anchor or a negative pull on the value of the rest of the homes in the area, even the ones in that development, for that matter, because that's going to be a reference point at some point for an appraiser and that's all I got. Thank you.

De Weerd: Thank you, Blaine. Michael Matson. Good evening.

Matson: Good evening.

De Weerd: If you will, please, state your name and address for the record.

Matson: My name is Michael Matson. Address is 2343 North Morello. I live just north of the proposed subdivision.

De Weerd: Thank you.

Matson: And previously when I was here I brought up matters of safety that were a concern of mine and still are and it feels like, though, ACHD is more the -- the route for that, but at the same route I feel that the city should have a little bit of pull for the -- the streets in their city. It's still very much a concern of mine, especially that corner where Morello will meet with Chateau and I know previously the representative here from ACHD said that -- referenced people not wanting to stop for stop signs and that might be true, but that is still the law and that's not a reason to not put up a stop sign because you feel people might not want to stop there and it is a collector and I understand that that is a route built to collect homes out of the -- or cars out of the neighborhood, but it still needs to be safe for travel. Just tonight on my way here at the park at Chateau as I passed it there were cars on both sides of the street and -- as people were there for their football practices and lacrosse and everything else and it's an active neighborhood and I would hate to see as almost a hundred more homes come in that many more people are there and not have that road be safe. Secondly, I wanted to address the size. One of the things that I got a little fired up last week -- or two weeks ago when we -- we previously met was -- they were throwing around numbers of how big the subdivisions are. I, too, got on Google Earth today and did a little bit of math and the 55 homes in my neighborhood in the Kentfield Subdivision just north of us, she's right, we are at about 3.6 to 3.7 homes per acre and as she was throwing out these numbers last week they are correct numbers, I don't have any arguments with those numbers, but it's hard to necessarily understand them when you just throw out numbers and we need to remember that there is a house attached to that and a house is massive, it's not a small Hot Wheel car or something else that is easily dividable. A house -- even just a half of a house more on an acre is a large amount of something to put on a property. With these new changes that she made -- and I guess she said about 13 percent of the -- of the acreage is going to be open space, my rough estimates say that it's about 4.7 homes per acre. That's about a full home per acre more than the lots -- than the subdivisions in Sunburst and Kentfield where I live and that's -- that's not very comparable. A whole other home per acre is quite a bit more to shove onto and squeeze into that neighborhood and I don't feel it's comparative and the reason for that -- I think for that size and what -- a solution that I could potentially see -- and I don't know what power you guys have for city code to do this, would be to potentially give them a variance on the open space. As I look at my open space in my neighborhood there is one lot and it's a drainage ditch out of the 55 homes. The one to the south, Sunburst, as I was counting them from Google Earth, I didn't see any real open space as far as parks and things. We have a park right next door to us, just northeast of that

property that those citizens could easily use just as I can and that might be a potential solution where both sides where the neighbors who are concerned about how many homes are being shoved in there and for them as they want larger lots and all of us want larger lots that fit more the community, potentially those -- that development could go up to an R-4 development, have a few less homes in it, take advantage of not necessarily having to have as much open space, because there is that park there right next door that the citizens could take advantage of. I don't know, again, if you guys have the ability to do that, but I think that is potentially a solution that could work out for -- for all parties involved to still have the higher number of homes and a slightly higher density there, not really exceed an R-4 very much and still have open space for those people to be able to take advantage of living in this nice community we have and that's all I have. Thanks.

De Weerd: Thank you. Margaret Enking. Signed up as neutral. Thank you. Monica Tetrault. Okay. Thank you. Also signed up as neutral. And Ken? Okay. Signed up as neutral. Glenn Bentley signed up against.

Bentley: Good evening, Mayor and Council.

De Weerd: Good evening, Glenn.

Bentley: Glenn Bentley. 2250 North Astaire Way in Meridian.

De Weerd: Thank you.

Bentley: I live in Glennfield Manor, which is a part of this one mile sector. I watched the video last week and which is the reason I came down. I also served on the City Council from 2000 -- or, excuse me, 1996 to 2000 and during that time we did some in-fill products into this one acre sector. One of them was Tuttle Creek and the other was Devlin Place and at no time did the City Council ever envision throwing an R-8 in the middle of this one mile sector, as Councilman Bird has spoke to at the previous meeting. Several of the people that have spoken about the impact on home values. I am also a realtor, have been so for 15 years and have sold about 15 homes within this one mile area and the biggest selling point that we have had from the clients buying was the fact that they were larger lots where they had room for their -- their RV, their boats or trailers, because, face it, three-quarters in Idaho are outdoor people and if you have these smaller lots in the center of this -- I mean appreciate the developer going around and putting R-4 around the perimeter, give them a buffer, but the problem is going to be is where are these trailers and RVs going to be put? They are going to be stuck in the driveways, they are going to be left on the street, which is going to put some work on the zoning. Code enforcement people are going to have to be out there and take care of this. The traffic is an issue. I don't know if ACHD is here tonight, but I will tell the Council this, do not let them slip a traffic light there at Chateau and Ten Mile. The nice part about the

five lanes now is it stacks the traffic and it's going to start deferring to people that cut through this subdivision. The issue of stop signs has been well addressed before. Prime example ACHD can attest to is Edna Street in Boise. They have got them every block up there and it doesn't do any good, people just blow right through them. So, you know, they have got to figure out how they are going to get this traffic out of here. Part of the development we did in Devlin Place we wound up getting about four more acres tacked onto the one acre little area park that was there and now Chateau Park has been developed with the help of the parks and rec commission and we got -- got the rest of the street through, which I don't know whether that was a blessing or not. So, anyway, I would like to see this go back to being an R-4 to complete the fill in. I know it's a property rights issue and I thoroughly believe in property rights, but the thing the Council has to remember, the property rights not only apply just to the product that you had before you tonight, but you must take in the affects of the property rights of the owners around the subdivision that is going in. Thank you for your time.

De Weerd: Thank you.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Sir, if I could ask you a question.

De Weerd: Mr. Bentley. A question.

Bentley: Almost got away. Yes.

Palmer: I perk up whenever I hear the words property rights, because that's the thing I argue for all the time. I'm just curious, you mentioned the property rights of the surrounding neighbors. What rights would be violated should we approve this tonight?

Bentley: Well, if you -- if you look -- and I'm going to go back -- I watched the video of the March 1st hearings that you had where there was two in-fill products -- projects that were turned down and you were the only one that voted for that and you were pretty adamant about your property rights issue. People do have the right to develop their land, but there is regulations between the city, the county, and the state that have to be followed. You cannot do just anything you want on your property, it has to follow the zoning laws and the other laws and regulations that are set in place. Now, the people have spoken about the fact that lower size homes within a certain area is going to impact as it -- like I said, as a professional realtor I can tell you that they are absolutely correct that they are going to take -- and the appraisers whenever they do a product analysis they have to take into consideration the surrounding homes. I do a lot of broker price opinions for banks and they want stuff within a half mile of the homes that they

are assessing and, you know, that puts it right in the middle and the safety issue, too, is very important.

Palmer: Thank you.

Bentley: Yeah. Anybody else?

De Weerd: No. Thank you.

Bentley: Thank you.

De Weerd: Claire Chapple. I'm sorry, I wish we had a portable microphone that we could have just taken this to you. Thank you for being here this evening.

Chapple: I'm coming. Claire Chapple. 3017 West Bonner. We are directly across from the new subdivision. Our house backs up against Chateau. I just have one question. This is in regards to traffic. It has always been about traffic. Before when we got notice that this was happening, I called the developer, it's a done deal. This is before anything was done. Their arrogance was unbelievable. I went to the Planning and Zoning. We talked. We had a good turnout against this traffic. Nobody listened. It passed onto you. Why doesn't anybody listen to the people who live there? I just left my home. The park that is right next to our subdivision, the streets are lined with traffic. The children are lined all over the place. It's unbelievable to have traffic only come out on Chateau is ridiculous. We had a hard time tonight getting out of the -- out of our subdivision to come here onto Chateau. It's unbelievable. Now, I have worked for government most of my life. There is no such thing as you can't do. I have heard now talking about Ada County can't do this and Ada County can't do that, to have an opening onto Ten Mile. Well, they can do. They don't want to do. Take a right on Ten Mile. They put entrances all along Ten Mile when they put that road in. There is nothing there for the entrances for a street. They even have an entrance to a person's house into their front yard that is right on Ten Mile. Please explain to me why everybody has been talking about the damage, the traffic issue, it has to be resolved before anybody -- anything happens and nobody listens to us. Thank you.

De Weerd: Thank you. Appreciate you being here.

Cavener: Madam Mayor?

De Weerd: Yes. Ma'am.

Cavener: Claire?

Chapple: Oh, I got a question.

Cavener: Yes.

Chapple: Yea. I will take them all.

Cavener: One, because I wanted to make sure you knew we were listening to you, so --

Chapple: Oh.

Cavener: But I'm just curious, what -- what's your suggested solution?

Chapple: Thank you. My solution has always been we need an exit out of the subdivision onto Ten Mile. It doesn't have to be a light, it just needs to have a -- so that people out of the subdivision can make a right onto Ten Mile going north without going on to one street. That Chateau Street is taking -- going to take the brunt of all the traffic. You have got to have another exit. Now, that -- that is also directly across from a street in the subdivision on the other side of the Ten Mile. Now, they could do it, why can't this subdivision have an exit onto Ten Mile? Disregarding a light. I don't care.

Cavener: Thank you. I appreciate it.

Chapple: Thank you very much. Thank you.

De Weerd: Thank you. Peggy Gardner signed up against. Good evening.

Gardner: Good evening.

De Weerd: If you will, please, state your name and address for the record.

Gardner: Peggy Gardner. 2156 West Chateau.

De Weerd: Thank you.

Gardner: And I know this is going to be developed and I'm not against the development. I do think the lot sizes need to be larger, so that we do have comparable values. My -- my issue is that with the density that they have got, that -- and pouring it all onto Chateau, it is going to be a safety hazard. The people I have talked to -- you talk about 40 mile an hour speeds on that straight stretch there and it's quite frequent. So, I'd like to see some dips in the road, something in order to slow the traffic down, because it is a hazardous spot, especially coming up to the park there. I know that the fire trucks use that and having used the fire trucks a few times and the ambulances, I understand that we want to keep the road clear, but something needs to slow the traffic down and if stop signs won't do it, I get a dip in the roadway. So, I'd like to see smaller density -- or I mean larger density -- I will get this right in a minute. Fewer

houses and -- so that it doesn't impact the traffic as much and the safety of the citizens that live there. They are stacking already when there is the school bus that comes right there on Ten Mile and so it's not a safe condition. There is people parked there and the road really isn't wide enough and I know they are widening it, but I don't think they are going to widen it enough to where it's not going to impact, so --

De Weerd: Okay. Thank you, Peggy. Any questions? No. Thank you. Randy Witt. Good evening. Thank you for joining us.

Witt: Randy Witt. I live in 2823 West Kandice in Sunburst and I guess first thing is thank all of you for being here tonight. I do appreciate that the developer did take some time and redo the map and I also did want to say this at the start. My background is mostly small town midwest, smaller than Meridian. So, Meridian is big town for me and it is also my first experience with city government and I didn't know coming in what it was going to be like. I mean the communities I was in you could expect there would be interaction. I was pleased to last time find that there seemed to be people on the Council that did understand our viewpoint, that it wasn't just -- up until that point I hadn't and so it's just a thank you again. It makes -- I had -- before last Council's meeting debated is it even worth trying to do something with city government or is it just big they don't care and I appreciated coming here and feeling that there were people that were listening. So, I mean I was to -- I was close. I said is it worth coming and doing something with city government. So, that's just a thank you. As regarding the plan, I'm -- I'm -- you know, my wish would be that there were fewer houses, but I'm not going to say keep going back forever. I do -- I'm curious about where your definition of lot size -- what you based that on, because, again, coming from the midwest, an 8,000 square foot lot would have been kind of small in the towns I was in. I mean I lived just in an average house and I think mine was closer to 10,000 and so 8,000 or 5,000, I mean we live in 8,000 some now, but it does seem a little bit -- going 5,000 seems small, but, like I said, ultimately my biggest concern is -- you know, we -- there is many of us that are homeowners there. I don't know how many border that. Maybe a couple hundred in the subdivision. You know, we have all invested money in those houses and none of that equals what the developer individually spent, but I bet we probably all spent that much in toto and we keep investing in our houses and we -- my wife and I do a lot of landscaping and we invest a lot of money and we invest a lot of our lives into that and -- and a developer will come, build the houses, and go on and we will live with whatever the results are five years down the road, ten years down the road, and we hope to still be there and so with every decision you make that's all I ask you to take into account. If this plan looks good to you, then, I abide by that. I mean I just -- that's the only thing I have to say. Yeah. And, again, I appreciate that we can come and speak and feel like there are people that are hearing what we are saying.

De Weerd: Thank you. Okay. Those are the folks that signed up. Is there anyone else who like to provide testimony? Yes, ma'am. Thank you. If you will, please, state your name and address for the record.

Hoberg: Deborah Hoberg. 2254 North Swainson Avenue on the corner of Chateau and Swainson in Meridian, Idaho. Thank you for meeting tonight. I know you weren't scheduled to. Madam Mayor, thank you. Everyone that spoke tonight spoke very real concerns and I'm behind every one of them and the gentleman that spoke tonight about the comps, I really appreciate that. At the very first neighborhood meeting they had for this, which was at the school there off of Chateau, I was told that it's going in and there is nothing I can do about it. And that was from the representative that was there that night for the builder and, you know, that's a fact, she said that, because I remember I said really? Well, I don't know. Can we do something about it? We are homeowners and if they put a 158,000 dollar home in across the street from my house that will affect my comps. My comps -- my range of my house right now is at 230,000 if I was to sell right now, but not if that home goes in across the street and I was also told by the representative that a 24,000 square home will sell for a 20,000 square foot home. That's funny. Mine is 1,780 square feet. If it was in Bridgetower I could sell it for an additional 100,000. Simple as that. So, the comps do matter and we lost a lot of value in our homes there in the depression or recession, whatever you want to call it, where homes were being repo'd and just sold off. So, a lot of the comps went down. We are finally getting back up to where. Not completely, but close. The taxes went up, but my comps haven't gone up that far and -- which they did go up this year, the taxes. But the thing is those comps are going to affect us and R-8 does not fit the neighborhoods there. They just don't. Those are little tiny homes with 50 square foot -- of 50 diameter lots that are going to be facing mine in the backs of them and that's going to affect my comps. I'm retiring. I'm retired I should say. That home, when I'm too old to take care of it, is going to have to be sold and I have got my full life's investment invested in that house and I'm 65, so I don't have too far to go before I will be going into a senior development and I need to have those comps there. This subdivision is going to knock our comps down and I do want to thank everybody for speaking tonight on behalf of Kentfield and surrounding neighborhoods and I want to thank you all for listening.

De Weerd: Thank you. Good evening.

Fulkerson: Thank you, Mayor. David Fulkerson. 2370 North Morello. So, my one comment is I'm concerned about the traffic and most of that being what's going to dump out at Chateau in that Morello intersection there. When you try to get out of that street coming south on Morello, the park, the Chateau Park, there is a natural jog in the street, so it's very hard to see anybody coming down that street. We have had several cases where there has been some cars -- wrecks there. I think with an outlet dumping across -- straight across from there it's going to be near impossible for anybody to get out on that street if you have to

worry about traffic coming the other way as well. So, I think what we are going to find out with this density of homes in that area is that you're going to shove a lot of traffic onto the adjoining neighborhoods, people are going to have to go out the other end of it, which is going to cause traffic issues for the subdivisions north of that, because there is going to be virtually no way to get out of there. Plus everybody coming out of there, Ten Mile is hard enough to get out on already, so most of those people are going to have to make a right and go through the subdivision, go out the other part of Chateau, which just impacts all the people on the -- on the east side of the subdivision as well.

De Weerd: Thank you. Additional testimony? Okay. I would ask the representative if you would like to respond to -- to some of the questions or comments and make your final remarks.

Suggs: Yes. Thank you very much again. Jane Suggs representing Trilogy Development and Brinegar Prairie. One of the things -- I'm going to talk a little bit about values and what I have been talking about are assessed values and they are different from sales values. So, if someone says our home is 230,000, because they have had an appraisal, that's a sales value, even though the assessed value might be quite a bit lower than that. The information I have presented on Chesterfield were assessed values. They were not the sales prices. Those are assessed. So, they would be lower than what we might see. Now, I did the four nice size homes, the two story, with two car garages, but I also wanted to make sure that I didn't get challenged that -- you're not showing any small homes, so I did show a small home, but I would hate for us to base all of our discussion on that one small home. I'm going to actually right now ask you to look at another part of that jump drive that shows adjacent parcels to Brinegar. So, this is in response to questions again. So, I'm providing some new information, hopefully this will work as a response to the comments from the neighbors. I actually did an assessment of the surrounding properties and I listed them -- I listed the values that were tax values and I listed the living space areas. So, you will see that there is -- and this doesn't include garages, because, you know, assessed value doesn't -- well, it takes into account the garage, but we are talking about living spaces and when I'm talking about Chesterfield, I'm also talking about living spaces. If you will scroll down to the bottom you will see that the average value of the home -- of all the homes surrounding us average assessed value is 170,000 dollars and the average square footage is just almost 1,600 square feet. So, there is quite a range there, of course. There is some homes that have tax values of over 200 and there are a few that are in the 150,000 dollar tax value range. And, again, I want to make -- it's important to know these are assessed values, not what someone would sell those houses for, because they are great houses and they will sell for probably more than that, just like Chesterfield would. I want to address Mr. Matson. He was talking about the surrounding densities for the subdivisions that were between 3.6 and 3.8 dwelling units per acre. With our change we are now are 4.11 dwelling units per acre in an R-8 zone. So, we are -- we have dropped our -- our density -- our gross

density again to 4.11, which is still very much in the Comprehensive Plan for medium density residential. Mr. Bentley said that there was no contemplation of having any kind of R-8 homes here and I would only beg to say that the Comprehensive Plan very much does plan for R-8 homes. R-8 is smack dab in the middle of medium density residential, which is what is called for by this Comprehensive Plan for Meridian. He also was concerned about rights and Mr. -- Council Member Palmer asked about rights and Mr. Bentley was true -- it's true, everyone has a right to develop, but also neighbors have their rights as well and you protect those rights by making sure that we are building to your Comprehensive Plan and we are building to your subdivision ordinance and we are doing those things. So, we feel like those are some of the rights that you carry for the neighbors. I'm sorry Mrs. Chapple felt that I was difficult. I think I do remember talking to her on the phone and her concern was taking traffic to Ten Mile and you have heard ACHD that as a five lane arterial and we will not be able to get access from this subdivision to Ten Mile Road. No one -- no number of lots would be able to do that. Chateau is a collector street and by design and by definition it collects the traffic from neighborhoods and, then, takes it to the arterial street. I think one of the things that we have failed to kind of talk about a little bit -- and Mrs. Gardner talked about the street and the traffic and the safety, the curb, gutter, and sidewalk I think will very well define the street. I won't say that that will slow traffic down, but it certainly will give a boundary. Right now there is no -- there is no curb, gutter and sidewalk on that edge and I think a lot of people think I'm on a country road and I can go faster or something, but I'm hoping that the curb, gutter and sidewalk will at least provide a safe haven for people walking, especially for the kids and curb, gutter and sidewalk will define the street area and we are building that as a 36 foot standard subdivision street according to ACHD. And I do agree with Mr. Witt, thank you very much for listening, because it's really nice to be able to have this conversation with you. And, again, just wanted to make sure that we are -- when we talk about values, we were talking about assessed values and not what someone would sell their house for, so -- if you will pull up maybe that other -- those other houses. If you have questions I will answer some questions, but I hope you will understand that we have been very careful about this and I apologize if someone thinks I came across as being so certain. I'm never certain that a project can be approved, but I do respectfully request your approval of this project with the changes that we have made. Meeting your comp plan, meeting your zoning ordinance, meeting your subdivision ordinance and agreeing to all the conditions of approval.

De Weerd: Thank you.

Suggs: Thank you.

De Weerd: Council, any questions?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Jane, revised seven. What's the date? I have got a date on every other revision and I want a date on seven. What's the date you revised it, for the record.

Suggs: Let's see. When was our last hearing?

Bird: It better be on the original.

Beach: The last hearing was the 17th of March.

Suggs: Okay. 22nd.

Bird: March 22nd?

Suggs: March 22nd.

Bird: Madam Mayor, follow up, please. And on your assessed values, what -- is this subdivision that you are getting these off from, are those R-8 lots or R-4 lots?

Suggs: R-8.

Bird: R-8. So, the lots -- and, then, the ones you gave on your earlier one, was that in the R-4 subdivisions?

Suggs: Those are -- those would be in R-8 size lots, 5,000 and above and, then, some that were --

Bird: No. The one -- when you had -- by the list of the houses surrounding this --

Suggs: Yes.

Bird: -- proposed -- now, those are all R-4 lots; right?

Suggs: Yes, they are.

Bird: And they are -- and they are included in the price of the house?

Suggs: Yes.

Bird: You got that, but they are R-4 lots. They are the 8,000 lots or bigger?

Suggs: Yes. Those are all surrounding us and those lots are all R-4. Now, one of the gentlemen said, you know, he has an R-4 lot, but it's 7,800 square feet, so, you know, there is some adjustment to that, I think, so --

Bird: But you know the lot is part of the assessed value, too, so --

Suggs: Right.

Bird: But -- and an R-4 lot is going to assess -- be more than what -- by square footage, because they do it by square foot and -- so the house -- price of the house is -- is going to be a little different.

Suggs: May I comment about that?

Bird: Sure. You bet. That's why I --

Suggs: Councilman Bird, Thank you for your assessment of that. I did not break out the value of the home versus -- look at every assessment, because you can look at assessment notices and it breaks out the value of the home versus the value of the lots. I think the lots here will probably maybe even be more valuable no matter what size. However, I do -- don't do things that -- because we are at Ten Mile Road and Chateau, you're not going to see additional value on large lots. I mean you are talking about building larger lots and this is when you get into that question about whether or not it makes sense to build larger lots with larger homes, unless you have got -- when you're at these busy streets and so -- and so R-8 seems to be the right way to go, except for those surrounding those adjacent to the other subdivisions.

Bird: But not ever being a developer, we -- we buy the ground by square footage and we sell the lots by square footage cost. If I have got an 8,000 square foot lot I have got to get more than if I have a 4,000 square foot lot; is that not right?

Suggs: I would disagree in a subdivision where it -- a lot of it depends on the house. You might have a house with a 5,700 square foot lot, which we have some of those, next to a lot that's 7,500 square feet, but it really depends on the house that you're going to be putting on that lot on value. You're not going to pay a whole extra for that larger lot -- you may. When the developer sells to the builder he may, but the builder is going to build something and he has to value that home and lot at a certain value that will sell. So, he might not always get the same -- he may get the same amount for the lot, because of the types of housing he's building. So, I mean when you're talking housing and lots, it's not exactly a square foot -- oh, I'm going to get more for this particular house, because it's on a larger lot. I mean I have seen that in lots of -- I mean I live in a little lot in a little house, but it's worth -- because of the house -- more than some of the larger lots in my neighborhood. But, yes, we can agree to disagree on that, but I think --

Bird: That's fine. You have done it, I haven't.

De Weerd: Any other questions?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Jane, two weeks ago you touched briefly about some of your interactions with the school district related to busing. It seemed like that at the end of our meeting a couple weeks ago that maybe you or some citizens were going to maybe work proactively with the school district to see if there is a potential resolution. So, if you could update the Council on your efforts since then?

Suggs: I have to say I haven't followed up with the school district, but I have talked to Mike Matson, who was seeming to have a little bit better interaction with the bus company. The bus company saying they would just do whatever they were told to do, but they would be willing to drive to -- down the collector streets and not necessarily stop on the arterials, but I haven't been able to get any further than being told that that's where the buses stop now. They could change at anytime. I could build a bus stop, but it wasn't going to be where the buses were going to go, so -- yeah. But I am willing to work -- I know there was some discussion about putting that as a condition or whoever we can get to see if we can make that change and it might mean working with you, too.

De Weerd: Any other questions from Council? Okay. Anything further for Ada County Highway District? I guess I should have asked that before we had the applicant come up. So, Justin, I think you might have a question here. Thank you for being here.

Lucas: Thank you. For the record Justin Lucas representing Ada County Highway District. Business address is 3775 Adams Street, Garden City, Idaho.

De Weerd: Mr. Bird.

Bird: Madam Mayor. Justin, for everybody's clarification, would you explain why ACHD has no problem with this density and what it takes to get a stop light or stops in it and what the role of ACHD is and what the city is regarding traffic?

Lucas; Madam Mayor, Councilman Bird, thank you. As you know, ACHD has jurisdiction over all of the roadways in the City of Meridian, excluding the state highway system. Through the development process all of the applications start at the City of Meridian. ACHD is not a lead agency in this process. We are a recommending body. So, when an application comes to you it is transmitted to us and we perform a -- a technical analysis that you have in your staff report based on the established policies and procedures of the Ada County Highway District. Now, those policies and procedures include things like how much traffic is allowable on a certain type of street. The analysis includes the need for

signalization of intersections, et cetera, et cetera, et cetera. There is all kinds of things that are looked at. On these types of projects, which we would considered an in-fill project where the only thing the applicant is doing to the existing street system is basically finishing parts of Chateau and, then, really on Ten Mile the sidewalk -- the pedestrian facilities there, were put in by the Ada County Highway District when we widened that street. And, then, obviously, the internal streets that are being proposed by the applicant. So, ACHD looks at all of those different conditions and based on the different warrants and technical analysis that we go through, we make a recommendation to the City of Meridian on the project. Now, traffic, as you know, I mean everyone has a different perception of what that is and how we are supposed to deal with it. The highway district has established policies and thresholds based on national best practices. For example, a collector street, although some people would argue that a collector street should only have a certain amount of traffic, ACHD establishes a threshold that this is the amount of traffic that is allowable on a collector street. In this instance we found that the traffic proposed by this subdivision did not push the traffic on Chateau above the adopted standards and thresholds. Therefore, when we come to you and in the report we recommend that it seems appropriate to allow this subdivision, based on the traffic numbers we expect, to use Chateau as it's primary access to Ten Mile Road, just like many of the subdivisions in the past that would come in and were built along this corridor use Chateau as their primary entrance onto Ten Mile. And as you're aware -- you're familiar I live in this square mile and very familiar with it. There are other streets to get out to Linder and Todd. There is Todd. There is Chateau which connects to Linder on the other side. Some parts of Chateau have front-on housing, some parts do not. And all of that is over time, as regulations and requirements have changed -- as you know it's a very fast growing city and we try to keep up as best we can with -- with all the growth here. But Chateau over time there was a decision that new development, especially along -- along this portion, that we would not allow front-on housing, which is driveways going right onto Chateau, because everyone anticipates that this is going to be a collector street that's collecting traffic from a portion of this square mile. Is it perfect that this street is so straight? I will be very honest with you, probably not. That is not an ideal situation. And so that's -- but can this developer solve that problem? I don't believe so, because Chateau is basically established in its alignment. Are there things that the Ada County Highway District can do to mitigate speed on a street like this? Absolutely. You can put out the speed -- the monitor that shows you your speed. There can be enforcement -- enforcement efforts coordinating with the City of Meridian Police Department to monitor speed here and issue citations. ACHD has no ability to do that. Certainly the police department does. So, there are ways that we can monitor and mitigate the speeds. I think it is a true statement that establishing a pedestrian facility on the south side of this street helps, because it gives people a place to walk. Right now on the north side it's a five foot attached sidewalk. On the south side I believe the sidewalk will be detached and separated from the -- from Chateau. So, you will -- pedestrians will have more options to connect out to Ten Mile, down to the Walgreens or the Albertsons or where ever they are

headed. So, ACHD in this situation -- we don't try to provide a judgment on the quality of the development, we try to provide you with a technical analysis based on best standards and practices that we have established that are based on national best practices. I don't know if that completely answers your question. I probably spoke too much, but I can certainly take anymore questions you have.

Bird: Justin, that is -- that is one of the greatest explanations I have listened to in 18 years. I appreciate it and I hope the public and the other Council people that haven't heard that before understands, because we don't control traffic. We do not control traffic. You guys do and you do a very good job. Thank you.

Little Roberts: Madam Mayor?

De Weerd: Mrs. Little Roberts.

Little Roberts: Justin, when you were talking about traffic being appropriate for Chateau, are those numbers based on peak traffic or average? What are those numbers?

Lucas: So, Madam Mayor, Council Member Little Roberts, there are two types of analysis that ACHD does. One we look at the peak hour, which you would think it's between 5:00 and 6:00, it's actually in community not quite there, but the rush hour in the afternoon and in your packet I believe the counts on Chateau in that hour are around a hundred cars when you go out there and count them and so -- and, then, on a daily level we count the traffic and I believe the traffic on Chateau is just north of 1,000 cars per day. Now, collector streets, based on the standards that we have established, can handle a lot -- more traffic than that. Some collectors carry up to 5,000 cars a day and I'm not saying that Chateau with this development is going to carry 5,000 cars a day. I doubt Chateau will ever carry that much traffic, because the development around it just doesn't -- just doesn't push that much traffic onto Chateau. But, once again, you know, we are very sensitive to the concerns of the neighborhood and understand that with new development there is going to be more cars on Chateau. I can't deny that. Will it be noticeably different? Some people are going notice it, some people aren't and that's just the way it is, because everyone has a different perception of what is traffic and how things work on the roadways.

De Weerd: Justin, with this new subdivision going in, isn't this the time to really look at mitigation to the speed of traffic along that -- that straight stretch? I lived there. I drive that. People do speed whether it's fully improved or just a portion of that road improved. It's -- it is fast speed and you would think that this is the opportunity to put in something that would help slow that down.

Lucas: Madam Mayor, certainly ACHD can perform speed studies and do analysis on -- on existing streets to see what's the best approach. With -- I will just be very honest, with the issue of what mitigation is appropriate, there is a

vast division, often among the neighborhood of what they want. Although some people think, well, speed bumps is the answer and that's what everybody wants, that is not oftentimes the case when you actually talk to the people who live and use the street.

De Weerd: Well, yeah, they are the ones speeding down the street.

Lucas: Well, I -- I didn't say that, Madam Mayor, so I'm not going to go that direction, but typically a street like Chateau is used by the neighborhood or the people that live around the street. There is no doubt about that.

De Weerd: I know. I tried getting speed bumps down on the other side where the driveways do dump right onto that road and, you're right, you could get half of them that want the speed bumps and half that don't want anything to do with them.

Lucas: It can be a complex issue.

De Weerd: The speed bump supporters are the ones that live directly on there. The ones that don't are the ones that don't live directly on there. Any other questions for -- for Justin at this point from Council? Okay. Thank you.

Lucas: Thank you.

De Weerd: Okay. Does the applicant have any final words? You do have the last word, so want to be sure if you have a last word we will offer it. Okay. Okay. Council, any questions for the staff? If there is nothing further --

Cavener: Mayor, just a quick question for staff. On -- on our agenda it lists 96 lots and the applicant said it's 93 lots. Is that lot because it's a continuance from our meeting --

Beach: So, if you read a little closer, there -- under summary of request, they are now requesting 93 lots -- single family residential and four common lots. Previously it was 95. You're right.

Cavener: Okay. Great. Thank you.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Seeing nobody needs anymore public testimony or have anymore questions, I move we close the public hearing on H-2015-0045.

Cavener: Second.

De Weerd: I have a motion and a second to close the public hearing on Item 3. All those in favor say aye. All ayes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Mr. Nary, we will be passing the annexation and zoning first and, then, the preliminary plat? Not together; right?

Nary: Yes. You can do them together or you can do them separately.

Bird: Okay.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Maybe a comment or two and, then, I will try and meander a motion. I really appreciate the testimony on this issue and I appreciate Council coming back for a special meeting on this particular issue and that testimony is both the public and the applicant. I had mentioned to Mr. Tewell earlier this is kind of how sausage is made and sometimes it's pretty, most of the time it's not, but we value the public process. I have really went back and forth personally on -- on this particular issue. I think we have some members of our body that like development, unless proven otherwise. There are other members of our Council that don't necessarily want to change anything unless proven otherwise, and sometimes there is a few of us that kind of sway back and forth and, you know, it's hard not to compare apples to oranges in this area, but most of the neighborhoods are over 20 years old that surrounds it. So, inevitably, whatever lands here is going to be different and it's going to impact the people that have lived there before and so for me what I have weighted -- does this project meet the merits of what we as a community say is important and, you know, as a Council we can't base a decision on are products going to impact property values positively or negatively. We have to rely on our plan to say this is what's best for our community and I think in this particular instance the -- the developer has worked tirelessly to address some of the concerns from the community that -- that they can address and they can impact and so for me, recognizing there is never going to be something that will ever be built that will match the same value of something that was built 20 years previous, I mean I think this is our -- our second best option and so what I would like to do -- and maybe I will get a second, maybe I won't, is in line with Mr. Nary's feedback I move that we approve request for annexation and the preliminary plat for H-215-0046 and if I can tie the

elevations and the design standards of the homes presented in testimony within the preliminary plat.

Palmer: Second.

De Weerd: I have a motion and a second. Any discussion? Mr. Bird.

Bird: Madam Mayor. Would you include in your motion that the revised preliminary plat is March 22nd, 2016? Because there is no date on this copy we have got and make sure that that date gets to the original that's at our plan, because I don't want the 3/7/2016 --

Palmer: I would agree with that.

Cavener: Second agrees?

Palmer: Yeah.

De Weerd: Okay. I guess I remain concerned about the speedway along that -- that stretch and do see it as an opportunity, as we are looking at this plat and with road improvements along there going in, that there is speed mitigation as part of this. Would you consider that as part of your motion?

Cavener: Madam Mayor, clarification. Maybe if you could extrapolate a little bit more about speed mitigation and specifically you're referring to as.

De Weerd: I guess in working with Ada County Highway District to find a method to -- to slow traffic along that -- I don't know if it's a fifth of a mile stretch, but it's a straightaway that has a lot of concern whether it is a dip in the road at least at some point, but it's a very legitimate concern and this is an opportunity to perhaps tie it into adding more trips to this road.

Cavener: Madam Mayor? I know just enough about traffic engineering to be dangerous. I caution about saying specifically what to include, but I think that the applicant and ACHD are committed to always working on traffic issues. I would imagine that you would be willing to work with our police department and have maybe some increased enforcement over in that area and the radar machines, so that we can be mitigating speeds in that aspect as well. But it sounds like to me that the applicant and ACHD are willing to work on traffic mitigation as well.

De Weerd: If -- as a condition of approval if you can ask for the applicant, ACHD, and our police department to get together and look at this. I know it's hard to tie a specific recommendation in, but at least to have the condition that the discussion -- and maybe even include someone from the HOA with Kentfield and -- to be a part of it. I know it's a messy suggestion and very vague, but it is the opportunity.

Cavener: Madam Mayor?

De Weerd: Yes.

Cavener: A question maybe for Mr. Nary. Because it can be somewhat messy, are we able to instruct ACHD to work with an applicant on traffic mitigation?

De Weerd: I would love to instruct ACHD to --

Cavener: I know you would love to, but I just don't know if it's within our ability.

Nary: Madam Mayor, Members of the Council, Council Member Cavener, I guess technically, no, you can't really direct ACHD, but you can direct the applicant and the applicant's already agreed to do that. I guess what I wanted to clarify in your motion, since you talked about this particular rendering, this particular plat that you have tonight, so at least to maybe make it clear you're talking about the plat that has 93 buildable lots and 14 common lots, which you have discussed, and, then, secondarily you're wanting a development agreement to tie the -- the examples of the types of buildings or homes that are going to be built in this be included as part of a development agreement, which would also include this language about -- considering traffic mitigation.

Cavener: Yes. Well, you did a much better job at summarizing that than I did. Yes.

Nary: That's what I thought I heard you say.

Cavener: Well, you're very astute. That's exactly what I said.

De Weerd: And if that's what you made your second to; correct?

Palmer: Yeah. Exactly.

De Weerd: Okay.

Palmer: Madam Mayor?

De Weerd: Yes, Mr. Palmer.

Palmer: In my very scientific traffic study mind, I see that when there is more cars on the road traffic is lower, so aren't we inherently approving traffic calming by approving more vehicles to be on the road?

De Weerd: You asked the question. I would say in my nonscientific answer no.

Palmer: Okay.

De Weerd: Especially since you have no frontage of the homes out onto the roadway, so it won't make a difference in my nonscientific opinion. Just because you asked. Any further conversation? And we will follow up with the applicant if this is to pass to get this item in front of our transportation commission and have a conversation there.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Is there -- in further discussion, in light of Mr. Nary's comments, is there an opportunity to tie a requirement within the development agreement for those conversations -- that cooperative effort to occur amongst those parties, perhaps the commission as well, and a report being provided to the city concurrently with the final plat, so there is some deadline on it prior to any construction of any property there, we can see that all those efforts have occurred?

Nary: Yes. We can do that. I mean -- Madam Mayor, Members of the Council, Council Member Borton, I mean we -- what we would be doing is we are going to craft the development agreement and, obviously, they will have an opportunity to respond and such, but I certainly don't see any reason we cannot tie that type of at least report, which could be -- there is anything anybody wants to do -- I mean from one extreme to another prior to final plat. I don't see objection to that, so -- if we run into a hitch we will run into a hitch at the -- at the front end of the discussion and the development agreement before anything else is approved, so -- and before the annexation even occurs. So, we will have that conversation and we will certainly include that type of language.

Borton: Madam Mayor. It just seems that having that side board and deadline is consistent with the representations of the applicant and the parties to continue to have those discussions in good faith and we hope they do so with the neighborhood.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I have a problem of us putting a stipulation on something that we really don't have any control over. The problem I see is if we -- if we go ahead and -- I don't know how I'm going to vote right now, yea or nay, but if we go ahead and put these stipulations on the DA regarding ACHD and stuff like that, which we have no control over and it don't work out, are we saying the project don't go? We -- I mean we got to have something to stand by our findings if we are going to pass it or if we are going to deny it and I don't -- I don't see how we can tie

something that we don't have any control over to the passing of annexation and zoning. That's my personal opinion.

De Weerd: Mr. Bird, I guess we have done it in the past where we have made it a condition upon approval of Ada County Highway District that go in and sometimes they have approved it and sometimes they haven't and it's taking their -- their authority and making them the final decision maker on that, but having that as a condition, so it was followed up with.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I don't recall -- and, like I said, I probably don't have the best memory alive, but I don't -- I don't recall us ever putting a stipulation like on that. We have asked them to work with it, but we have never put it as a stipulation of approval, to my knowledge.

Nary: Madam Mayor, Members of the Council, I think -- and I don't know if this helps, Mr. Bird. All we would be doing is putting a condition in the development agreement that requires the applicant to take some action. Now, ACHD may respond with no actions required. They may respond with build an overhead lane. Whatever it is. I have no idea. The applicant has the ability to come back to you to say what they have asked for is unreasonable, it makes no sense to us, we can't afford it and this Council can decide how to apply it. All you're requiring at the moment is to -- I guess memorialize the commitment they have already made that they will work with the school district, they will work with the traffic people, they will work to try to make this the best fit for this neighborhood as they can do. That's all you really are directing them to do is they have to do something. If they come back to you for final plat, the first question before they submit their final plat that planning is going to ask is what's your proof that you did this? You know, give us a letter, because that's kind of the standard. Get a letter from ACHD saying we have met, we have discussed it, we don't feel it's right at this time or it is right at this time to do X or Y. So, I don't see it as a problematic concern from an enforcement standpoint, Mr. Bird. I think really you're putting the onus on the developer to take some action and to provide you proof that they did that. If they request -- or the recommendation is totally in ACHD's authority to recommend what to do, if anything, and all you're asking them to do is to actually follow through and do that.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Bill, then, if we put it on as a condition of approval, like you said, then, when they come back and it don't -- it don't get worked out and something -- do we have to do a modified development agreement then?

Nary: Madam Mayor, Members of the Council, Council Member Bird, the direction will simply be for them to work with the highway district to look at traffic mitigation for Chateau. The highway district may tell you no mitigation is required or it's not required at this time or what warrants are necessary for them to require mitigation. Whether they would, then, required potentially maybe this development to bond for a future improvement based on what warrants and whatever requirements might exit at some point in the future. I just don't really know. All you're going to be requiring is they have to do something before their final plat gets approved to show they have actually at least had the discussion and looked at alternatives that they would be responsible for under the impact of their development.

Bird: And Madam Mayor?

De Weerd: Mr. Bird.

Bird: Bill, I agree -- I agree with that, but I hate tying it to the development agreement. I'd -- just a suggestion to have them work with it, but -- and we have done that before, but -- whatever. Whatever the motion of the maker -- or maker of the motion wants.

De Weerd: And that was part of the motion; correct?

Cavener: Correct.

De Weerd: Okay. Any further discussion?

Borton: Madam Mayor, just --

De Weerd: Mr. Borton.

Borton: Maybe to -- for some clarity. The intent of the comment was just to memorialize that the discussion was to occur, not to delegate some authority to ACHD or the neighborhood or any third party to have a final say of X or Y shall be done and if a developer doesn't like it it comes back. That's not what's happened. It's merely a requirement that we will be shown confirmation that those dialogues have occurred between all parties.

Cavener: To me that's where I'm at.

Borton: That's it.

De Weerd: Madam Clerk, will you call roll.

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

De Weerd: Okay. Motion passes.

MOTION CARRIED: FOUR AYES. ONE NAY. ONE ABSENT.

De Weerd: Thank you to the neighbors and to the applicant for working with us.

**Item 4: Executive Session Per Idaho State Code 74-206A (1)(a) and 74-206(1)(a): 74-206A (1)(a): All Negotiations Between A Governing Body And A Labor Organization Shall Be In Open Session And Shall Be Available For The Public To Attend. This Requirement Also Applies To Negotiations Between The Governing Body's Designated Representatives And Representatives Of The Labor Organization. This Requirement Shall Also Apply To Meetings With Any Labor Negotiation Arbitrators, Mediators Or Similar Labor Dispute Meeting Facilitators. Provided, However, A Governing Body Or Its Designated Representatives May Hold An Executive Session For The Specific Purpose Of: Considering A Labor Contract Offer Or To Formulate A Counteroffer; AND 74-206 (1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general**

De Weerd: Okay. Item No. 4 is Executive Session. Do I have a motion to adjourn?

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) and 74-206(1)(a).

Cavener: Second.

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

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

De Weerd: Okay. Motion passes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

EXECUTIVE SESSION: (7:16 p.m. - 8:45 p.m.)

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

Bird: So moved.

Cavener: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

De Weerd: Do I have a motion to adjourn?

Bird: So moved.

Cavener: Second.

De Weerd: All those in favor? All ayes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 8:45 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

\_\_\_\_\_  
MAYOR TAMMY DE WEERD

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
JAYCEE HOLMAN, CITY CLERK