

A meeting of the Meridian City Council was called to order at 6:03 p.m., Tuesday, January 5, 2016, by Mayor Tammy de Weerd.

Members Present: Keith Bird, Charlie Rountree, David Zaremba Joe Borton and Genesis Milam, Luke Cavener and Ty Palmer.

Others Present: Bill Nary, Jaycee Holman, Bruce Chatterton, Clint Dolsby, John Overton, Perry Palmer, Sonya Watters, Josh Beach, Steve Siddoway, and Dean Willis.

Item 1: Roll-call Attendance:

Roll call.

<u> X </u> David Zaremba	<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: What a nice group of people out there. Thank you for joining us. We greatly appreciate it. I see a lot of friendly faces in the room, which is sometimes unusual. Go figure; right? So, thank you for joining us. For the record it is Tuesday, January 5th. It's a few minutes after 6:00. We will start this meeting with roll call attendance.

Item 2: Pledge of Allegiance

De Weerd: Item No. 2 is the Pledge of Allegiance. If you will all rise and join us in the pledge to our flag.

(Pledge of Allegiance recited.)

Item 3: Community Invocation by Steve Moore with Ten Mile Christian Church

De Weerd: Item No. 3 is our community invocation. Tonight we will be led by Pastor Steve Moore with the Ten Mile Christian Church. If Pastor Moore will come forward. Please join us in the invocation or take this an opportunity for a moment of reflection. Thank you for joining us.

Moore: Honored to be here. God in Heaven, we know we need you. The air we breathe, things we take for granted, and we will pause and pray that we belong to a city that -- to be a part of a city that understands that and will bow their heads before you at the start of this important the meeting. God, thank you for blessing this community and the rest of the world has recognized what we already know, how wonderful it is to be here. I pray the decisions that are made this very night will just improve and expand our community. Thank you for these that serve us and give their time and their premium hours to thought and decisions that are for the betterment of this community. I pray especially for Ann and

Ty as they assume new responsibilities and service in this community. Thank you for those that have served and their predecessors and bless their lives for what they have given to Meridian and thank you for our Mayor and we are grateful for the leadership that she's given us in these years past and we pray the next four years that you will be at the helm her life. We are grateful that she's surrendered to you and we ask you to bless her and her family. God, I just ask for your direction for what's decided for our community, in the name of Jesus, amen.

Item 4: Adoption of the Agenda

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

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: We have no resolutions or any changes, so I move that we adopt the agenda as printed.

Milam: Second.

De Weerd: I have a motion and a second to adopt the agenda as printed. All those in favor say aye. Did I hear all ayes? Okay.

MOTION CARRIED: ALL AYES.

Item 5: Consent Agenda

- A. Agreement For Connection To Public Sewer System: 1927 N. Leisure Lane**
- B. Interagency Agreement between Ada County Highway District and the City of Meridian for Utility Project Cooperative Development**
- C. Purchase Order approval for purchase of Genie GTH 1056 Telehandler from ONE SOURCE EQUIPMENT and Authorization for the Purchasing Manager to Sign the Purchase Order for the Not-To-Exceed amount of \$141,352.67**
- D. Approval of Award of Bid and Agreement to OXARC, INC for the "Supply and Delivery of Sodium Hypochlorite" project for a Not-To-Exceed amount of \$90,719.10**
- E. ESO, Solutions, Inc. Business Associates Agreement**

- F. Approval of Award of Bid and Agreement to Dahle Construction, LLC for the “Waterline Extension – Amity Road and Meridian Road, Locust Grove to Harris Street - Construction” project for a Not-To-Exceed amount of \$695,690.75.**

- G. Findings of Fact, Conclusions of Law for South Meridian Annexation (H-2015-0019) by City of Meridian Located Along Amity Road, East of Linder Road, West of Eagle Road and North of Columbia Road Request: Annexation and Zoning of 1,322.14 Acres of Land with R-4 (1,241.10 Acres), R-8 (10.37 Acres), R-15 (30.10 Acres) and C-G (40.57 Acres) Zoning Designations**

De Weerd: I will ask on Item No. 5 if Councilman Zaremba will do the privilege of this item.

Zaremba: Okay. Madam Mayor, I move we approve the Consent Agenda as published and for the Mayor to sign and the Clerk to attest.

Borton: Second.

Cavener: Second.

De Weerd: I have a motion and several seconds to approve the Consent Agenda. Madam Clerk, will you, please, call roll.

Roll Call: Bird; yea; Zaremba, yeah; Borton, yea; Milam, yea; Cavener, yea.

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

De Weerd: Just one thing before we get to the swearing in ceremony. We need to conclude with our Old Business with the current Council before the new Council steps up. If you're wondering why we are not swearing in Ann Little Roberts, she is not here this week and so per our ordinance until a new member is sworn in, the current member will continue to serve until that time, so, we are fortunate to have Council Member Zaremba through the end up this meeting. Yeah. He's not going anywhere. We know where he lives.

Item 6: Items Moved From the Consent Agenda

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

Item 7: Department Reports: Old Business

A. Continued from December 22, 2015: Discussion Regarding Request from Silver Oak Apartments Regarding Water/Sewer Assessments for Multi-Family Projects

De Weerd: Item 7-A is under Old Business and I will turn this over to Mr. Nary.

Nary: Thank you, Madam Mayor, Members of the Council. This item was a discussion you had on December 22nd with the developers of the Silver Oak Apartments on Franklin Road. What their request was in their building process, they received approval for 260 units to be constructed in a phased program back in 2014. We have met with them to discuss our fees. There was a fee methodology change that occurred in October of this year. They provided a lot of information and a lot of paperwork with regard to the process that they were going through to get these constructed based on the original approvals from 2014. Based upon that we were comfortable to be able to recommend to the City Council that we will apply the prior method of calculating their assessment fees for these multi-family units just for this phase, as long as those could be completed and submitted by March 1st of 2016. So, we are comfortable making that recommendation. I have discussed that with that applicant's counsel prior to the meeting and she was going to acknowledge whether that was acceptable to them as well.

De Weerd: And, Mr. Nary, I know that in May when they pulled for the first phase, the second phase was approved through the CZC and so that's when they inserted part of the financing to the fees that were communicated at that time.

Nary: Madam Mayor, Members of the Council, that's correct. They had both CUP, CZC and design review approval in December -- excuse me -- in November of 2014. They used that information to, then, put together their financing package to get it built in two separate phases and they began that second process of the 132 apartments. That's what they are asking for today. Right on the heels of getting the building permits for the first phase. So, based on all of that information we felt it was reasonable to apply the prior methodology to this phase as they requested, as long as they could get it done in a fairly timely fashion, which they have indicated in a number of -- both the letter and in front of you, as well as in our meeting, that they could meet a time frame of March 1st.

De Weerd: Okay. Council, any questions? And the developers of Silver Oak agree? Okay. Okay. Council, any further information needed on this?

Bird: I don't. Madam Mayor?

De Weerd: Mr. Bird.

Bird: I would move that we pass the agreement that was made between the staff regarding the apartments out there and because they -- this -- their financing and stuff has been planned at the old rate and to allow that to happen on this phase.

Zaremba: Second.

De Weerd: I have a motion and a second. Any discussion? Madam Clerk, will you call roll.

Roll Call: Bird; yea; Zaremba, yeah; Borton, yea; Milam, yea; Cavener, yea.

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Item 8: Community Items/Presentations

A. Swear in Mayor Tammy de Weerd

De Weerd: Under Item 8 is the swearing of the next -- the next elected officials for the next four years. We will do this one at a time and I would ask at -- at each one that you introduce your family and at the end of it when everyone is seated, we will see if there is remarks and -- I'm just preparing you. I have some remarks. So, Item 8-A is the swearing of Mayor Tammy de Weerd. Well, I'm going to introduce you to the people that I have standing up and, then, mom and -- well, I will just ask them all to come up. So, Bart and Tara, grandkids, spouses, come on up. Now you see why I was elected. I just got my family members out to vote.

Holman: Please raise your right hand and repeat after me. I, Tammy de Weerd, do solemnly swear or affirm, that I will support the Constitution and laws of the United States, the Constitution and laws of the state of Idaho and the ordinances and policies of the City of Meridian, Idaho. And that I will faithfully perform the duties of the office of Mayor of Meridian, Idaho, to the best of my ability during the continuance of my term. So, help me God.

(Repeated by Tammy de Weerd.)

De Weerd: Okay. Wait. So, this is Bart. My grandson Gabriel. My granddaughter Bella. My dad Dick Bartlett, who was a coach at Borah High School and which is why I was born in Boise, but he's a Bengal. So, all you Vandals and Broncos eat your hearts out. My mother Sidney Bartlett. This one here in front is Braxton and we have Gabriel -- or Gabriel. Jacob. And my daughter Kara and her husband. Oh, my gosh. Jared. I think there are just too many people to keep track of. But this is the first time I've really had my parents here and so it makes it more emotional. They have been great supporters and I really love them dearly. So, thank you for being here. I was sitting in my office before I came down here and I thought why am I so nervous and it's always neat having family here and this is an incredible privilege, so -- okay.

B. Swear in City Council Member for Seat 3 Ty Palmer

De Weerd: Item 8-B it is swearing in of City Council Member for Seat 3, Ty Palmer.

Palmer: I might preface this as well. The family I was born with there is only one flaw in my family and that's we get emotional when we talk about one of three things. Our family, our country or my God and so all three are part of this, so it might take a minute, but we will get through it. So, this is my wife Brenda. We have been married three years. And my twins Regan and Riley and, then, our seven month old Libby and, then, my parents John and Leslie Palmer are here as well.

De Weerd: Do you want them to come up?

Palmer: They really don't want to. They are there, so that --

Holman: Okay. If you will raise your right hand and repeat after me. I, Ty Palmer, do solemnly swear or affirm, that I will support the Constitution and laws of the United States, the Constitution and laws of the state of Idaho and the ordinances and policies of the City of Meridian, Idaho. And that I will faithfully perform the duties of the office of Councilman of Meridian, Idaho, to the best of my ability during the continuance of my term. So, help me God.

(Repeated by Ty Palmer.)

De Weerd: Ty, now you get to come up and have a seat.

C. Swear in City Council Member for Seat 5 Genesis Milam

De Weerd: Item 8-C is the swearing in of City Council Member for Seat 5, Genesis Milam.

Milam: Yes. My husband and my son are here. This is my husband Dean. See, I told you I was married. This is my son Tristan and he just came from judo, so --

Holman: Okay. If you will raise your right hand and repeat after me. I, Genesis Milam, do solemnly swear or affirm, that I will support the Constitution and laws of the United States, the Constitution and laws of the state of Idaho and the ordinances and policies of the City of Meridian, Idaho. And that I will faithfully perform the duties of the office of councilman of Meridian, Idaho, to the best of my ability during the continuance of my term. So, help me God.

(Repeated by Genesis Milam.)

De Weerd: I guess there needs to be a fun one in every crowd; right?

Milam: Somebody has got to be fun.

De Weerd: And at this point I will see -- I will give the floor to our two Council members. Ty, do you have any comment that you would like to make?

Palmer: Is this working? It doesn't seem that they usually do when you sit in the audience. No. I -- I just can't express enough how grateful I am to citizens for trusting me enough not to run against me. I really do appreciate that, because that gave me an opportunity that I wouldn't have had had I actually ended up, you know, having to run a campaign, because for the last several months I have been able to sit here in the audience and learn and be able to meet with the different department heads, have an opportunity to actually learn what it is I was going to be doing, so that I felt prepared to actually be here today to get started and I -- I mean I apologize to anybody that's heard me say this, but it really is the fact of the matter, not just a campaign spiel, but I grew up in Meridian. Technically I was born in Boise, because we didn't have a hospital yet. But I was born and raised in Meridian and the Meridian that I experienced I see that it still is today. The Meridian that is family friendly, that is safe, that is the perfect place to raise a family and now that I have a family I had felt it was time that I step up and made sure that it remained that way for the next generation for my kids, that they will have the same experience that I did and for their kids hopefully as well. And so I, again, just thank you for giving me this opportunity to serve you.

De Weerd: Thank you, Councilman Palmer. Genesis.

Milam: I don't really have anything to say. But I am -- I'm really glad that I'm able to be here and continue my term, because it's taken a long time just to learn the ropes and I'm just getting started, people. And really -- and I'm grateful for the support that I have from my family, because without that support at home I wouldn't be able to spend the time that I do during the meetings and other Council activities that I'm involved in. So, I'm just thankful for -- thank you, honey, thank you, Tristan, for supporting me and letting me come to all these late night things. And thank you, everybody, for being here tonight and for voting and for loving Meridian the way that we do. Appreciate it.

De Weerd: It's sure nice seeing a lot of faces in this room. It's a real privilege to -- to think that I am at the beginning or the cusp of my fourth term serving such an amazing community like this. I see long time supporters and I see new friends. I would counter, I think, what Councilman Palmer just mentioned, that I am really blessed because I did have others that filed for office. I think everyone should have to earn your vote and that work of knocking on doors, of being available, holding town hall meetings and hearing what people have to say is so critically important in being able to sit up here and serve our community and represent the things that they really believe and the concerns that are on their mind. Knocking on the doors in our community, I learned a lot of different things. One, our residents are so proud to live here in this community. They care and what we have always said is we have a community that's ready to stand up and to be involved. So, they don't just share their concerns, they share their ideas for solutions and I think that if anyone knows me -- and I don't see Craig Steele here tonight -- when I knock on your door and you tell me something that you're upset with, I will engage you to be part of the solution and I think that's how this city works. We have incredibly talented citizens that if we tap into their passion for our community and their desire to make it better, they will stand beside you and work hard to do so. I see the Brewtons in the second row and they are one of those families that were this hidden discovered gem in our community and they

invited me to an HOA meeting that they were going to sing at, because their voices are just totally incredible, because they wanted their neighbors to see who they saw and I saw that was behind every door. The person that stopped in their car when they saw my husband putting up signs and so if you ever have any concern about the signs we put up, you can ask my husband, because he put every single one of them and with Craig Robinson, he took every single one of them down until 4:30 in the morning. But they stopped and they said we want a sign. I had another friend that had someone knock on her door and say where can I get one of those, because of my sign in her yard. I found people that I didn't know, but we had a passion for our community in common and wasn't it cool the day after election where we got the news -- sssh, don't tell anyone, that we were number one in the nation as the best place to live and it was evident -- and it was truly evident throughout that campaign that I wouldn't have seen otherwise if I had a free ride until election day, because I can tell you we knocked on a lot of doors and if there was a hot spot out there we found it and, then, we addressed it, because ultimately people just want to be heard. So, the -- the number one in the nation mirrors the salient points that I heard at your door and that I was sharing, we are a safe community. We are a community with opportunities and growing opportunities that we hear about every week in this chamber, those companies or those developments that help define who we are, that want to be part of the vision of the City of Meridian. I get to serve with people that are sitting up here who truly care about our city. They have a vision and a passion to make sure that it continues to be a good place for our families and safe for our citizens and a place to do business. I serve with a senior management team that is second to none, that have developed strategies and methods and ways to make sure that we achieve your vision. We have employees that care. They really truly care about the customers and the citizens that they serve and that's why we are a safe city. That's why we are a good place to live. That's why we have quality places to play and community events that we get goose bumps on when the lighted parade have inspired our young ones and they have visions of what this community is about and you will hear from the Mayor's Youth Advisory Council how youth are engaged and how this community is all about our kids. That's why I get excited to serve the people and to serve this community, because I serve with people that want to stand beside every single one of us up here and I am very privileged and honored that you had confidence to allow me to continue to serve this city and I hope that you realize that the service that all of us do up here and that all of our employees do to work with you to continue to make this a premier place to live, work, and raise our families. I'm also privileged that we have our county partners here, Commissioner Dave Case and Ada County Sheriff Steve Bartlett. These are important partners in our community and we don't always agree, but he will come around. Right, Dave? But we thank you all for being here. I want to thank my husband, because I think every one of you that are married you know the importance of the support of your spouse and the support of my spouse has been stellar. He's my best friend, my best sounding board, and sometimes I'm throwing darts at that sounding board, but he gives me very wise counsel and I couldn't do it without him. And I want to thank my kids. They grew up seeing my service to the community and they know how it fills my heart and they have been a part of it and they knock on doors every four years and -- and sometimes they happen into neighborhoods where we found that problem and they still do it with a great smile and gratitude. My grandkids also -- how can you say no to Bella when she's in front of your

door saying vote for my grandma. New strategy and I think that Ty had figured that one out when I saw him walking down the street with strollers with handles on both sides and Brenda beside him and the baby and it is like, wow, that's a powerful campaign team. Meridian is about families. But it's also about the people that care and I have a great team. Peggy Gardner I think -- Peggy and Larry have been with me since my first campaign for City Council and, boy, did we learn a lot of stuff. But she's still there and I so appreciate you, Peggy Gardner. Okay. I could lament all night long and I won't, but, needless to say, thank you for being here. To those that went and knocked on doors with me and did a lot of kind of stilly and foolish things, but I appreciate you. Thank you to those that got out and voted. Whether you voted for any of us sitting up here that were just sworn in, thank you for taking time out of your busy day to have a voice in the process. I see one of our youth council members and he told me that this would be the year -- his first vote. So, Tyler, congratulations. And with that you don't have to last throughout the whole evening, but if you would like to -- my mom actually asked for permission to sit through the whole meeting and she has it. So, if you would like to get up at anytime, feel free to. But thank you for being here and being part of history, the swearing in of our youngest City Council member and being here to support us into the next term. So, thank you.

Item 9: Department Reports: New Business

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

De Weerd: You know, Brianna, if I had thought of it, I would have made them wait until after -- shoot. And any business person that was here, just beware, City Council -- or our youth council will be calling you to help them out. Dang it. Okay. Item 8 -- or 9-A under Department Reports, new business. We will hear from the Mayor's Office that hosts our Mayor's Youth Advisory Council. In front of us we have Brianna Siddoway.

Siddoway: Thank you, Madam Mayor. Madam Mayor, Members of the Council, for the record my name is Brianna Siddoway. I will be giving you an update of the Mayor's Youth Advisory Council for the activities of November and December and this is our third update of the MYAC year. As you can see at the top of the screen, those -- that is a picture of our MYAC group photo. We always like to take a silly one as well, as you can see on the right, it's -- and become so close and we all have bonded very well together. First I would like to talk about the STAND grant. MYAC won the STAND grant once again this year and we were able to send two members of MYAC to a workshop to learn how to -- to learn the requirements for a -- for an anti-tobacco event. We are planning to partner with the Village at Meridian and we are hoping to hold a free movie for teens and we will have booths and previews to show the dangers of tobacco use and we will have more information about this at a future date. The Teen Activities Committee held their first official event at Dart Wars. This was a very exciting event and it was a great way for members of this -- of this committee to meet each other, seeing how we all don't go to the same school and it was a very exciting way to just -- to just be in a safe environment and meet new people. We cohosted a float with Buckle Up For Bobby for the Winter Lights Parade and we did this so that we could show the community how serious we were about

seatbelt safety as we were trying to pass the seatbelt safety law. Sorry. Our theme that we had was All We Want Is You, a popular Mariah Carey song, and we handed out these candy canes with messages of seatbelt safety on them and we handed those out to the crowd and it was a really exciting event and I know that everyone who participated loved it and it was a memory that we will never forget. We had our MYAC all valley Christmas party at the Idaho Party Barn. We had 125 teens from Meridian, Nampa, Middleton and Caldwell attend. We had dancing, a gift exchange, and, most importantly, we held a toy drive for the Boys and Girls Club. Together we -- we donated 50 gifts to help these children have a substantial holiday and that's also what I will be talking about next, the Christmas gift exchange. We partnered with the Meridian Police Department, the Fire Department and the Meridian Anti-drug Coalition and EMS workers. This was the third annual Christmas party that they have held and they have a dance party, games with a reindeer that you saw in the picture before and the kids were able to play with -- you know, meet the reindeer and, then, they also had the gifts that we donated that were labeled with ages so that the children could all have a gift that was fitting for them and one that they would truly enjoy. And I will now stand for questions.

De Weerd: Thank you. Council, any questions?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: It's always one of my favorite reports. As always, nice job.

Siddoway: Thank you.

Cavener: Brianna, maybe share with us what -- what's your favorite part about the youth council? What -- if you were to go encourage somebody to come join it, what's the one thing that you always tell them about?

Siddoway: Madam Mayor, Council Member Cavener, I definitely -- I just love the -- how friendly people are in MYAC and it's -- get emotional. It's -- it's such a safe and happy environment and it's -- like every time that we have a meeting or we have an event, just seeing all the people there and everyone is happy and everyone is being invited and we are all caring for each other, that's just what I love most about MYAC is that we have such a caring nature in all of us that we -- we all share it with each other and it's made us a family.

Cavener: That's great. That's awesome to hear. Thanks again for sharing.

Siddoway: Yeah. Thank you.

De Weerd: You know -- and I would say this is one of the most cohesive Mayor's Youth Advisory Councils that we have had and certainly you have seen that in our executive council -- they don't have to hang out together, but they come together as a council and,

then, we hear of when they come together outside of their council meetings and they become a family and it's neat to see that kind of relationship building among the -- the representatives from the different schools that wouldn't have met otherwise and I will tell you they are not just passionate, they are making things happen. Their leadership this year has been stellar. So, kudos to all of our executive council members.

Siddoway: Thank you.

De Weerd: And our members in general.

Zaremba: Madam Mayor?

De Weerd: Yes, Mr. Zaremba.

Zaremba: I would just comment. We all know that it's common to think of youth as a lost group of people off doing their own thing. I am so thrilled with what you and all the MYAC people are doing. You really make us all optimistic about the future. You are participating in the community now and making a positive influence in the community now --

Siddoway: Thank you.

Zaremba: -- and -- and that's just a wonderful thing to see.

Siddoway: Thank you very much.

De Weerd: And there is a standing invitation to City Council members -- anytime you want you can come out and hang out with us and there is a legislative breakfast coming up in two weeks and so certainly we will give you information on that, if you would like to -- to come and listen to our government affairs students as they talk with our legislators.

Siddoway: Thank you.

De Weerd: Okay. Anything further? Thank you.

Siddoway: Thank you.

B. Public Works: Information Only Regarding Job Position Changes

De Weerd: Great job. Okay. Item 9-B is under our Public Works and I will turn this over to Mike.

Pepin: Thank you, Madam Mayor, Members of the Council. This is a tough agenda to follow, so I will make this quick and brief. No slides. This is an informational update. We brought to you in October a realignment of the Public Works Department and there was a few things that we were going to need some time to fully implement and I wanted to share with you those adjustments and, then, the implementation of those. There were two

positions that we were looking to pivot on, because they had different needs in the department. One was the environmental programs manager and that was leveled at a K and we pivoted on that and went to an education and outreach specialist, which came back leveled as a J, so that's actually a personnel savings of about 6,000 dollars a year in annual salary. The other position was surface water program administrator and we pivoted on that and went to environmental programs coordinator. That's a neutral. Those were both J positions and we are looking to go out to market and advertise for those positions within the next two weeks. So, we wanted to bring back those final implementation pieces that we brought to you in October, so that you are -- have some awareness on what we are going to be going out to market for.

De Weerd: Thank you, Mike. Appreciate that.

Pepin: Thank you.

Item 10: Action Items

- A. Oaks South Subdivision No. 3 (H-2015-0038)** by Coleman Homes, LLC Located South Side of W. McMillan Road Between N. McDermott Road and N. Black Cat Road
 - 1. Request: Final Plat** Consisting of Forty (40) Single Family Residential Lots and Five (5) Common Lots on 9.09 Acres of Land in the R-8 Zoning District

De Weerd: Okay. Item 10 under Action Items. 10-A is Oaks South Subdivision No. 3. I will turn this over to our staff.

Beach: Thank you, Madam Mayor, Members of the Council. This is coming before you because the applicant did not get back to staff in time for it to be put on the Consent Agenda, just as a process. So, this is a final plat. The site consists of 9.09 acres of land. It's currently zoned R-8 and is located on the south side of West McMillan Road between North McDermott Road and North Black Cat Road. A little history on the project. Annexation and a preliminary plat for the site were both approved back in 2013 and this is the third phase of the final plat. Proposed final plat depicts 40 single family residential building lots and five common lots on, again, 9.09 acres of land in the R-8 zoning district. The average lot size for the residential portion of the development is 7,422 square feet. The gross density of the development is 4.4 dwelling units per acre, with a net density of 5.87 dwelling units per acre. All of the lots proposed in the subdivision are for single family detached homes and comply with the dimension standards of the R-8 zoning district. The applicants -- as I said, did get back to staff in agreement with all the -- the terms of the staff report and staff is recommending approval of the application. Stand for any questions you may have on the application.

De Weerd: Thank you. Counsel, any questions?

Bird: I have none.

De Weerd: Okay.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I move that we approve H-2015-0038, final plat.

Bird: Second.

De Weerd: I have a motion and a second to approve Item 10-A. Any discussion? Madam Clerk, will you call roll.

Roll Call: Bird; yea; Zaremba, yeah; Borton, yea; Milam, yea; Cavener, yea; Palmer, yea.

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

B. Public Hearing Continued from December 15, 2015 for Eagle Commons at Overland (H-2015-0024) by Eagle Commons at Overland, LLC Located Northeast Corner of S. Eagle Road and E. Overland Road

- 1. Request: Execute a Development Agreement** Required with the Annexation of the Property for the Purpose of Including a Concept Plan and Specific Provisions Relevant to the Development of the Property

De Weerd: Item 10-B is a public hearing continued from December 15th for Eagle Commons at Overland. I will open this public hearing with staff comments.

Watters: Thank you, Madam Mayor, Members of the Council. The next application before you is a request for a development agreement modification on the I-84 Center development agreement. This site consists of 21.25 acres of land, zoned C-G, located northeast of the South Eagle Road, East Overland Road intersection south of I-84. This property was annexed back in 1995 as part of a 74 acre development area for the I-84 Center, which consisted of 73.5 acres of land that was proposed as a commercial planned development to develop with a 700,000 square foot retail power center. The applicant for that project chose not to proceed with development and the development agreement was never executed. However, the provisions of annexation still applied to the development of this site. The Comprehensive Plan future land use map designation for this property is mixed use regional and this is an aerial view of the property. The Elk's property is here to the north and, then, this property is owned by Kissler. The applicant requests approval of

a modification to the provisions of the development agreement to include a new conceptual development plan and specific provisions related to development of this site. This was the conceptual development plan that was approved back in 1995 with the annexation. As you can see, all the retail buildings are kind of around the perimeter of the development with internal parking. The applicant has submitted the proposed concept plan to change in the agreement. The previous provisions required the donation of a well site to the city, which the city engineer deems has no longer necessary and the requirement for the property to be subdivided and a conditional use permit required for all development. Staff has verified that the subject three parcels are original parcels of record per the city code and are, therefore, eligible for building permits if the pending property boundary adjustment application is finalized and the conditional use permit should only be required if the use is listed as a conditional use in the C-G zoning district. The other provisions are now standard development agreement -- excuse me -- development requirements contained in the UDC that staff did not recommend are included in the new development agreement. The proposed concept plan before you depicts three phases of development. The first phase will include the construction of a two story, 86,000 square foot store for Norco and associated parking and drive aisles on Lot 2. That is this building right here. The ground floor will have a retail showroom for medical and industrial supplies, with a warehouse and retail storage. The second floor will house the new billing office for the medical side of Norco. The second phase will include the construction of an 86,000 to 95,000 square foot single story commercial retail store on Lot 1. That is the major A building right here. The third phase will consist of a single pad site on Lot 3 along the west boundary of the site. No specific users are identified at this time. The Five Mile Creek runs east-west along the southern boundary of the site. You can see here the -- this area right here and across the proposed driveway via East Overland Road to the east boundary of the site. The driveway you can see is proposed down here. This is the light at the intersection here at Overland. A ten foot wide multi-use pathway is proposed along the north boundary of the creek in accord with the pathways master plan within a public pedestrian easement. A portion of this project lies within the Meridian flood plain overlay district. A flood plain permit application is required to be approved by the city prior to any development occurring in the overlay district. A driveway is proposed for access via East Overland at a signalized intersection, East Overland Road and South Silverstone Way. The concept plan depicts a 30 foot wide commercial driveway around the perimeter of the site for temporary access to the Norco site and two emergency accesses for the fire department are proposed at the west boundary of the site via south Rackham Way that will be gated until such time as Lot 3 develops and that is right in these locations here. A cross-access easement is required to be provided to the property to the east, Zamzow's, where the driveway stub is currently located and that is generally here in this area, I believe. Based on ACHD's comments, right of way is required to be dedicated along the west boundary of the site to widen South Rackham Way to local street standards and along the east boundary of the site to provide public street frontage to the Steer property and that is right in here, which will allow for the development of a stub street in that location in the future if the property redevelops commercially as anticipated. And construct South Silverstone Way from Overland as a collector street through this site to the north property boundary for future extensions. This will allow both the Elk's and Zamzow's properties access to the signalized intersection.

Again, I will back up to the aerial here. This is the Elk's property to the north up here, I-84, and, then, the Zamzow's building down here at the southeast corner. A 35 foot wide street buffer is required along East Overland Road as an entryway corridor. A 20 foot wide street buffer will be required adjacent to the future collector road and a ten foot wide street buffer is required along South Rackham Way, a local street. A six to eight foot tall fence or a wall is required to be constructed along the east boundary of the site adjacent to residential uses with the first phase of development. These lots right here are all residential lots in Jewel Subdivision. The applicant should work with the neighbors to determine an appropriate fencing height and material. The proposed development agreement only applies to the subject 21.25 acre property. When the remainder of the property to the north develops, the developer of that property will also be required to enter into a development agreement subject to the terms of the annexation, unless otherwise modified. The provisions of this agreement do not apply to that property and that is the Elk's property up here. Written testimony has been received from Jeff Huber, the applicant. He requests the following changes to the staff report. You guys should have also received a copy of that. I will run through them real quick. DA provision number two, they would like to remove the requirement for a 20 foot wide street buffer along the collector street as one isn't proposed. Staff agrees with this only if Council doesn't require a collector street. The applicant is asking for only the driveway to be provided. Condition number three. Only require a 20 foot -- 25 foot wide buffer along the back side of the residential lots, not within the floodway area. Staff agrees if Council does not require a collector street again. Number eight. Allowance of a property boundary adjustment or subdivision of the property prior to the second phase of development, instead of just a subdivision, since there are three original parcels of record. This is a carry-over provision from the existing development agreement provisions and staff is in agreement with the applicant's request. Number nine. The applicant does not agree to providing a cross-access easement to the property to the east, Zamzow's, where the driveway stub is located, without them paying their share for the cost of the access born by Kissler. Staff does not agree with this request. Number 13. Remove the restriction for a one story building on Lot 1 and allow future construction to comply with UDC standards for the C-G district. Staff does agree with this requested change. Number 16. Remove the requirement for dedication of right of way for the construction of Silverstone Way from Overland to the north boundary with the first phase of development. The applicant is willing to work with adjacent property owners, ACHD and the city to find an equitable solution for access if current access isn't acceptable. This is a recommendation of ACHD and staff does not agree with this change. Number 17. The applicant requests removal of the requirement for additional right of way to be dedicated along the west boundary of the site to widen South Rackham Way. Again, this is a recommendation of ACHD and staff does not agree with the proposed change. Number 18. Modify to only require a six foot tall fence, rather than an eight foot -- six to eight foot along the back side of the residential lots outside of the floodway. Staff agrees with a six foot tall fence if a dense buffer that allows trees to touch at maturity per UDC 11-3B-9C is provided for the area outside the floodway. Number 19. Modify to allow for additional building permits beyond one to be issued with approval of a property boundary adjustment. Staff is in agreement with this change. And number 22 and 23, the applicant does not want to be obligated to pay for upsizing a line for the adjacent property owner's future project. They believe that they

should pay the additional cost. Staff's comments on that is if -- if any oversizing is required the applicant may potentially be eligible for a reimbursement under Meridian City Code. Staff is recommending approval of the modification to the development agreement per the provisions in the staff report and the changes I just mentioned. Staff will stand for any questions Mayor and Council may have.

De Weerd: Thank you. Council, any questions?

Zaremba: Madam Mayor?

De Weerd: Mr. Zaremba.

Zaremba: On dredging up memory of the last time something was brought on this project, the biggest issue was the concerns -- it's addressed here. A floodway permit application is required to be approved by city prior to any development occurring in the overlay district and, then, along with that, along the west boundary of the site there are required to widen South Rackham Way. As I recall, those have always been required of whoever brought anything forward on this. One of the major issues was they weren't able to work out the flood plain permit and the widening of the road. There was some assessment made that widening that road would require a fairly expensive bridge or the flood plain would be backed up and it would change the nature of the flood plain. Am I remembering any of that -- I'm looking at Clint, but am I remembering any of that correctly? It seems to me there was an issue that previous applicants haven't been able to resolve.

Dolsby: Madam Mayor, Members of the Council, Council Member Zaremba, I do recall something similar to what you said. I don't recall the details of that. I think it was a Council meeting I was at where this was brought forward several years ago, though, that you asked some of the same questions.

Zaremba: It was many years ago and my concern is whether or not the requirement to preserve the flood way and get the application is going to be difficult. I'm suggesting that some engineering be considered before the application -- before the applicant moves ahead. Maybe.

Dolsby: I'd agree with that.

De Weerd: I think it's probably a good question for the applicant. Maybe their representative can -- can answer that.

Zaremba: Thank you.

De Weerd: Any other questions at this point? Okay. Would the applicant like to make comment? Good evening. Thank you for joining us. If you will, please, state your name and address for the record.

Huber: Madam Mayor, Members of the Council, my name is Jeff Huber. My address is 8385 West Emerald in Boise.

De Weerd: Thank you.

Huber: And represent the applicant. Staff's done a wonderful job of introducing this project to you and we are proud to present it tonight. A lot has changed since 1995 when the original project was brought before you. Mr. Kissler purchased this property in 19 -- in 2004 and has been planning his project ever since then. He realized at some point that he would need additional access, because Rackham Way would not be sufficient for this project. In 2014 he purchased from the Sundance company an access for his project. Since then we have met with the city and in May of this year -- or last year and had a pre-application meeting and went over -- discussed this with staff and we -- at that time the access did come up and that was an issue. We went out and reached out to the Elk's to the north and have had ongoing discussions with them regarding the access to this property, as well as the property to the east Zamzow's. But we have been unable to reach an agreement on the improvements across for the collector street, that ACHD would like to see built and that staff is proposing. We feel that our project doesn't warrant a collector street and -- but we are willing to preserve reserve right of way for that street in the future if we can reach an agreement with the adjoining property owners on the cost. We came back to staff again in October and had another meeting. At that meeting the development agreement was brought up from the previous project in 1995. So, we have applied -- this is where we are tonight. We applied for a development agreement modification for a development agreement that doesn't really exist, but was part of the annexation from the previous applicant. The timing of this -- of this project is critical to Mr. Kissler. As you can well imagine, the relocation of 200 to 300 employees just doesn't occur overnight, it takes months and years of planning and, then, the timing becomes very critical as it all comes together and the project is built. So, it's not just the building of the project, but it's the moving of the employees, and we have incurred a couple of delays along the way and following the last pre-application meeting we had in October, we had a meeting with ACHD and they at that meeting requested that we build a collector street. We -- we told them we don't feel that's fair. Our development does not warrant a collector street and if the collector street is going to be in that location, everyone should share in the cost. There are a number of costs associated with that access. The modification of the traffic signal, there are latecomer fees associated with that traffic signal. There are construction costs of the roadway itself and related improvements and there is the cost of the acquisition of the access that has been incurred by Mr. Kissler. So, that is the -- one of the main reasons we are before you tonight requesting that that condition be deleted. There is access -- the Elk's property has access via Rackham Way and via an easement -- a recorded easement through the Jewel Subdivision in this location. Those properties were purchased with that, knowing that that was their access at that time when Mr. Kissler purchased his, knowing that Rackham Way was his access, but would not be sufficient in the future for his project. So, that's why he went and spent quite a large sum of money for that access and we feel it's only fair that the other property owners share in those costs, if a collector street is going to be there. The timing is so very critical for -- for this project. I

think I'd like to have Mr. Kissler come up and kind of describe the project for you, so you can see what's going to be coming into the city.

De Weerd: Good evening. Thank you for joining us.

Kissler: Yes.

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

Kissler: Yes. Jim Kissler. 1591 Sendero Lane in Boise, Idaho.

De Weerd: Thank you.

Kissler: Thank you, Madam Mayor and distinguished members of the City Council. Rather than really describing the project, I think I will just take a few minutes and give you a little history on the -- the history of Norco, the company that my father and I built when we bought it since 1968. The business has grown considerably. He bought two branches. We were down in Boise and in Twin Falls, Idaho. Now we have 70 branches and some of those are large medical facilities. Initially this was an industrial supply company, but we sell oxygen, so we are in the medical business. So, we are doing a consolidation of the medical billing process that's done out of these seven regional states and in bringing it back to Idaho. It's a little bit more efficient to do billing in our central location, rather than Kalispell, Klamath Falls, Bellingham and Elko. So, in making that decision our billing facilities don't fit in our existing facilities, as we have consolidated. We are over on Amity Road by the airport and that's a three story building, but there is a lot of labor involved. So, the real urgency on this project has to do with that second store that's 40,000 feet and that will mostly be billing people. Much the same way that Blue Cross is on Eagle Road and, then, they do their regional billing, too. So, that's kind of the time frame. I was hoping that we would be moved in by the end of this year. Now we are kind of dealing with this whole access and the cost -- cost of the project. By just putting Norco out there in that corn field -- and you will remember that, basically, I have done two other Norco buildings in Meridian, one on Fairview originally and, then, now we are out on Eagle Road and Ustick and we kind of built that one out in a field, too. But it is expensive to bring the utilities. We are set farther back from the -- from the roadway on this particular -- because where my land is, it's more in the center of this 90 degree -- 90 acre parcel. So, that additional cost of having to put that roadway in and the acquisition of the land puts about two million dollars onto our project. My building would be about ten million dollars to do that anyhow and I expected to have a co-tenant out there that was shown in that major building right next to mine. That hasn't come to fruition and this access issue has been kind of part of the problem with that. I'd like to go forward with this project if we can work through these issues and bring these jobs from Boise to Meridian, but the cost of having to add 20 percent to the project for me having to bear that entirely is a pretty big cost. I paid for my access and we have had meetings with the neighbors, friendly meetings, because I know the people from the Elk's and I know the Zamzow family. To say, hey, we will give you your access, but we would like you to share in the cost of this, to help to defray the cost of my project. So, if we can get the approvals tonight that we

are looking for, we want to do the project, we want to come out to Meridian, bring these jobs and I need to do it in kind of a timely fashion. I'd take any of your questions if you like.

De Weerd: Council, any questions for Mr. Kissler? Okay. Thank you. Thanks for being here.

Kissler: Thank you very much for your time.

Huber: We would request your approval tonight. We are in agreement with the staff report, with the exception of five items and I'd like to go through those with you. Condition number eight is a -- no. Excuse me. Condition number nine is a condition to grant access to the property to the east -- properties to the east. Zamzow's. The Steer property. And we would request that that be deleted, because of the issues that we brought forward to you tonight. Condition number 16, again, is the requirement to provide access to the property to the north via a collector street and we would request that that condition be deleted for the reasons that we have stated tonight. Condition number 17. There is 65 feet of right of way for Rackham Way there. We don't -- we don't understand what the additional need would be for a local street improvement. So, we would request that that be deleted. And condition number 22 and condition number 23 both refer to the -- bringing the sewer through and up sizing the sewer and water lines and we are perfectly willing to bring the sewer through, but if there is an upsizing for other projects and other property owners, we feel that they should share in that cost. All of the other conditions we are in agreement with and we would request your approval and I stand for questions.

De Weerd: Thank you. Council, any questions?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Mr. Huber, I may have missed it. Can you -- can you explain to me what your basis is for not thinking you guys would need a collector street? I don't know if I heard that -- that particular piece.

Huber: Well, Madam Mayor, Councilman Cavener, our project doesn't -- isn't large enough to require a collector street and if we are going to build a collector street for the other parties to use, we feel that they should share in the cost. For us -- put it in perspective for you, if -- if I was just a barber and was going to build a barber shop there, would I have to build a collector street through to everybody if I was just going to have a barbershop with one chair in it? It's not much different than just Mr. Kissler's project. It's larger, but it doesn't warrant a collector street. It's just -- all he needs is a drive aisle.

Cavener: Madam Mayor? I heard from Mr. Kissler two to three hundred employees?

Huber: Yes.

Cavener: With all due respect, that's a few more people than one person that would come for a chair for a barbershop.

Huber: Well, sure, but it's still a development.

Cavener: Sure.

Huber: And the size of our development doesn't warrant a collector street and to require us to build a collector street would be a taking of our property without just compensation.

Cavener: Thank you.

De Weerd: Okay. Mr. Zaremba.

Zaremba: Madam Mayor. The question I asked earlier -- have you actually done any advanced engineering to -- and what I'm focusing on is the flood plain permit application. Have you done any advanced engineering to determine whether that will go well or not?

Huber: Madam Mayor, Councilman Zaremba, we have our engineers working on this project as we speak and improvements to Rackham Way, we are willing to do on the front of our pad -- parcel out there in phase three and I'm sure that there is -- you can engineer just about anything if you spend enough money on it. So, I'm sure we can get over that hurdle.

Zaremba: All right. Thank you.

De Weerd: So, I -- I guess my question is -- excuse me. Because of the center position you're in, I truly believe a collector road is appropriate. But is what you're saying if you build it you want latecomers where you will get some kind reimbursement? Is that how I understand it? Or you don't want to build it at all?

Huber: Madam Mayor, we don't want to build it at all is the answer. We would -- we would build it if everybody would participate in it and we think that's only fair and equitable. To date they have been -- we have had our meetings with the Elk's and Zamzow's and they have not been willing to reach an agreement with us on the -- sharing the cost of that road and as I stated earlier, we are willing to preserve or reserve right of way for that road. Once those properties develop in the future, then, the road can be constructed to those collector standards with everybody sharing in the cost. But we are willing to build our project and the drive aisle today and we need to do that today to move toward.

De Weerd: Okay. Well, I will definitely have a question for Justin, so --

Huber: Okay.

De Weerd: Any further questions from Council?

Zaremba: Madam Mayor?

De Weerd: Mr. Zaremba.

Zaremba: I guess I would ask staff this. This is not an unusual circumstance. We regularly have development where there is going to be another development behind them and several things -- sewer, water, and roadways need to be adequate to serve the future and, yes, that may not be this applicant's responsibility, but this not a unique situation. We have them all over the place and I guess my question is what do we do about who pays for it?

De Weerd: Yeah. That was going to be a question to Justin.

Zaremba: Oh. Okay.

Watters: Madam Mayor, Councilman Zaremba, road issues would be a question for Justin. So far as services, there may be a latecomers agreement that they could enter into if upsizing is required. But other than that, our code does require services to be to and through and we require public streets to be extended and cross-access easements to be granted when access to a local street isn't available. Standard requirement.

Zaremba: Thank you.

De Weerd: Okay. Anything further from Council?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Jeff, with regard to the cross-access, is it the same argument that you make that you don't want to pay for it exclusively, as opposed to it's not even necessary?

Huber: Well, our project does not warrant a collector street and we -- but we are willing to pay our pro rata share of a collector street --

Borton: Right.

Huber: -- if the other parties are willing to chip in also and share in the cost.

Borton: With regards to the condition number nine, that spoke to the cross-access to the east.

Huber: Yes.

Borton: Merely granting the cross-access itself was objectionable. Is it the belief that it's not required? You shouldn't be required to put in -- or provide cross-access or that you -- it's appropriate, but you don't want to pay for it exclusively?

Huber: Correct. We -- if we grant access, then, we -- they wouldn't have to pay for it. They wouldn't have to pay for the -- for the improvements to this signal and the collector street that they would all benefit from.

Borton: Okay. Thanks.

De Weerd: Thank you.

Huber: And in closing I just wanted to reiterate that these properties do have access from a local street currently. Thank you.

De Weerd: This is a public hearing. Is there anyone who would like to provide testimony on this item?

White: Jason White. White-Leasure Development Company. 8385 West Emerald Street. To answer your question, Councilman Zaremba -- did I get it right? We have done -- Quadrant Engineering has done the hydrology study on the Five Mile Creek and we are -- that's why the buildings are set to the north. So, we will stay out of the flood way and flood plain. What wasn't studied was how -- the inlet at Rackham Way. So, we don't -- we don't really know the answer to that question of widening Rackham Way would do anything to that. But we did study that whole -- the rest of the Five Mile drain.

De Weerd: Okay. Justin, I guess we had a question about this collector and how Ada County Highway District typically addresses this kind of scenario.

Lucas: Thank you, Madam Mayor. Just for the record, Justin Lucas, representing the Ada County Highway District. Business address is 3775 Adams Street, Garden City, Idaho. Just to begin, application before you tonight is a modification to a development agreement. So, in these situations ACHD doesn't have a -- really an application to comment on specifically because we are not parties to your development agreements with developers. That said, oftentimes you do have requirements within development agreements that affect the highway district and there is, you know, a mutual understanding between our agencies. But I just want to make that clear, because that's why you don't have an official staff report or anything like that from ACHD, because there was nothing that we were able to really respond to that was submitted to us for -- for official review. That being stated, the collector street -- this is a -- I think it's accurate to say this is not a unique situation, we deal with this all the time where a collector street is required of one landowner or property owner that provides access to another landowner or property owner. That happens all the time. It's something that ACHD consistently requires and is something that -- we require it because collector streets are built by development. They are built through development. ACHD has no program to build collector streets, those are built by developers and so we -- in coordination with the city try

to come up with a logical way to extend those streets through the development process. So, the comments you heard tonight were ACHD's, after looking at this, thinking this is the most logical way to extend that specific street. So, I don't know if that helps to answer your question. When it comes to who pays for it and -- and oftentimes are these streets built through some kind of cooperative agreement between landowners, I'm sure it occurs. Rarely does it occur with an official agreement with the highway district. Those are typically deals that are struck between the property owners. But the streets get built and ACHD is not necessarily party to who is financing the roadway. So, I don't know if that answers your questions completely, but that's the -- that's some information. I will pause for any questions you might have.

De Weerd: Council, any questions? Mr. Cavener.

Cavener: Madam Mayor. Justin, thanks. And I just need some further clarification. The applicant is saying that they don't feel that the amount of vehicles that are going to be coming to their development warrants a collector. Maybe you could just explain to me a little bit more the basis from ACHD as to why you think a collector is warranted.

Lucas: So, I will explain -- let me start with this: To my knowledge there has been no traffic impact study performed for this development, so I have no data or -- or document to review that would give me an answer on the number of trips going in and out and things like that. So, at this point in the process ACHD has reviewed no such document. That being stated, oftentimes streets such as this, whether it be a collector or just an extension of a local commercial street, are oftentimes built without entirely being warranted by one single development, because they are built to serve the entire area. It's a public street. And so oftentimes it's not uncommon for a developer to be required to build a street that his sole development or her sole development may be -- may warrant. The issue is more of an issue of connectivity, rather than warrants of any specific development.

De Weerd: So, basically, what I hear is until you get an application for what it is, you don't know if needs to be a local street or a collector and that, then, the applicant gets hit with an unexpected -- let's say they are now working into their finance plan a local street and ACHD, once they get their application, say, well, no, it needs to be a collector -- based on what? I mean I would imagine that you would know what that street needs to be, because of the intensity of the land use out there and isn't it better to know what the expectation is going into this -- I mean staff could pull out any reference to road and say whatever ACHD wants you to do, but I think it needs to be above board, so the people that are looking to develop know what is expected and if it needs to be a joint venture between several different property owners, they also know what it all entails.

Lucas: Madam Mayor, I can try to respond to that. The -- the issue of development intensity within any city can vary widely based on the zoning designation. If a piece of ground has a zoning designation of C-G within the City of Meridian, that could be so many different things and so, really, the highway district has no ability to predict what a piece of vacant ground with any broad zoning designation will require and so that is a difficult situation. As I stated, it's more of an issue of connectivity. Now, I don't -- I would have to

look at our master street map, but I mean we have been talking a lot about a collector street tonight. I don't know if a collector street is actually identified for this area on our master street map. I do not believe it is. So, whether it's a collector or a local commercial street, let's just call it a public street. A public street connection between the signal at Overland and Silverstone north along this property line connecting and terminating into the Elk's property. So, that's been anticipated for a long time. There is a signal there at Overland and -- and Silverstone Way and the idea of connecting that to and through this broad vacant area I don't think has been under -- under the -- has been hidden in any way. There has always been an anticipation that there be a public street connected to the north at the signal into this area. The width of that street, the development requirements associated with that street -- you're right, they could vary depending on the intensity, but, to be honest, the difference between a local and a collector street in this situation is very little. It's 36 feet of pavement. The sidewalk width, you have some landscaping requirements associated with it, but public street connectivity in this area has been anticipated for a very long time.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Did you say the cost difference between building this as a local street verses a collector is small?

Lucas: So, I can't speak to the specific cost of this project. Let's just say generally, yeah, a collector street and a local street per -- built by a developer, as I say, the width and the improvements are not extremely different in a commercial setting. A residential collector street versus a residential local street, there could be some significant -- there could be differences there. A sidewalk and other things. But this type of street, which serves primarily commercial, there is not much of a difference there from a width standpoint. And in a situation like this on a shared property boundary, ACHD does not require the entire street be constructed by the one developer. The one owner they are required to build basically half a street, plus 12 feet of pavement to accommodate two way traffic. So, they are not necessarily required to build all of the curb, gutter and sidewalk improvements that would, then, be born by the other property owner when there is a shared property line. But all of those details, as I say, have not been analyzed for this specific development, because it's a development agreement modification and there is really no -- no detailed plan that ACHD has been able to review at this time. So, I don't know if that helps or hurts the situation, but that's the -- I can certainly stand for any other questions you might have.

Watters: Madam Mayor, may I comment on -- on the issue of the development agreement modification? That is correct, it's only a development agreement modification. ACHD typically comments on subdivision applications. A provision of this original development agreement is the terms of the annexation did require this property to be subdivided prior to issuance of any building permit. That was probably the reason, so that ACHD could do a traffic impact study and take a look at the street requirements for this property. With this DA mod tonight the applicant is asking for that to be removed and for subdivision of the

property to not be required and for them just to be issued building permits. So, that is something that the Council should consider very seriously with this application.

De Weerd: Mr. Zaremba.

Zaremba: Madam Mayor. It comes as no surprise I have a sideways question on this and it's about the viability of Rackham Way. I don't remember whether it was a previous application on this property or a discussion about the property just to the south between this and Overland, but the current use of Rackham Way is ACHD park and ride lot and access to a farm, not commercial property or anything with heavy use and the issue was the proximity of the intersection of Rackham Way, how close it is to Eagle Road. It doesn't meet, as I recall, ACHD's setback requirements and I know that the fire department had a great issue with being able to access Rackham Road from Overland making a left turn off of Overland and I know there was some special striping, identifying islands and don't cross this line and block this intersection. I'm not sure how that's working. We may want to hear from our police or fire departments. But my question to you is do -- and this puts you on the spot. Do you have anything in mind that this access to Rackham Road -- Rackham Way may go away? I think there was discussion about moving that intersection and what -- what's the current thinking about that?

Lucas: Yeah. Madam Mayor, Councilman Zaremba, Members of the Council, Rackham Way, you're correct, is a substandard street that's an historic street that's been there a very long time. As this area develops will not adequately serve the needs of higher intensity. Just to quote in the memo that was sent over to Sonya, December 21, 2015, ACHD is considering and would consider a vacation of Rackham Way, would be removing it off -- removing it as public right of way, as long as some kind of other access is -- is available. If Silverstone Way is connected as a public street with a signalized intersection and can provide access to this entire area, Rackham Way becomes somewhat -- not needed in many ways and can, then, be used for other purposes and so that's just what -- what is referenced in this -- in this memo is that Rackham Way would need to be vacated or improved adjacent to the site if there is a desire to leave it as a public street. So, I think ACHD would certainly consider vacation of Rackham Way. So, it would no longer serve -- serve this area if there was an alternate, more viable access. Does that help answer your question, sir?

Zaremba: It does. Thank you. I don't know -- while you're standing there whether police and fire want to chime in on it or not, but --

Palmer: Madam Mayor, Members of the Council, Councilman Zaremba, from our standpoint currently when we do have calls in that area to access it is difficult, because there is so much congestion and I would agree with Justin that should that area intensify with traffic, it's just going to exacerbate the issues that we currently experience there. People rarely observe the lines and often block that traffic to position themselves for the moves that they want to make onto Eagle, so it does create quite a bit of congestion and safety concerns for us when responding into that area currently.

Overton: Madam Mayor, Members of the Council, Councilman Zaremba, from a police perspective -- I mean one month out of the year that's a zoo. The other 11 months we don't generally get a call out there. Police cars, of course, we can get to places that the big fire trucks can't get to, but we were always hoping our planning over the past decade that eventually when that road went through, Rackham Way would go away and we wouldn't have that issue with having that road so close.

Zaremba: Madam Mayor? So, I guess what I'm leaning towards -- we have a requirement for the applicant to make improvements on Rackham Way. I would rather have them spend that money on -- on the public road that accesses the signal and I'm wondering if that's -- is that a possible trade? I don't know whether that's an ACHD question or a development question.

Lucas: Madam Mayor, Members of the Council, you know, certainly if ACHD were able to review a subdivision on this site that is where ACHD is able to do a more thorough analysis of opportunities and options available for -- for a development of this scale and scope. So, absent of that, you know, ACHD, due to our special purpose nature, it doesn't have a lot of authority when it comes to some of these -- of these types of situations and so I can't say what would happen during that process, but certainly it's happened in the past through the subdivision process, there is a vacation and exchange, that all of those things are possible and have happened many, many times in similar situations.

Zaremba: Thank you. Just a comment. I think my take away from this part of the discussion is that we need to preserve the requirement that they do a subdivision. That's totally sideways from what we are talking about, but I -- that's the conclusion I would draw.

Lucas: Thank you.

De Weerd: Okay. Anything further from Council? Any other public testimony before I ask the applicant to provide closing remarks? Good evening, Larry.

Leasure: Good evening, Madam Mayor, Members of the Council. Larry Leasure. White-Leasure Development Company. 8365 Emerald. Appreciate a chance to make a few closing comments as it relates to this particular project, because this is unusual. We have done over a hundred shopping centers. We have some idea how they work and what needs to happen and when there are collector streets and so forth. Or private streets. Many of our developments have private drives, which is what initially we had talked about here in this particular project, because we are not talking 90 acres here. There are a few of us that were around in 1995. I'm not going to look at any of you that were there with me in 1995, but I can tell you this particular site and what's happened since that time in Meridian is, obviously, pretty dramatic. But I will always share with you that in 1995 you saw a plan that staff presented tonight. That was one of 50 plans that were laid out on this site. I'm talking the 90 acres. This is 20 acres of that 90 acres. This parcel can, in fact, be developed with a private drive, if they have access off of the main element. At no time was there a final commitment as to where the location would be of what we are now calling a collector street. The site plan that's before you right now, that was the one that

ultimately you approved, which never happened. Developer walked away and nothing was developed. The truth is a majority of the plans that were drawn on this site -- because at the time Sundance was developing their project, they didn't know exactly where that location was going to be off of Overland. Number one. At the same time there was much discussion about an access point off of Eagle Road and the need for that to happen and why that could. In those years perhaps that could have been done and I can tell you for sure that if we had been involved we would certainly have been trying to make that happen for access for a 90 acre location and I think that that was very important. The other thing is the major access point, yes, came off at this location, meaning off of Overland, but, then, this is Five Mile. Well, that's really where the roadway went on a majority of the applications and the site plans that were drawn and the buildings were back against the real estate, not upon the freeway. So, in other words -- this keeps acting up here. Sorry about that. Let me try your --

Watters: Larry, select a color at the top if you would. Push one of those buttons up there, then, you can draw with it.

Leasure: Oh. Great. Thank you. So, in the very beginning when you're talking the 90 acres, the access was up here, wrapped around here, tied into what was Rackham Way and, then, the buildings were all here and you will find back in the staff archives that that's really the way it was developed. So, when we started master planning the 20 acre site with Norco and their property and what we could do, we looked at this site from the standpoint of how it could be integrated long term, not knowing what -- what the Elk's or the future buyers of the Elk's property would do. So, we actually moved our buildings over to the west in the site -- in the other site plan -- in other words, our initial buildings were over -- over -- over off to the side here and so -- is there green? I will try green. No, it's not working. Anyway, what I'm saying is that at no point this collector that we are talking about tonight was ever dedicated to go in this location we are talking about this evening. We felt it made more sense for the future -- we were proposing a private drive, which we have been all along when we met with ACHD. For the time being an access drive, like any other private drive, would be built to ACHD standards and your standards to take care of this first phase of the development. We don't need 37 feet -- and, believe me, there is a difference in a full collector street and a residential street, number one -- I see the light here. But the bridges -- the cost to build a bridge over this area that you're well aware of, the -- of the wetland area that we have been able to solve. So, timing is -- is our question. We are sitting here with just a small portion of the 90 acre site. We can develop this site with private drives, still serving access to the Sundance, which is in our agreement, which is the piece to the west, and we can move forward, reserving additional real estate -- reserving that hundred foot strip for the future when and if something ever develops in back or we come back for a more intense development in the future and that's what we are really proposing. It's an area of fairness here as far as the improvements to the infrastructure and the construction and, more importantly, the acquisition -- this all had to be acquired. This was not a public access ever at any point. This had to be purchased from Sundance. All of this. And was very substantial in cost. So, we are asking you to approve it. We will get ACHD approval on the private drive that we have proposed here or as located. We will reserve all that hundred feet, so that something in the future could

happen. The folks to the east that -- that there was some discussion, it's a residential parcel. It's zoned for residential. It's the back sides of their homes -- of their properties that we are now being asked to give access to. I don't know whether that's for their trailers -- I don't know what that accomplishes pushing all of that back down onto -- onto our property. But that's why we have also suggested we don't think today until that -- that happens. There is no question the Elk's property will be developed at some point. We all know it's for sale. There have been numbers of people looking at it. When that happens we are anxious to sit down with those folks -- the rights of way are there. We just don't have to go in and build that today for a 40,000 square foot building, a two story building that today Norco is proposing to bring into Eagle. The subdivision -- we understand also the -- the need for subdivisions. One big question though. We have three legal lots today that we can build on in the City of Meridian. We are requesting that one building permit to go to get Norco moving and going forward. A subdivision is six to eight to nine to 12 months -- you might as well wipe it out for them doing anything this year with that subdivision and legally we have a lot -- we have a lot that goes back and is legal and we are requesting that that be approved, so that we can move forward on this one building and that's the timing. We are not -- the other is --

De Weerd: Okay. Larry, you need to wrap it up.

Leasure: Thank you for your consideration and we understand it. Thank you.

Zaremba: Madam Mayor, I do have a question if I may.

De Weerd: Mr. Zaremba.

Zaremba: And I'm basing --

De Weerd: Mr. Leasure, I think he has a question for you.

Leasure: Yeah.

Zaremba: The suggestion has been made that in the past there have been arrangements where a public road is required, that one applicant builds half plus 12. In other words, you're not required to build everything and all the accoutrements that would be on the east side of it. Frankly, I don't buy that anybody would look at this and not expect that roadway to go through there. But my question to you is if there were some way not make the improvements on Rackham, could you do the half plus 12 where the signal is?

Leasure: That definitely would be an option to consider with the applicant and I hear where you're going with that as a possibility of phase one or step one. It's a possibility.

Zaremba: Well, the people on the east side would be required to complete the rest of the street, so --

Leasure: Right. Right. And --

Zaremba: Or north -- to the north.

Leasure: Yeah.

Zaremba: Either one.

Leasure: Yeah.

Zaremba: I just want to throw that thought out there. Is that something you would be willing to consider?

Leasure: Well, I'd have to talk with our landowner potentially there and the --

De Weerd: You can't from there, but you can come up here.

Kissler: I don't want to make this complicated or drag it out. Do I repeat my name and address?

De Weerd: Just -- you can just state your name.

Kissler: Jim Kissler.

De Weerd: Thank you.

Kissler: I bought that little panhandle of land from the Sundance people and I paid a half a million dollars for it. Ten dollars a square foot. Okay? So, there was no roadway. When I bought that land as farm property my access would have been Rackham. So, I made arrangements with the Andersons over there at Sundance and I said if I'm going to do anything more than the house that's on here, I'm going to have to have a wide access and I bought it wide enough so that a hundred foot road -- isn't that what we planned to put in there? A hundred foot road and it could be a big wide access. Now, I'd like to have it, too. I wish somebody else would have put it in coming across my property, but I can't just expect it. So, the Elk's have two separate locations where they do have access. It's somewhat inadequate, just like my access was inadequate for me to get a lot of traffic in and out. So, I bought that access to come up to that intersection, with all the baggage that came with it. I have got to put the lights in and all the other improvements. So, when I go to my neighbors -- and we have had dialogues. I have got a friendly relationship with the Elk's people, okay? But I'm expecting them to do the same thing. It's not just a matter of an additional 14 feet of asphalt there. I would be happy to do that if we were just talking asphalt. But there is a value to that land, which I had to pay and there is an additional two acres coming across my property of the 20 that is going to be that hundred foot wide access. So, why do I have to put in what would be a four lane road for the luxury of my neighbors, when I don't need it for this development. So, it's not just putting in half the roadway, it's sharing the cost, and sharing the cost of those larger utilities if they are going to put in something very large back there. But somebody that comes and buys the

property from the Elk's is going to have to have some consideration for -- we need access, we need to pay Mr. Kissler for it, myself, and reimburse my company or else we are going to have to widen Rackham, relocate Rackham, so that it's not so close to that intersection, which would be bothering the police and ambulance and fire department and they have to make something cost in their land to be able to develop in the future much the same way that I did. So, I go to my neighbors, Jim Zamzow and the people at the Elk's, and tell them do you guys want to ante up for this thing and we have given them written proposals and they sit back and say, no, because we suspect that the city might require it of you. It is kind of a taking. It's not necessary for my project. They can buy it the same way I did. And that concludes my comments.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Larry, I think -- I think -- and you would agree with me -- that Silverstone is the only way to get into all that property back there. The other road is so close -- it's a hazard for our emergency vehicles to go out there. In fact, some of our trucks have to go down and make a u-turn to get back and get on it. It's -- it just -- and we have got to -- we as a Council got to look out for the future of the development out here. While Mr. Kissler's developments are great and we appreciate him bringing them to Meridian, we appreciate everything they have done for Meridian -- been in Meridian, we -- we have got to be practical about -- it's across from a collector, it's got the lights there. It's got to be the deal. And it -- he can take it to the property line. We don't have a traffic study. He's going to have a lot of employees out there. How many car trips are going to be coming, how many other stores. You have trucks coming in and out. Are you going to have your delivery thing out there and stuff? So, you're going to have big trucks coming in and out. I just -- I feel for this -- this development at this time, that that should be a collector and we -- everybody that is first in line -- you know, it's just like doing -- redoing an intersection, the first two developers usually wind up paying all the deals. The other on the corners get away scott free; right, Larry?

Leasure: That's right.

Bird: Okay. So, this is -- I know it's an added burden, but I think as a city and looking out for the city, the safety -- my biggest thing is safety for our emergency workers and everybody else -- the public period. I think that's got to be a collector, because it's across from a collector and it also has the lights there now, so -- while I -- I just -- and it would be nice if the Elk's and Zamzows would go in with you. You can certainly approach them on that. It's done all the time by developers, agreements and stuff, and I just think that's got to be the collector road and that other one goes away.

De Weerd: Anything further from Council?

Kissler: It's not necessary for my development.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I have a question for staff. Speaking of Rackham Way, that access isn't going to go away. It's connected to the Overland Village. You reference that in the staff report from '08.

Watters: That is correct.

Borton: So, speaking of vacating Rackham Way, it might be from this project site to the north perhaps, but not south.

Watters: Madam Mayor, Councilman Borton, when Overland Village came in -- I'm not sure if you're aware of this already, but it did include a request to vacate a portion of Rackham Way. Council did approve that request, but they never followed through with ACHD and obtain approval to vacate it.

Borton: Okay.

Watters: So, it's still in its current configuration. It is approve -- been approved to be relocated I believe right in here where my pointer is on the screen here.

Borton: Okay. Vacated and relocated, not eliminated altogether.

Watters: Yes. Vacated and relocated.

De Weerd: This is really odd. We usually don't have a discussion on what ACHD may or may not require and not being the road department this makes it very awkward. We do have to look at the future and whether the demand of this particular development would warrant a private road versus a public road. It has to be a public road, because it's -- it's what connects to the northern piece and it's what connects that entire undeveloped area to a traffic light, which, as Mr. Bird pointed out, we have responsibility for the safety of -- of our citizens and the developments that we approve. Who pays for it I think is really an Ada County Highway District thing in can you require a latecomer that if the northern piece wants to connect to a traffic light they have to pay to get there. I don't know. We typically don't discuss this, which is what makes this odd. What we can say is that can't be a private road. It connects to a lighted intersection and it would not be -- we would not be doing our job for all property owners and for our public to say it's okay to just make that a private. I do think this is an ACHD issue and it sounds like until you put an application in front of them they are not going to weigh in. This is an oddity. I don't think we have ever had this discussion before. So, we apologize we are clunky in this conversation, because this is not our forte. It is not in our well house, but it's important all the same.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: So -- and the way I see it makes -- see if I'm correct here. We -- we could either send it for a subdivision and, then, ACHD -- with the requirement that we just go with whatever ACHD recommends; right? Or remove that -- or require it be a collector street. I don't think we really have any other options in order to keep it in a setting -- maybe if the applicant would rather -- it sounds like they don't want to wait, because it takes a long time. Then ACHD could do their job and give it the proper recommendation. But -- but they don't want to wait. I don't think there is just really an option to get rid of it.

Zaremba: Madam Mayor?

De Weerd: Mr. Zaremba.

Zaremba: Just for clarification if I may. What we are asking is to modify the existing development agreement. The existing development agreement requires the subdivision; is that correct?

Watters: Madam Mayor, Councilman Zaremba, the development agreement itself does not currently exist. However, the provisions of the annexation that were to go into the development agreement do exist.

Zaremba: Okay.

Watters: And, yes, they did require the property to be subdivided prior to issuance of any building permits. So, to alleviate this issue, this is -- you know, don't approve that.

Zaremba: Don't approve the modification.

Watters: Staff supported that with the conditions in the staff report, because the applicant was in a hurry and trying to get going and trying to get the building built. So, we were trying to work with them and that's why staff solicited comments from ACHD. It is abnormal, but that's the reason why.

Zaremba: Follow up if I may. Refresh my memory also. We have had a discussion about people not signing development agreements over a great length of time. Have we established currently on new applications that there is a six month deadline or something? I -- this may be a question for Mr. Nary. I know we have discussed it over and over and gone back and forth on it and at one point we made it two years and my recollection is we have been talking about saying you either sign the development agreement within six months or we have -- we don't annex it until we see it. Somebody refresh my memory on that if you would.

Nary: Madam Mayor, Members of the Council, that -- that is the current practice and it is -- I think that's in the ordinance update if I recall. In the past we, basically, just didn't annex the property, but in 1995 I have no idea. Councilman Rountree is not here. He's

the only one that might know. I have no idea. But I know we have had other -- I know we have had other types of -- or other types of annexations where the property was annexed and there was either no development agreement signed and it was planned, as in this case, or it -- the development agreement just kind of hung in the balance and they didn't connect those two together. So, this was probably that I would guess, but I don't know.

Zaremba: But we have fixed that for the future?

Nary: Correct.

Zaremba: Good. Thank you.

Watters: Madam Mayor, Councilman Zaremba, on this particular project they allowed the annexation to take place, but the development agreement was required -- I believe it was prior to subdivision of the property is what the agreement said. So, it was rather abnormal.

Zaremba: Okay. That helped.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Sonya, I know Mr. Kissler is wanting to get this building started and I don't like to hold people up. How important is the subdivision right now in this modified DA and can we accomplish that after we would give him a building permit that we still have any bite?

Watters: Madam Mayor, Councilman Bird, yes, you could approve it without a subdivision per the staff report. The reason for the subdivision would be to get a traffic impact study and get ACHD's requirements. The bite would be certificate of occupancy.

Bird: Follow up, Madam Mayor? If we were to approve it and Silverstone being a collector up to the property, then, that takes care of the one step you had with staff if that's what the staff agreed with -- isn't that what the staff agrees with is to get that into a --

Watters: To the northern property boundary.

Bird: To the northern property --

Watters: To the Elk's property.

Bird: -- as a collector road at Silverstone where the lights are.

Watters: Yes.

Bird: Okay. Thank you.

De Weerd: Okay. Council?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I see what staff is trying to do. It's, you know, one or the other, if I'm following you with regards to the subdivision application or absent that preserving what we anticipate to be the roadway improvements that might come from that process. The problem being the process takes too long for the applicant's needs. I think Councilman Zaremba touched on a kind concept that might be worth exploring in the short term that tries to capture what Mr. Kissler is saying, which is a fair consideration in this unique circumstance, trying to fairly allocate the cost of this collector roadway. If I heard you right, Councilman Zaremba was making reference to rather than having this applicant construct the entire collector, it would be a requirement to construct much less and share that cost with property to the north, for example. The burden on this applicant would be to construct the one half plus 12 was one example, and perhaps some additional savings might be an amendment to the requirements on Rackham Way and improvements to that, at least adjacent to this parcel. I don't -- I can't do the math or feel comfortable if that's proper, nor probably can the applicant, but I imagine -- I would think within a short time frame, maybe even a week, that can be assessed to see whether that makes sense to explore, because if you can preserve some tweak like that, you can go forward feeling comfortable removing the subdivision requirement and approve a modified -- or approve the initial development agreement and have those specifics within it. I don't know if that conversation -- we don't want to reopen the door to latecomer agreements. I know those went away ten years ago, but if this situation invites that type of reassessment to see if there is some horse trading, for lack of a better word, but still allows the applicant to stay on a fast track, it does share some of the cost, is that feasible?

Watters: Madam Mayor, Councilman Borton, what I think you're saying is allow the applicant to work further with ACHD to determine if that would be an acceptable option? Is that what you are proposing?

Borton: I think ACHD and our staff certainly -- we have discussed this half plus 12 and eliminating improvements necessary on Rackham, there is true dollars to that and what I don't think -- I don't think the discussion is -- and I agree with the Mayor and I think everyone else up here, that the private road is truly what's the long term solution here, but I think what we are trying to do is create an equitable solution for the public street that's going to be there.

Watters: Staff has met with ACHD, with the applicants. We can meet with them again if that's the route you would like to go. The next meeting is a workshop, it is not a public meeting, so we would have to continue it out for two weeks if that's the direction you decide to go.

De Weerd: We can still put this on.

Bird: We can still put it on if we need to.

Borton: Madam Mayor? The only reason I throw that out there is just to see if the concept is worth exploring. If it isn't -- maybe nobody thinks it is, but I thought Councilman Zaremba's idea had some merit. Mr. Leasure was curious -- I just don't want to lose the opportunity to have those discussions.

Watters: It may be a question for Justin from ACHD.

Lucas: Madam Mayor, Members of the Council, Justin Lucas, Ada County Highway District. Once, again, this is a development agreement modification application and I know we have gone over how that's awkward to be discussing all of these items within this type of application. ACHD can accept right of way outside of the platting process and we have done that many times. So, a subdivision plat is not required for ACHD to accept right of way and to get a road built. Typically that's how we get it, because that's the only way we can require it and get it and so -- but if the -- if there is a desire by the city to move this forward without the platting process, but still get what I would call a public road connection -- I wouldn't even go to the point of collector, I would just call it a public road connection from Overland to the north property line, there may be ways to accomplish that outside of the platting process that could be more expeditious for the applicant. So, that is possible. I can't -- I can't tonight explain all of those options, but I certainly know that's happened in the past and we have oftentimes, through other types of applications, gotten roads built. So, that is a possibility.

De Weerd: So, I guess, Justin, the question is can you work with staff and the applicant and have some indication by next week?

Lucas: Madam Mayor, Members of the Council, I can commit to doing everything I can to facilitate a meeting between our development staff, you know, City of Meridian development staff and the applicant. I can't guarantee it will happen. I certainly know that ACHD can make time available to attend a meeting to discuss options on this property. I can't guarantee resolution, because a resolution will come from various parties, not just ACHD.

Zaremba: Madam Mayor?

De Weerd: Mr. Zaremba.

Zaremba: I just have part of this and, again, I will put you on the spot. We have a couple of these -- and I think of Pine Street east of Black Cat is a half plus 12 and maybe Venable south of Ustick. I don't remember where all of them are, but it's not uncommon. I think we have done several of them and I guess my question to you is how does that work out for ACHD? Eventually an adjacent property owner has to complete that. How do you track that?

Lucas: Once, again, Madam Mayor, Members of the Council, Councilman Zaremba, through the development process what will happen is if a half plus 12 is constructed, when an adjacent property owner on the other side, the unimproved side, comes in and wants to develop their property, ACHD then requires them to complete the necessary improvements on their side of the roadway and that's very typical through the development process. There is probably -- you mentioned three or four. There may be ten, 20 or 30 -- there might be a hundred of these in the county -- you know, throughout the county. So, it's not -- a half plus 12 requirement, which is stated in the memo, that the extension of Silverstone Way as a public street to the north property line, this would include right of way dedication less than what is shown on the submitted site plan for future area and parcel construction, which is referenced in half plus 12 requirement. District policies support the extension of stub streets to and through developing properties. That's really what this all comes down to is the extension of what we would consider a stub at Overland and Silverstone to and through this property connecting to the adjacent property.

Zaremba: Thank you. I'm glad you come to our meetings.

Lucas: Well, I'm glad I can -- I can be here. Unfortunately, I don't work directly with the applicants on these issues and they are probably thinking to themselves who is this guy, but I represent ACHD as a liaison and I try to bring the facts the best I can and you have that memo I hope in your packet from Christy Little, who is the planning review supervisor, who outlines the basic requirements of what ACHD would expect in this situation.

De Weerd: Okay. Anything further for Justin?

Lucas: Thank you.

De Weerd: Thank you.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Question for Mr. Nary. On a roadway we don't have the power to make latecomers fees on a road. We do on sewers and stuff like that that we put in, but we don't and, I don't know, I should have asked Justin, but I don't know if they do or not. But it seems like -- I don't want to hold the building of this up or anything like that, but I do want some more clarification and I would like to see, if the rest of the Council -- I would move that we continue MDA H-2015-0024 to next -- to January 12th, 2016, and -- for resolution and to make -- see if the applicant, ACHD, which Justin said they would try, and our staff can work this out and make it clear, so that we can get this project going to the satisfaction of everybody, including our citizens.

De Weerd: So, I have a motion to continue.

Milam: Second.

De Weerd: And a second. All those in favor say aye. Sorry, this is a motion. It doesn't have discussion.

Cavener: That's why I said question for the maker of the motion. To the maker of the motion, is there any direction as to what they are meeting on? Is it on any particular item or all items in the staff report?

Bird: All the -- all the controversial items, particularly the roadway and --

Milam: Everything that staff says they don't agree with.

Bird: That they don't agree with. Let's get it looked at.

Cavener: Great.

Milam: Second agrees.

De Weerd: Okay. Those in favor of continuing this until next week please say aye. Any opposed? Okay. I thought I heard all ayes, but I wasn't sure.

MOTION CARRIED: ALL AYES.

De Weerd: Okay. So, we will have our staffs get together and hopefully we can come back and have a shorter discussion with some clarity on direction. And I will say whoever put this on a short agenda -- I'm glad that I moved my parents out so my dad could eat.

C. Public Hearing for Settlers Square Subdivision (H-2015-0014) by Seagle Three, LLC Located Near the Norwest Corner of W. Ustick Road and N. Venable Ave

- 1. Request: Preliminary Plat Approval Consisting of Twelve (12) Commercial Lots and Two (2) Common Lots on Approximately 9.001 Acres in the C-C Zoning District**

De Weerd: Okay. Item 10-C is a public hearing for Settlers Square Subdivision, H-2015-0014. I will open this public hearing with staff comments.

Beach: Good evening, Mayor, Members of the Council. This is, again, Settlers Square. It's a preliminary plat. The site consists of 9.001 acres. It's currently zoned C-G and is located on the northwest corner of Ustick and Venable Avenue. The subject site is surrounded by residential subdivisions located on the north and south sides of the proposed development, which are both zoned R-8. The commercial development is located east of the subject site, with a gas slash convenience store and a mix of office uses, which is zoned C-N. A little history. In 2008 the property was granted annexation

approved by the City Council with the C-C zoning district for the Settlers Square Subdivision. A development agreement was approved with the annexation. A preliminary plat was also approved concurrently that consisted of 12 commercial lots and two common lots on the same acreage. The preliminary plat then expired in 2010, but the development agreement for the property does not expire and is still in effect. In the development agreement that was signed in 2008, the applicant was granted direct access to Ustick Road. Due to policy changes at the Ada County Highway District the applicant is no longer allowed to have direct access to Ustick Road. However, city staff and ACHD are supportive of a temporary access to Ustick Road until such time as the property to the west develops with an access to Ustick that aligns with North Blairmore Way. The Comprehensive Plan future land use map designation for the property is mixed use community. So, the applicant requests preliminary plat approval consisting of 12 commercial lots on nine -- approximately nine acres of land in the C-C zoning district. There are no minimum setbacks, lot size or street frontage requirements for lots in that zone. The maximum building height allowed in the C-C zone is 50 feet. Future buildings proposed on the subject lot shall meet the minimum dimensional standards listed in UDC 11-2B-3. In the development agreement that was signed in 2008 the applicant was granted direct access to Ustick as I said. Due to policy changes at ACHD, the city code changes, direct access to Ustick is no longer desired by both parties. In working with the applicant, city staff, and ACHD are supportive of an interim or temporary access to Ustick Road until such time as the property to the west is developed, as I said. To insure that interim access is terminated in the future, staff recommends that the applicant submit a revised concept plan with a concurrent development agreement modification application prior to adoption of the findings by City Council that provides details on how the site will be designed after the removal of the temporary access to Ustick Road. The preliminary plat shows two shared driveways into the development. There is an existing north-south public stub street to this property at the north property line, which is Buckstone Avenue. This street is located approximately 330 feet west of Venable. The applicant is proposing to provide access to the site through the extension of Buckstone, with an access easement slash driveway. The proposed shared driveway will run from the existing stub of Buckstone Avenue to the north to the temporary access to Ustick Road on the south boundary of the site. The applicant shall work with ACHD in the design of the turn around entering the subject property. The proposed east-west private driveway aligns with the existing commercial development to the east and should stub to the western boundary of this site for future connectivity via Cooper Avenue slash lane, which would be the road that would be constructed that would, then, require the temporary access to Ustick to be removed. The cross-access will be reciprocated when the property to the west develops. So, on the revised preliminary plat there is a note that states that the proposed access to Ustick is temporary. The draft staff report from ACHD also requires the applicant to enter into a development agreement with ACHD for the temporary access to Ustick Road and to provide for the financial surety for the closure of the driveway. To buffer the existing proposed residential land uses to the north and west from future commercial uses on the site, a minimum of 25 foot wide landscape buffer should be installed according to our UDC. Submitted landscape plan indicates that 25 foot wide landscape buffer adjacent to the residential subdivision to the north and a 20 foot buffer along the western property boundary. The applicant is to provide an additional five feet of landscaping, so 25 feet in

total, to the west property and constructing those in accordance with UDC 3B-9 or seek a waiver from the City Council. Staff did see a letter from the Settlers Irrigation and from the -- the applicant in favor of the conditions. Staff is recommending approval and I will stand for questions that the Mayor and Council may have.

De Weerd: Thank you, Josh. Any questions from Council?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Is there -- there is not yet the modified concept development plan?

Beach: I apologize. I did receive that from the applicant. I think he has that with him. If not I can definitely provide that. They are showing just a removal and a stub.

Borton: Okay. That's what I was --

Beach: Yeah.

Borton: Okay.

Beach: Nothing too extravagant there, just eliminating that access.

Borton: Okay.

De Weerd: Okay. Anything else before the applicant stops pacing? I'm glad he's anxious to get this over, too. Please come on up and state your name and address.

Warnick: Thank you very much. Yeah. For the record my name is Lance Warnick, professional engineer with Aspen Engineers. My business address is 485 -- excuse me -- 485 West Main, Suite B, in Kuna. 83634. I think Josh has done a good job introducing the project. I'd just like to kind of hit on a few things and I do have a paper copy of that current concept plan. So, as Josh said, we -- the developer started platting this project back in about 2007. It was finally approved in terms of the annexation, preliminary plat, in 2008 and has since then expired. Early this last year the developer expressed a desire to try to get that plat reinstated. So, we submitted essentially the same plat back through the site and ACHD to try to get the plat approved, because it has to comply with the development agreement requirements. It was at that time ACHD identified their desire to remove that permanent public roadway connection that we had had, 330 feet west of Venable and in some discussions that we have had with both the city and ACHD, ACHD has actually requested that we remove the public roadways on the interior of the subdivision and go with these service drives, in anticipation of that public roadway being constructed over on the west. You know, ACHD is looking at interconnectivity, as you can tell from the last presentation and that was finalized shortly before the Planning and Zoning meeting. At that meeting they approved the request just with that stipulation that

we come back and essentially modify now the development agreement and now since we removed the public roads and the permanent approach, so our -- our goal or next step, if the city approves it tonight, would be to, then, essentially, have a new neighborhood meeting, say the city wants this -- ACHD wants us to remove this permit access and, then, permit -- submit the new sketches for your consideration for a DA mod. Excuse me. But that's -- that's it, short and to the point, and with that I would stand for any questions.

De Weerd: Thank you. Counsel, any questions?

Bird: I have none.

De Weerd: Okay. Thank you.

Warnick: Thank you.

De Weerd: This is a public hearing. Is there anyone who would like to provide testimony on this item? Okay. Council?

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I move that we close the public hearing on H-2015-0014.

Bird: Second.

De Weerd: I have a motion and a second to close the public hearing on Item 10-C. All those in favor say aye. All ayes.

MOTION CARRIED: ALL AYES.

Zaremba: Madam Mayor?

De Weerd: Mr. Zaremba.

Zaremba: Discussion before we go farther and this is a minor point. This is an application for 12 commercial lots. The depiction that we are looking at has 11 buildings on it. Am I missing one or am I counting wrong?

Bird: No.

Beach: That would be a question for the applicant.

De Weerd: But we just closed the public hearing.

Zaremba: I see 11 again on -- on this plan.

Bird: Wait a minute. Go back. Go back. You got -- you got six on this side and five on the other side. So, you got 11.

Zaremba: So, where is the 12th lot?

Milam: Should we reopen --

De Weerd: Can you -- did you have a second to reopen the public hearing, so we could solve this puzzle?

Bird: I will second it.

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

MOTION CARRIED: ALL AYES.

Zaremba: I apologize, I should have asked this question earlier.

Milam: One lot just doesn't have a building on it?

Warnick: Again for the record, Lance Warnick. Aspen Engineers. Yeah. That concept plan that dates back to 2007, 2008, depicted 11 buildings. The final plat -- excuse me -- preliminary plat's always depicted 12 lots. As the updated concept plan that's submitted, we don't always have to build on that -- every lot, but we anticipate that the number of buildings shown would likely correspond with the number of lots being shown. Do you recognize that many areas in the city allow multiple buildings on a single parcel and they have certain parcels that don't have any buildings on them. So, it's not an uncommon thing to have differences in the number of lots than the ones depicted. Thank you.

Zaremba: I think I got that.

De Weerd: Okay. Any further questions?

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: Sorry to ask you now that he went and sat down. Yeah. I'm just curious. Why? If you're changing everything when you have -- with 12 lots. So, you originally had 12 lots, you still have 12 lots, you originally had 11 buildings and you still have 11 buildings, is that --

Warnick: Actually, if you would see the new concept plan it actually depicts 13 buildings. So, there is -- the number of lots was essentially developed to create -- kind of match a

master plan that was being developed. Again, it's been longer than I can remember on why they don't exactly match. I'm just -- my statement is that it's not uncommon for there to be differences, the number of lots, the number of buildings that are shown.

Milam: Madam Mayor, follow up?

De Weerd: And at this point, because there is some flexibility in our code on the number of buildings, the reason we are here today is to -- for the road and the access to Ustick.

Warnick: Yeah. If I may. The -- we are asking to get the plat reinstated to -- since it's expired and that has the 12 lots. What you will see come before you in the future will be updated concept plans and requested changes to that agreement, they are being triggered by that removal of that public street access, you know, 330 feet west of that Venable-Ustick intersection. And that's -- that's what you will see before you. Honestly, I thought that they would happen simultaneously, but the -- this hearing was scheduled prior to us having that -- that ready. So, we can bring that back towards -- after the fact, rather than simultaneously, so --

Nary: Madam Mayor?

De Weerd: Mr. Nary.

Nary: Maybe simply for the record. I would say the other drawing is really just illustrative. This is really all we are concerned about tonight is the division of the property and your modification of the development agreement will do -- like Mr. Warnick said, will have your building numbers and common lots and such. So, you really don't have to concern yourself with this particular --

De Weerd: Where were you five minutes ago?

Nary: He asked.

Warnick: And if I may just clarify one other point. The original application had two common lots, which we have eliminated. Those were landscape islands that were in that public roadway and ACHD has done two things. Number one, since we are now eliminating the public roadway we don't have the common lots, but, two, ACHD is trying to eliminate those little landscaped islands as separate lots anyway. They are just having them done as a license agreement, so that's why we don't have those two common lots.

De Weerd: Ah-ha. Thank you.

Warnick: Thank you.

De Weerd: Okay. Council, do I motion to close the public hearing?

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I move that we close the public hearing on Item 10-C.

Bird: 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.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam I move that we approve preliminary plat H-215-0014.

Bird: Second.

De Weerd: I have a motion and a second to approve Item 10-C. Any discussion?
Madam Clerk.

Roll Call: Bird; yea; Zaremba, yeah; Borton, yea; Milam, yea; Cavener, yea; Palmer, yea.

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

D. Public Hearing for Falconers Place Subdivision (H-2015-0015) by Summit Equity, LLC Located East Side of Eagle Road, South of Victory Road

- 1. Request: Preliminary Plat** Approval Consisting of Twenty-Three (23) Single-Family Residential Lots and Six (6) Common Lots on Approximately 4.69 Acres in the R-8 Zoning District
- 2. Request: Modification of the Recorded Development Agreement** (Inst. #105152708) for the Purpose of Altering the Type and Number of Buildings to be Constructed on the Subject Property

De Weerd: Item 10-D is a public hearing for Falconers Place Subdivision H-2015-0015. I will open this public hearing with staff comments.

Beach: Good evening, Mayor, Members of the Council. This is, as you said, Falconer's Place Subdivision. It is an application for a preliminary plat and the modification to an existing development agreement. The site consists of 4.69 acres of land, currently zoned R-8 and is located on the east side of Eagle Road south of Victory Road. Adjacent land uses and zoning. To the north is single family residential property in the Golden Eagle Estates Subdivision, which is part of Ada County and it's currently zoned RUT. To the east is single family residential property in the Accommodations Subdivision, which is currently zoned R-4. To the south is single family residential property, one that has not been platted and is -- one is part of the Dartmoor Subdivision and is located in unincorporated Ada County and zoned RUT and to the west is a single family residential subdivision, the Sobe Subdivision, which was platted earlier this year and is zoned R-15. In 2005 City Council approved an annexation, preliminary plat, and conditional use permit to construct and operate an assisted living facility comprised of five individual facilities on the property. As part of the annexation the developer and the city entered into a development agreement recorded under instrument number 105152708. In 2008 City Council approved a new preliminary plat and conditional use permit for the same use on the property. However, the developer at the time failed to submit a time extension application or record the plat and establish the use on the site within the time limits of the UDC. Currently the recorded DA restricts the use of the property to the assisted living facility, which is why this is before you this evening. In 2013 City Council denied the new preliminary plat and development agreement modification to construct 36 condominium units in two buildings. Council denied the application, because the changes, quote, are not improvements over the contemplated use of the subject property. City Council elected not to deviate from the specific use as an assisted living facility has approved in the -- in the conditions governing development of subject property as outlined in the existing development agreement, dated September 27th, 2005. The Comprehensive Plan future land use map designation for the property is low density residential. The proposed plat consists of 23 building lots and six common lots on, as I said, 4.69 acres of land. The R-8 zoning district exists and with the step down in density that is allowed for -- within the bounds of the Comprehensive Plan and requested by the applicant, this works for the proposed development. The gross density of the subdivision is 4.9 dwelling units per acre and with the request to step up the density from low density residential to medium density residential, that is consistent with the Comprehensive Plan. The minimum lot size proposed is 4,004 square feet, with an average lot size of 5,717 square feet. As drawn the 4,000 square foot lots would require attached homes. However, the city is in the process of modifying the UDC to reduce the dimensional standards in the R-8 district to allow detached single family homes on 4,000 square foot lots. The plat can be approved as submitted. However, the lot dimensions in effect at the time of final plat application would be applied. There is an existing home, as you see here, there is a lot here. There is an existing home on the site that will remain and become part of the proposed Falconers Place Subdivision. The existing home shall be connected to city utilities at the time of final plat approval. Access to the development will be provided from East Falcon Drive, an existing local street, an existing single family residence and the proposed -- on the proposed Lot 29, Block 1, will continue to take access from -- from that roadway, as well as the future residences on the proposed Lot 4. There are several residences that will be taking access directly from Falconers Place, as opposed to the new constructed

road. Development of the site is required to comply with the dimensional standards listed in the UDC and for the R-8 district. Staff reviewed the proposed plat and found it to be in compliance with the R-8 dimensional standards. There are two common driveways proposed. The applicant is proposing Lots 16 through 19 and Lots 21 through 23, as you can see here. So, it's these lots. This is the common drive here and this is the common drive here that would provide access to these homes. The applicant has modified their plan to have this home take access, since our code only allows six homes to take access from a common drive -- from a common driveway, so this home would need to be -- need to take access from the cul-de-sac here. Per UDC common driveways will serve, like I said, a maximum of six dwelling units. The applicants will be required to revise their plat to show that. Sidewalks are required along all public streets as set forth in the UDC. The applicant proposes to construct five foot -- five foot wide detached sidewalks along West Falcon Drive, including the front of the existing home, as well as along the proposed South Falconers Place, which is the new road to be constructed. Because the plat is under five acres, the UDC does not require compliance with the common open space and site amenity standards set forth in UDC 11-3G. However, the applicant is proposing to construct a micropath, Lot 20, Block 1, which, as you can kind of see here, would, then, attach to the pathway that exists in the Accommodations Subdivision just to the east. The only required landscaping for the development is the 25 foot landscape buffer adjacent to South Eagle Road. The landscape plan as submitted provides the required 25 foot wide landscape buffer in accordance with UDC. The City of Meridian requires the pressurized -- pressurized irrigation systems be supplied by a year around source of water. The applicant shall be required to utilize any existing surface or well water for the primary source. If a surface or well source is not available, a single point connection to the culinary system shall be required. An underground pressurized irrigation system is required to be installed in accordance with the UDC. The applicant is asking for a waiver from Council to connect to culinary water for the landscaping. I will let the applicant discuss that a little bit further as the needs. The requirements for the pressurized irrigation system may be waived if the property does not have water rights in the existing irrigation district. The applicant must submit a letter from the irrigation district verifying the water deficiency. They have not done so yet. The submitted elevations depict a mix of building materials, lap siding and cedar shake siding, decorative window and door trim, decorative corbels, color entries and stone wainscot consistent with the surrounding developments. Staff is of the opinion that future single family homes will compliment the existing homes in the area and demonstrate high quality materials. Because homes on lots that back up to South Eagle Road, Lots 4 through 10 and 12, Block 1, as well as to West Falcon Drive, Lot 28, Block 1, will be highly visible -- going back here to the site plan. Staff recommends that the side of any structure that faces a public street on these lots incorporate articulation through changes of material, color, modulation and architectural elements, horizontal or vertical, to pick up monotonous wall plains and roof lines. So, staff is requiring that those homes go through the CZC process for design review approval. The applicants did submit a written testimony in favor of the recommendations -- of the conditions, excuse me, and staff is recommending approval of the application based on those conditions. I will stand for any questions.

De Weerd: Counsel, any questions?

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: So, is the existing resident one of the 23?

Beach: Correct.

Milam: It is one of the --

Beach: Yes. It's included in the subdivision.

Milam: Included. That's a lot of land --

De Weerd: Okay. Mr. Zaremba.

Zaremba: Madam Mayor. Would you show the aerial view or a wider view of what's around it? Okay. Thank you. Many years ago when the property on the west side of Eagle was being developed, the original plan showed their access across from East Falcon Drive. ACHD at that time said that was too close to Victory and then -- and asked that developer to move their street, which is now Shaver, farther south, so that it was the correct distance from Victory and they said at that time when the properties across the street developed they would be required to align Falcon Drive with Shaver. They allowed it to stand the way it was, because there were four or five houses on five acre lots and that really wasn't that big of an impact having it too close to -- to Victory. The last time we had a proposal on this property -- and I will be honest, I voted against it, because it did not include realigning Falcon to align with Shaver, as I thought ACHD was going to require and I don't see that that problem has been fixed. Is --

Beach: Correct. That was not a -- not a condition from ACHD on this specific project.

Zaremba: Maybe I will wait later and ask Justin Lucas. The applicant should speak first, but I will ask Justin a question about that later then.

De Weerd: Okay. Any further questions from Council? Would the applicant like to make comment before starting to eat their dinner up here. Which is candy.

Bailey: Madam Mayor, Commissioners, my name is Laren Bailey with LMB Consulting. My business address is 947 Center Point Drive in Nampa, Idaho.

De Weerd: Thank you.

Bailey: Thank you for hearing our application tonight. I'd like to thank staff for their help on this. Just a couple things I wanted to touch on. First off, through the last process -- and in the meantime we have met with the neighbors on many occasions -- especially Mr. Aldridge, who is here tonight, and we think we have come up with a plan that everybody

can agree upon as far as density and amenities and those type of things. One thing I wanted to point out -- and I'm a little bit confused, so maybe staff can correct me if I'm wrong, but I believe in the R-8 zone that we can do 4,000 square foot lots if they use a common drive. And maybe that's something that's changed, but that was our understanding at the preapplication meeting and upon our submittal of the application.

Beach: Don't believe it's specific to 4,000 square foot lots specifically requiring them to use common driveways. But you're required to do attached product -- attached single family homes with a 4,000 square foot lot under our current code. Now, there is some -- as I mentioned in my -- in my narrative there is current -- some current changes proposed to allow detached homes on 4,000 square foot lots, but those have not -- have not been approved by Council as of yet.

Bailey: Possibly could have just been a misunderstanding on our part at the pre-application meeting, but I was under the impression we could do that with detached, so I apologize. We are in agreement with most items in the staff report. As staff pointed out with development happening on both the east and west sides of this project we feel it's -- it's a good time to move this forward. The sewer and water already exist. We have got a sewer line that was actually installed with the Accommodation Subdivision through an easement through our property. The developers worked together and so the sewer line already runs from Eagle Road through our property to the east through Accommodation Sub. And in that construction we are able to extend the sewer service to the existing home, so that home now has a water stub and a sewer stub, they are not connected to the house yet, but those are both in place and that was a condition of the original development agreement that that home be included. I'm not sure if you're aware, but that home was actually split off through an illegal split through a recorded deed and so it wasn't part of an actual subdivision, so this is -- this project will clear that up and create a lot there and clean all that up. Plus the city services. One other issue on the sidewalks. We did propose detached sidewalks on Falcon Drive. The Accommodation Subdivision actually built attached on their portion and so really -- I don't know that it matters to us one way or the other, but we were -- we probably would propose to do attached sidewalk just to match the -- existing in the Accommodation Sub to the east. On the point of irrigation -- and I'm going to ask Mr. Aldridge when he gets up if he will confirm for you, but currently this property was -- this property was always the end of the line as far as the irrigation lateral went. It was the very end. And today through the development that's gone on, the ditch no longer flows to this property. We could get water from Mr. Aldridge's property, but it's on a ten day rotation -- approximately ten to 12 days. And the problem is we really can't install a pressurized system that's going to work in any sort of fashion on a -- on a rotation of that -- of that time frame that's going to allow people to water their lawn and so that's why we are asking if we can connect to the city services and we have talked to the irrigation district. We don't have a letter out of them, but we have spoke to them about it. We spoke to Mr. Freckleton at the city about the issue, so we are working through that, but I'm confident that we can come to an agreement with staff on how to handle that when we submit our construction drawings. With that I think the last item was just the Falcon Drive roadway, where it's located, and I apologize, Commissioner Zaremba -- or Councilman Zaremba, I didn't -- in the first application a couple years ago I guess I didn't

realize that was such an issue. We had met with ACHD prior and the city on the location of that and everybody felt like, as far as the staff went, that that location was -- was okay and that Falcon Drive could stay where it was and so that's the way we have always operated. And so, you know, it's a street today. It was extended and constructed at full width at the other end and so we just assumed -- not assumed, but we had those discussions with staff and everybody is on the same page about that staying where it was. So, with that I will stand for any questions.

De Weerd: Thank you.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Mr. Bailey, the existing house, do they have a well?

Bailey: They do.

Bird: Is it capable of doing your pressurized water?

Bailey: Well, my understanding under state law is that for a residential well we can only water up to a half an acre and so we would have far more irrigated property than that.

Bird: He's shaking his head that's right, so --

De Weerd: Okay. Other questions?

Zaremba: Madam Mayor?

De Weerd: Mr. Zaremba.

Zaremba: On the delivery of water, was -- was there water delivered to this property before -- and where I'm going for is if -- if a recent subdivision cut you off from something that you historically had, that's their fault and they need to fix that.

Bailey: I don't think it's a recent development. And, again, Mr. Aldridge has a lot more history here. But I think this field sat fallow for many years, because of the issue that water really didn't get to the end of the row, so to speak. It's at the end. It's kind of a high point. It just doesn't -- it's really hard to get it there.

Zaremba: Okay.

De Weerd: Okay. If there is nothing further -- thank you.

Bailey: Thank you.

Bird: Madam Mayor, I have got -- do I have a --

De Weerd: Oh.

Bird: Excuse me. What -- what size houses are you going to build on these 4,000 size lots? Any idea?

Bailey: I believe -- they are 1,400 square foot.

Bird: Fourteen hundred on the 4,000? Okay. So, we are not going -- and by the time you get driveway and stuff we are not talking about a lot of grassed area -- a lot of water area.

Bailey: True. These -- these lots are fairly deep, so most of them have a nice backyard. But the front of the lot -- the home, you're right, there is not a lot of lawn area up front. But most them -- the lots are somewhat deep and so we get some nice backyards. And I don't know -- I don't know if you can show the landscape plan, if you have that, but it kind of shows some of the building footprints. That might help.

De Weerd: Okay. Thank you.

Bailey: Thank you.

De Weerd: Mr. Aldridge. You signed up, but you didn't indicate for or against or neutral.

Aldridge: Madam Mayor, Members of the Council, Bob Aldridge. 3300 East Falcon. West. There is a common theme that every pizza driver in the United States gets wrong and so they come up my driveway when they are supposed to be over in Tuscany and that was West Falcon. Totally unattached. To respond, as you know, I have stood before this Council many times saying I wish it was 1983 and I was surrounded by nothing but corn fields and dairy herds. Not going to happen. And so I guess I have always mixed emotions about these things. Nonetheless, we have worked with the developer -- the first plan, the tri-plexes, just wasn't acceptable and the Council I think properly turned that down and we met with them and discussed this. Not my dream, but it's certainly something vastly better than what we had before. In terms of the water situation, if you can go back to the more extended view. I don't have a clue how to do that here. Originally what we had was a water user situation with -- let's see. Right here. In that area was the pump and -- oh. The -- I'm assuming I shouldn't touch this. So, the lateral came around and came through -- down through the subdivision and back to the east side. At that time there were approximately six of us on that system and we rotated around. That was all gated irrigation, which now is gone. I'm the sole user on that. Have been for decades. The property on the corner, which is coming before you and has been coming before you is going commercial and the property here was owned by the Nelsons. They went through some family situations ending in divorce and that hasn't had irrigation actually physically there for at least 15, 20 years, perhaps more than that. The problem is that I am in the midst of installing a new pressurized irrigation pump and converting my property to pressurized. I get -- last year, for example, I was told on flow I got water every

alternate week for 48 hours straight. You had to get it in 24 hour increments, et cetera. That's the problem with moving over from what was originally, essentially, farm type of irrigation into these other situations. The Carmel Subdivision, which is the one that now sits over what used to be a number of the other land users and they had water access, has a large pond, and so they can deal with that by pumping in on the days that they get water and building up that pond and pumping out of that with a separate pump. That's something not available here. In addition to that, there is no longer any physical access through. There used to be some underground pipe that went down, went under the highway. That's been not used for approximately 20 years and last time I looked it was destroyed, all lands, as they -- the ditches on my property and managed to mangle it pretty good. So, you don't get water there. In addition to this coming out of my pump that's coming at 220 gallons per minute at 60 psi plus, and coming every two weeks, so it's just an unworkable situation on the water to attempt to get pressurized irrigation. So, I hope that helps with that situation. And, yes, you cannot use domestic water. Went through all of that on the Snake River Adjudication and purely domestic. You can't use it for other purposes, so -- is this my dream? No. But is it vastly better and something that will get this property moving and get some improvements in, yes. I was the one actually that talked ACHD into moving that south, because they had approved with that intersection being there and I saw huge problems, because it was so close and we met and were able to work out moving that down to what now is that other driveway down at the hump. It's still a major problem. Justin is here, but he's only the messenger. I won't turn around and shake my finger at him, but we do have a major, major problem from that intersection south on Eagle Road that I don't know when it's going to get solved -- how it's going to get solved. But I don't know whether the realignment would or wouldn't help on that situation. They are going to have to get that road some way -- trying to turn in right now coming south on -- on Eagle Road -- I just don't do it. It's an accident waiting to happen. I see my light is on, so I will cease.

De Weerd: Thank you. Any questions for Mr. Aldridge?

Bird: I have none.

De Weerd: Okay.

Aldridge: Thank you.

Zaremba: Madam Mayor? I'm not fast enough. Bob. I just -- on the subject that I raised and you just made a comment of your opinion, but am I remembering correctly? You have been very faithful about attending all the meetings about things around you. Am I remembering correctly that ACHD at one time said that it would have to realign?

Aldridge: Yes. At the time we did that agreement to move it south, that was part of the agreement that we would eventually move Falcon Drive south to align with that.

Zaremba: Okay. Thank you.

De Weerd: Which, essentially, would make that weird, unless Mr. Aldridge's property redevelops. So, I think that's been the thing that doesn't make it practical. Not wanting to redevelop your property either, Bob. But anyway. This is a public hearing. Is there anyone else who would like to provide testimony on this item? Council, any further information needed from staff or the applicant?

Zaremba: Madam Mayor?

De Weerd: Mr. Zaremba.

Zaremba: I would ask Justin Lucas to weigh in on this one and as I say, my recollection is that ACHD was comfortable with leaving it the way it was when there were only four or five residences taking access to it, but we are overloading that with the current opinion.

Lucas: Madam Mayor, Members of the Council, Councilman Zaremba, you know, it's a good question and there is a lot of -- there has been various applications that have come through in this area and specifically on this property and it's -- it's very likely. I can't speak to it directly, but at one point there may have been a desire or a thought to realign Falcon Drive. I guess all I can say is at this point, based on the technical analysis performed by ACHD staff, we feel that it's not necessary to require the realignment of this roadway with this application. It would create quite a burden on this specific piece of property to do that and leave some remnant potential property that would be difficult to develop and provide kind of a -- a good design. So, there is various issues with that. Typically roadways are realigned through larger developments where all of the property owners surrounding that roadway are participating in the development and I can think of various -- various times where that has happened. I don't know if that answers to your satisfaction, but I can say that ACHD staff has analyzed this and feels at least at this moment that this is a safe solution for the area.

De Weerd: Thank you. Exactly what I would have said. Okay. Would the applicant like to have any final remark?

Bailey: Mayor, Councilmen, again, Laren Bailey. The only comment I would make -- and I'm not -- I understand where Councilman Zaremba is coming from. The only comment I would make is that the assisted living application that was approved, they didn't require them to move the roadway and we have kind of tried to follow what they had done as far as landscaping along Eagle and some of those things and, I don't know, that's why we went the direction we have gone and we would like to continue that way, but -- if there is any other questions I just stand for those.

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

Bailey: Thank you.

De Weerd: Thank you. Okay. If there is nothing further, Council, I would entertain a motion to close the public hearing.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearings on H-2015-0015, preliminary plat and a modification of recorded development agreement.

Milam: Second.

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

MOTION CARRIED: ALL AYES.

Zaremba: Madam Mayor?

De Weerd: Mr. Zaremba.

Zaremba: I move we approve H-2015-0015, a preliminary plat and a modification to the recorded development agreement for Summit with all staff and applicant comments.

Bird: Second.

De Weerd: I have a motion and a second to approve Item 10-D-1 and 2. Any discussion from Council? Madam Clerk.

Roll Call: Bird; yea; Zaremba, yeah; Borton, yea; Milam, yea; Cavener, yea; Palmer, yea.

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Item 11: Future Meeting

De Weerd: Council, any topics for future meeting agendas?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I don't have a topic, but I do have a couple of words I'd like you to permit me to say. David, we are going to miss you. I'm going to miss you big time. Thank you for all the service you have done and you have certainly been a great councilman and done a great job for us and I think I'm speaking for everybody that served with you. You have done a very good job. Ty and Genesis, I'm glad you guys were elected. You will do a great job.

You're young. I'm very happy that this one got reelected. But, anyway, thank you. Thank you for your service and thank you, David, very much for what you have done.

Zaremba: Madam Mayor?

De Weerd: Mr. Zaremba.

Zaremba: Thank you for those comments. I would add a future meeting topic and that's the election of Council officers.

Bird: Next week.

Zaremba: I assume you're doing that next week, but I didn't see it on.

Bird: We wanted to let Ann be here.

Zaremba: Uh?

Bird: I thought it would be fair to have Ann here.

Zaremba: Sure. Makes sense. Future -- future subject.

De Weerd: Well, Mr. Zaremba, I would echo Mr. Bird's comments. You're an incredible asset to the city, to the City Council. You proved that again this evening with your -- the knowledge that you have on past actions and developments and that will be missed. It's hard to replace. So --

Zaremba: I appreciate that.

De Weerd: -- we will give you a couple months rest and, then, I will be knocking on your door.

Zaremba: I will look forward to that.

De Weerd: Good deal. And welcome to Ty. You were awfully quiet this evening.

Palmer: Just wait.

De Weerd: We welcome you on board and look forward to your contribution.

Palmer: I -- while I was sitting here being quiet -- I don't know who it was that said it. For some reason I'm thinking Lincoln, but it kept coming to mind: It's better to remain silent and thought a fool, than to speak and remove all doubt.

Milam: That's mine. I do that. Keith and I do that.

Bird: True. I have got 18 years of --

De Weerd: Well, welcome. It's nice having you. So, Council, with that I would --

Zaremba: Madam Mayor?

De Weerd: Yes, Mr. Zaremba.

Zaremba: Well, I would just like to add that I'm pleased that you and Genesis got reelected. I'm happy to have Ty here and I have heard him talk about a few things and I think he will be a good addition. I'm very pleased that Ann Little Roberts will be my replacement and I understand a prior commitment why she couldn't be here this week, but I think she will be a good, enthusiastic addition. But I would like to say to Madam Mayor and to all of my Council compatriots and to all of the department heads that I have had the opportunity to work with and many of the employees. I have got to know almost all of them at one -- one time or another. And Dean Willis who -- who really is a part of the family. This has been a phenomenal group to work with and I have been very honored and benefited and blessed by working with all the people that I have worked with. The city has employees that are wonderful people. Intelligent, caring, giving people and if I had the opportunity to speak to each of the employees I would say that whatever height I have attained you all have been the wind under my wings and it's been through your efforts that I have been able to act like I was intelligent about things, because I have been prepared by all of you and I just think the city is in good shape with a phenomenal staff and I just want to thank everybody for their kindness and their guidance and their support of all these years. It's been a great experience. So, with that, Madam Mayor, I move we adjourn this meeting.

Bird: Second.

De Weerd: I have a motion and a second. All those in favor say aye. All ayes.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 9:08 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR TAMMY De WEERD

DATE APPROVED

ATTEST:

JAYCEE HOLMAN, CITY CLERK

Bird: True. I have got 18 years of --

De Weerd: Well, welcome. It's nice having you. So, Council, with that I would --

Zaremba: Madam Mayor?

De Weerd: Yes, Mr. Zaremba.

Zaremba: Well, I would just like to add that I'm pleased that you and Genesis got reelected. I'm happy to have Ty here and I have heard him talk about a few things and I think he will be a good addition. I'm very pleased that Ann Little Roberts will be my replacement and I understand a prior commitment why she couldn't be here this week, but I think she will be a good, enthusiastic addition. But I would like to say to Madam Mayor and to all of my Council compatriots and to all of the department heads that I have had the opportunity to work with and many of the employees. I have got to know almost all of them at one -- one time or another. And Dean Willis who -- who really is a part of the family. This has been a phenomenal group to work with and I have been very honored and benefited and blessed by working with all the people that I have worked with. The city has employees that are wonderful people. Intelligent, caring, giving people and if I had the opportunity to speak to each of the employees I would say that whatever height I have attained you all have been the wind under my wings and it's been through your efforts that I have been able to act like I was intelligent about things, because I have been prepared by all of you and I just think the city is in good shape with a phenomenal staff and I just want to thank everybody for their kindness and their guidance and their support of all these years. It's been a great experience. So, with that, Madam Mayor, I move we adjourn this meeting.

Bird: Second.

De Weerd: I have a motion and a second. All those in favor say aye. All ayes.

MOTION CARRIED: ALL AYES.

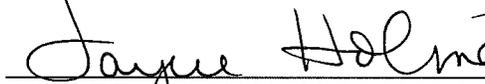
MEETING ADJOURNED AT 9:08 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)


MAYOR TAMMY De WEERD

2 / 2 / 16
DATE APPROVED

ATTEST:


JAYCEE HOLMAN, CITY CLERK

