

A meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, February 23, 2016, by Mayor Tammy de Weerd.

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

Others Present: Bill Nary, Jaycee Holman, Caleb Hood, Sonya Watters, Tom Barry, Micheal de St. Germain, David Jones, Sean Kelly and Dean Willis.

Item 1: Roll-call Attendance:

Roll call.

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

De Weerd: I would like to welcome all of you here to our City Council meeting. It's always nice to see citizens in the audience. So welcome. For the record it is Tuesday, February 23rd. It's 6:00 p.m. We will start with roll call attendance, Madam Clerk.

Item 2: Pledge of Allegiance

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

(Pledge of Allegiance recited.)

Item 3: Community Invocation by Larry Woodard with Ten Mile Christian Church

De Weerd: Item No. 3 is our community invocation. Tonight we will be led by Larry Woodard with the Ten Mile Christian Church. I always have to pause because I still want to call it Cherry Lane Christian.

Woodard: Yeah.

De Weerd: Every time. You can't teach old dogs new tricks. But thank you, Larry. If you will, please, join us in the community invocation or take this as an opportunity for a moment of reflection.

Woodard: Okay. Our dear Heavenly Father, before we begin the business before our City Council tonight we just all bow our heads and thank you that you bless us every day and even sometimes when we don't deserve it. Tonight, again, I pray for wisdom among

our city leaders as they take up the business of our beautiful city. We thank you for the plans envisioned in the Mayor's speech a few weeks ago and we look forward to the changes that will make our city even more attractive and user friendly. Tonight I want to especially thank you and our City Council for all of the people who protect us, particularly our police. With the neighboring state promoting marijuana, our police have their hands full catching drug dealers and according to my sources they are doing a great job of protecting our citizens from this plague. With spring coming we thank you for a mild winter and look forward to seeing flower gardens emerge in the next few weeks that will make our city even more desirable as a great place to live. I ask a special blessing on our city employees who work in a myriad of jobs, that you will bless them for their service to our community. I'm thinking of emergency personnel, clerks, planners, secretaries, janitors, et cetera. We have some new Council members since the last time I was here and I pray that after their first month they feel a real part of this group and that their thoughts are wise and helpful. Hardly a week goes by that I don't meet a newcomer to our neighborhoods. Help us all to be a welcoming extension of this Council as new neighbors arrive in Meridian from Seattle, California, and other places. Lastly, this is not a matter before this Council, but I pray for our West Ada School District and pray that new leaders step forward who have the best interest of the students in this community in mind as they deal with overcrowding and past discord. I pray all of this in Jesus' name. Amen.

Item 4: Adoption of the Agenda

De Weerd: Thank you, Larry. Item No. 4 is adoption of the agenda. Do I have a motion to adopt the agenda?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: On the Consent Agenda, 5-E, the resolution number is 16-1121 and with that I move that we adopt the agenda as published.

Cavener: Second.

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

MOTION CARRIED: ALL AYES.

Item 5: Consent Agenda

- A. Street Light Easement Agreement with Ada County for an Easement at 124 W. Franklin Rd.**

- B. Recreational Pathway Easement Between Heartland Homes, LLC, and the City of Meridian in Canterbury Commons Subdivision No. 2**
- C. Recreational Pathway Easement Between CBH Homes and the City of Meridian in Canterbury Commons Subdivision No. 2**
- D. Water Main Easement with the West Ada School District to Connect Water Services and Fire Main to Mary McPherson School**
- E. Resolution No. 16-1121: A Resolution Adopting Water and Wastewater Assessment Fees: Authorizing the Meridian Public Works Department to Collect Such Assessment Fees; and Providing an Effective Date**
- F. Final Plat for Southridge No. 2 (H-2016-007) by Corey Barton Homes, Inc. Located South of W. Overland Road on the West Side of S. Linder Road Request: Approval Consisting of Forty-Eight (48) Single Family Residential Lots and Fourteen (14) Common Lots on 15.01 Acres of Land in the R-8 and R-4 Zoning Districts**

De Weerd: Item 5 is our Consent Agenda.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: On the Consent Agenda, I have already -- 5-E is resolution number 16-1121. With that I move we approve the Consent Agenda. For the Mayor to sign and the Clerk to attest.

Cavener: Second.

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

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

De Weerd: Okay. All in favor. Was passed.

MOTION CARRIED: ALL AYES.

Item 6: Items Moved From the Consent Agenda

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

Item 7: Action Items

A. Public Hearing Continued from January 19, 2016 for Edgehill Subdivision by JUB Engineers, Inc. (H-2015-0005) Located at 1393 & 1405 W. Victory Road **Approved**

1. **Request: Annexation and Zoning** of 40.19 Acres of Land with an R-4 Zoning District
2. **Request: Preliminary Plat Approval** Consisting of 116 Building Lots and 7 Common Lots on 40.19 Acres of Land in an R-4 Zoning District

De Weerd: Item No. 7-A under Action Items is a public hearing continued from January 19th and I will open this public hearing with staff comments.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I need to recuse myself again.

De Weerd: Okay.

Watters: Madam Mayor, Members of the Council, at the last hearing for this item on January 19th, the Council continued this item in order to give the applicant time to meet with the adjacent property owners, the Pettys, to see if they could work out an agreement to construct a sidewalk along the frontage of their property on Victory Road and to address neighbor concerns related to irrigation water delivery downstream from the proposed development.

De Weerd: That was fast.

Watters: Would you like me to go through the whole project again or --

De Weerd: I don't think so.

Watters: -- just the answer to those two items.

De Weerd: Council, did you need anything further from staff? This is a continued public hearing. Does the applicant have anything to add? Thank you for being here. If you will state your name and address.

Wonders: Scott Wonders with JUB Engineering. 250 South Beachwood in Boise, Idaho.

De Weerd: Thank you, Scott.

Wonders: I guess I'll start with the Boise project and the -- the lateral. We did have a meeting with them last week in regards to service. They weren't aware of any interruptions or any -- anything other than just normal irrigation delivery that might have caused a delay, but they say all the water shares and everything is available, both to this project and to the surrounding properties that get irrigation from that lateral. In regards to the adjacent property owner, developer, met with them a couple weeks ago in regards to some of the items that they had brought up during the hearing. Some of the items that were addressed were construction debris. During construction the developer has agreed to install a stilt fence along that property line immediately starting construction to trap any debris that may blow that way during construction and, then, at final build out -- or I guess at the final end of the construction they will build a six foot vinyl fence as we proposed and they agreed upon at the last meeting. Other items that were discussed were the stub street that we have stubbing out to their property, that was discussed, and, then, also and, finally, the sidewalk, the developer is still in agreement to construct that sidewalk along their portion of the frontage of Victory, but, unfortunately, they were unable to come to an agreement on an easement for that sidewalk, so, again, the developer is still interested or they still want to construct it, however, the property owner was unwilling to provide that easement for the sidewalk, where it would go in a developed condition. Other than that I would stand for any questions that you might have.

De Weerd: Thank you. Council, any questions?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Scott, one of the questions was with regards to the lateral and connecting it to the east or that potential. Is there an update on that as well? The pathway.

Wonders: Yeah. We are -- we are open -- we show it on our landscape plan. We would propose to put a pathway along the north side of the lateral, which is opposite of the service road for Boise project, similar to what they did to the subdivision to the east.

Borton: Okay.

De Weerd: Any further questions? Thank you.

Wonders: Thank you.

De Weerd: This is a continued public hearing. Is there anyone wishing to testify on this item? Good evening. If you will, please, state your name and address for the record.

Petty: I'm Norma Petty. My address is 1155 West Victory Road in Meridian. And I am the property owner to the east side of this proposed subdivision.

De Weerd: Thank you.

Petty: Thank you. So, if you don't mind I'd like to cover a little bit of territory that we might have talked about in previous, just because it's kind of my flow here of how I do things. Kentucky Ridge Phase Three is on the other side of me. I am county. I am not annexed into the city. I am not proposing at this point that I even want to consider that. My property fronting Victory is 300 feet. I have a hay field right now in front of the property. My house is on the back side of it. When the developer came -- representative came to us to ask about these sidewalks, it sounds like they were prepared to put in concrete only. It would not be built out, I guess, to what the specifications are with berms and landscaping, that sort of thing. After we -- and, by the way, as far as sidewalks are concerned, just as a reminder, Cobbleway, which is the subdivision across the street, does have sidewalks in it, but there is no sidewalks that continue on to Victory Road. So, there 300 feet of my property -- there is no sidewalk across the street either. So, that's what the status is there and right now currently that section of the road is 45 miles an hour. So, after my husband and I met with the developer, we went down to ACHD to have a conversation as well and to learn a little bit more about this project. You have -- Victory Middle School on Stoddard is slated to open I believe in the fall of this next year and as part of Kentucky Ridge's build out they are required to put in a sidewalk all the way down to Stoddard. When I was talking to ACHD about the sidewalk their comment was that they don't care what the construction is along my property. They wouldn't require anything to be to city specifications and that if ever I wanted to be annexed into the city in the future, then, of course, I would be subject to any rules and regulations that the city has. So, I'm kind of potentially looking at a couple of things. I am not being -- I am not being compensated for the loss of the agricultural field, the space that I would have to give up, and should we ever request to be annexed into the city and develop our property, there is a good likelihood it would all have to be ripped out and rebuilt if that was ever a situation in the future. One of the other topics that we covered with ACHD was about my access for my property to Victory Road. Originally in the Kentucky Ridge hearings they talked about they prefer cross-intersections onto Victory Road. In the middle of my property is where it would align up with Cobble -- South Cobble Way. If you approve Edgehill and they grant the variance for that road, then, that means if I ever wanted to -- ACHD is telling me that perhaps it would not be approved unless I went as a private road status if I ever wanted to develop, which means the county would never maintain the road. It would all be as is a private lane. So, those two things kind of concern me. The public safety for the children and also the fact that it might impact the value of my property detrimentally if I ever want to develop it or be asked to -- annexed into the city. So, those are my two major questions. In the conversation with the developer and also in the previous testimony they had indicated that they are not in a hurry to build out this subdivision. If I understand things correctly, city services coming up Linder Road won't be coming to Edgehill until 2019. When I asked the developer's representative about that, they said they are not interested in paying for those services themselves, they are going to be waiting until 2019 when those services get there. Now, my property would be

slated, if we were annexed, the way the master plan looks at right now, that it would go through Kentucky Ridge and I have a stub up to my property. So, I don't know how long if you approve this subdivision that it's good for, but what happens if they don't build out and they requested a variance with ACHD and, then, it causes me harm down the road as far as getting access and a publically maintained road to Victory Road. So, those are my major concerns as I see it right now. You know, being asked to allow a sidewalk on my property without any compensation for the loss of what I get with a hay field is still a hay field and it has value to. You know, it seems a little bit fair -- unfair that all they are offering to do is just lay down concrete. That's kind of my thing in a nutshell here.

De Weerd: Okay. Council, any questions? Thank you for your points for discussion and consideration. Appreciate that.

Petty: Okay. Thank you.

De Weerd: Any additional testimony?

Just: Thanks.

De Weerd: Good evening. If you will please --

Just: My name is Steve Just. I live on the corner of Cobble Way and Victory.

De Weerd: Thank you.

Just: I also have concerns about sidewalk being put in for the kids, because if that subdivision goes in there is going to be a lot of children in there and they are going to be going to that new school probably right there on Stoddard. Right now there is no edge of the road for kids to walk on. Traffic moves 45 miles an hour. Semi trucks coming from the gravel pit down the road, it's a dangerous spot. I do really believe that the sidewalk needs to be put in continually from this new subdivision up to Stoddard and, then, a crosswalk at Stoddard, because there is not one of those now. So, there is no way to control traffic for kids crossing there. I don't know what you guys would do there. Put a signal. Put something. But I really do believe that the safety of public walking along that roadway is something that should be taken a look at and that's it. Thank you.

De Weerd: Thank you so much. Okay. Any further testimony? Council, any further information needed from staff, the applicant, or -- and I will ask the applicant if he has further -- anything further, but do you need to hear from ACHD at all?

Cavener: That would be great. Sorry.

De Weerd: Justin. I kind of thought that before I asked the applicant to come up.

Cavener: It's like you were reading my mind.

Lucas: Madam Mayor, Members of the Council, Justin Lucas, representing the Ada County Highway District. Business address is 3775 Adams Street in Garden City, Idaho. How can I help you?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Justin, a couple of questions, specifically related to the -- the comments from the public related to crosswalks. I guess specifically you're the subject matter expert. Say this neighborhood is developed. What impact does that have on ACHD to insure that kids I assume would be required to walk to school to be able to get from -- from their homes to the school, excuse me, you know, without any undue harm?

Lucas: You know, the -- the question of sidewalk connectivity and safety in this area has come up before. This is an area of transition from rural to urban and oftentimes these situations come up and they are difficult to overcome. That being said, I am aware that in a situation like this if there is not a clear safe walking route for the children to reach the middle school, that the middle school will provide safety busing and that's been the commitment that we have received from the school district. So, safety busing when it comes to getting to and coming home from school for children that live in an area like this -- I'm not from the school district, but I can say typically that is what is provided, because they have to provide it by state law and so that -- that answers one part of it. Now, the question of connectivity, though -- certainly kids walk without -- you know, they have other reasons to get around. In a situation like this what is before you and what is before ACHD is an application for development. The adjacent property is not part of that development, it's a county property, and so that makes it difficult to place any requirement on that adjacent property owner. For ACHD it's impossible. We are not allowed to -- by state law require off-site improvement for a subdivision like this for -- for a development in this situation and so you're in the situation of if the developer is willing and able, then, you can require those improvements. At ACHD we try not to be a -- a hurdle in that at all. As was mentioned, they come to ACHD, absolutely, we will oftentimes waive requirements and do whatever it takes to make it a pathway necessary, but ultimately the property owner has to allow that connection without -- you know, without that allowance. So, we do not -- ACHD in this situation doesn't likely have the right of way to provide a path. There may be some ability to put it within the right of way, but along Victory Road it's pretty tight and I don't believe that the type of path that everyone is thinking of would fit within the existing right of way. So, I don't know if that answers your questions or if it clarifies things. I know that is not the best answer. ACHD does have programs in place to fill gaps in the sidewalk. We every year come to the city and ask for your requests. We are going through that process right now -- for sidewalk gaps and as part of that program we are able to go out and try and fill these kinds of gaps. But does it always happen exactly in coordination with a development? No. The reason is we can't control the timing of the development either and so it wouldn't make much sense for us to go build a sidewalk in front of the lot adjacent to this one and, then, the other one doesn't develop and, then, it's a sidewalk that connects to nothing. And so oftentimes we come in after the fact and that's -- I'm just

trying to be as clear as I can on how it works. Is it ideal? Probably not. We used to not even have that program, so it's better than nothing. But the timing is an issue and it's an issue that we have talked about with this Council and the Mayor before and it's an issue that we do everything we can do to revolve it, but in a situation like this with an unwilling property owner, a neighbor, I don't know if there is anything we can really do to force the issue. I don't -- that's what I can offer and I can certainly answer any questions you have.

Cavener: I don't have any other questions. Madam Mayor, I appreciate that. I assumed that was kind of the direction you were headed, but I wanted to ask the question, rather than just assume. So, I appreciate the clarification.

Lucas: Thank you.

De Weerd: Any other questions for our ACHD representative? Thank you, Justin.

Lucas: Thank you very much.

De Weerd: Okay. If there is no further testimony, would the applicant -- yes, sir.

K.Petty: I'm Kevin Petty. I live at 1155 West Victory. My concern is as the guy from ACHD says, that a school bus would pick kids up in situations like this -- this is only about a half a mile. It seems kind of ridiculous, but maybe they do that. The thing I'm concerned about is during school hours kids will be going by all the time. After school hours when the bus brings the kids home, there are other kids at the school that are doing after school activities. How are they going to get through there? The roadway is only 11 feet wide. They are not going to be able to meet those cars. When the sun shines in the morning I can't even see people out on the road and they are out there. I have to stop and look -- it's just that bad and I think it's very very unsafe for anybody to be out walking on the roadway and I -- no one can stand up to an 8,000 pound car or an 18,000 pound truck or a motor home, something -- vehicles now, they are eight foot six wide and the roadway is only 11 feet. You don't have to be a math whiz to see that it doesn't leave a lot of room for people to walk and I just wanted to say that people are not -- they are going to have a hard time getting home after school if they are down there playing football -- you know what I'm talking about. On the weekends kids will be trying to come by. How are they going to get by? I got a letter here that they sent to me, they said that they was going to offer no compensation at all. So, to me it seems like they are not interested in anything but the bottom line by not trying to get things to work. This is one reason that leap frogging doesn't work, because it gives them a chance to jump over there and, then, everybody else has to come back and try to find out what we can do to make things work and so that's all I have to say.

De Weerd: Thank you, Mr. Petty.

Cavener: Madam Mayor?

De Weerd: Mr. Petty. Sir?

Cavener: Mr. Petty. Just a quick question for you.

De Weerd: Could we ask a question.

Cavener: Just a clarification.

K. Petty: Yeah.

Cavener: The other person I think from your address testified that there is sidewalk across the street. Is that accurate? I just want to make sure that I heard --

K.Petty: No. There is no sidewalk.

Cavener: There is no sidewalk at all? Thank you.

Petty: And the sidewalks don't line up, the ones that come -- that comes north -- I mean south out of Kentucky Way, they don't even line up the -- with the way that Kentucky Ridge has come along there and they put a 90 degree thing and dumped the traffic right out onto the roadway, they don't even line up. They are off probably 60 feet. So, people are out there walking and trying to go the way and cars are stopping. I had some -- I had a lady with a couple of kids walking in the roadway when I went to get my mail the other day. There was four cars backed up behind them so she could try to find her way and get onto that sidewalk, which doesn't line up with nothing. It's just already unsafe and this is just going to complicate things and it's not that my wife and I aren't willing to make some kind of agreement, it's just they are not willing to offer anything and I think that should be stopped for that particular reason.

Milam: Madam Mayor? I'm sorry, were you --

Cavener: No. I'm -- go ahead.

De Weerd: Mrs. Milam.

Milam: I have a question for you, sir.

K.Petty: Mrs. Milam.

Milam: I'm trying to figure out now between you and your wife's testimony, is it compensation that you're looking for or a sidewalk done right? She kind of let it -- made believe that a sidewalk done to city standards would be acceptable, because, then, it wouldn't cost you money when you developed.

K.Petty: Well, what she said was if -- if I got it correctly, that whatever they do put in there -- and if someone does change it, then, it would have to be done fancy with landscaping

and everything to go with what is already there and if they just put a straight sidewalk across the property, that would never last --

Milam: So, I guess my question really is if they were willing put in a sidewalk the way that it would -- that the city would require it had you annexed your property, would you be willing to give the easement for that?

K.Petty: No.

Milam: Okay. Thank you.

K.Petty: Not without compensation and it looks to me like they are not interested and so I feel everything should just stop until something is done along that line.

De Weerd: Okay.

K.Petty: Anymore questions?

De Weerd: No. Thank you.

K.Petty: Thank you.

De Weerd: Okay. Any other testimony by the public? Would the applicant like closing remarks?

Wonders: Good evening. Scott Wonders. 250 South Beachwood for the record. Just another point of clarification on this. We do have along the Sundial Lateral we talked about with the micropath that we are going to have on the north side, it will actually tie into Kentucky Ridge to the east, providing an alternate route for kids to go through that subdivision to get to Victory, rather than walking directly along Victory. That might be a solution to this issue that we are dealing with right now. And, then, I just wanted to point out another item in regards to sidewalk along Victory. We are kind of only focusing on this 300 feet, but if you go further to the east of Kentucky Ridge, there is another 600 plus feet all the way over to the intersection of Stoddard that also doesn't have sidewalk on either side of the street as well. So, we are just kind of pushing the problem down the road. Being on transportation committees, I did look at the Meridian transportation recommendations for ACHD and I did notice that Kentucky Ridge Road -- I forget -- I don't remember the street or the way it is -- is actually on the community program with ACHD to construct sidewalk and maybe that would be something that you guys could look at with the transportation committee to add a little bit larger segment of sidewalk construction with ACHD. Just something to bring up. But other than that obviously a developer doesn't want to get held in a third-party negotiation for approval and be subject to that be a condition. I would -- I think you would understand that. So, I'm here to answer any other questions that you guys might have.

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

Wonders: Thank you.

De Weerd: Okay. Council, I would ask if there is any discussion on this application.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, as I remember when he came before us he was coming only asking for a variance on having to tile the lateral and had to go through quite a bit to get back to the point that he is. I feel like they have made all the -- answered all the questions I have. I don't have a very good track record with motions on this item, so I'm going to defer that to anybody else who would like to make a motion. But that's where I'm at on it.

De Weerd: Thank you. And, Council, I know he needed to come back to answer the question about the lateral. I would just reiterate we have a -- our primary responsibility is for public safety and making sure kids get safely to and from school is important. I find it a waste of taxpayer dollars to expect emergency busing a half mile away from a school. If we can't provide for a safe route to school, we shouldn't not be considering development until that safe route can be there, because I would agree with the testimony that was stated, kids don't live by a bus schedule, they live by their own timelines and that -- that sidewalk is important and I would hope would be used. The areas across the street from this development and from Kentucky Ridge are county developments that are not developed to city standards with sidewalks and so you will not see is a sidewalk on that side of the street. So, really, the only option is going to be on the south side and what we can do to make a safe route for kids I'm sure is going to be something that -- if we don't do it now they are going to be figuring out a way to get from one development to the other and it's going to be along the roadway.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, I would defer to the parents of the primary responsibility for the safety of their children over the developer of the property they chose to purchase.

De Weerd: Mr. Palmer, I would, too. But, unfortunately, life doesn't always work that way.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I agree with you and I -- it's really disheartening to have to maybe deny a decent development when they are willing to put in sidewalk on another person's property, which

is going to increase the value and save them money in the long run and that's the only way to create safe routes to school, it makes it really difficult.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: It's not a motion, but it's a comment for what it's worth. I see this like other instances, it's a difficult balancing act between the roles of us in approving land use items or not approving land use items and what properties issues are before the Council and not. I thought when we left the last meeting those two issues that the applicant was asked to address, there were it appears good faith efforts to discuss between the property owner and the applicant. That's really all they were asked to do. I applaud them both for trying to come to some resolution. It clearly has to be voluntary on behalf of an off-site landowner to participate in something like that and it's their right to do with their property as they see fit. Understanding that might inhibit the city's desire to develop this parcel. But another component of what was I think improved was the connectivity -- the pathway through this property, which didn't exist when we saw it before, that provided pedestrian connectivity to the east through Kentucky Ridge. It was referenced more recently that from my perspective alleviates some of the concern with regards to pedestrian -- pedestrian connectivity going to the east. I think they have addressed that I wouldn't feel it necessary to deny an application like this merely because the property owner to the east and the developer were unable to come to terms with regards to that important but small parcel. It's not our purview to require a sidewalk to go there. It would be great if it could. It can't. They made best efforts, but I think the resolution the developer did come up with with that new pedestrian connectivity at least for me solves the legitimate concern of providing that safe route to school.

De Weerd: I guess I would ask staff that connection -- is this already built out or is this in a phase of the development to the east that's not yet developed?

Watters: Madam Mayor, it is under construction currently. They have approval for one of the phases from Council. I'm not sure where they are at in the construction process, but it would provide a route up to Kentucky Way, up to Victory. Like the applicant stated, though, there is a gap between Stoddard and Kentucky still on along Victory.

Watters: There is -- just to clarify what Caleb is saying in my ear here, there is another piece -- if you can see my pointer here. This property right here has a plat approved by Council on it. I'm not sure either where they are in the development process. But that would get it that much closer to Stoddard. So, it's getting there.

De Weerd: Thank you.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: A couple comments. I think oftentimes we as Council look at a -- at a project or development as it sits in front of us really from a three foot view. And from a three foot view while I have still some general concerns about the -- the water and some issues there, the project as a whole I think has some merit. I think the challenge is for us as Council is to not necessarily look at every project from a three foot view, but to look at it from a 30 foot view and 30,000 foot view and see how that fits within our community and from a three foot view there is relatively few issues, but from a 30,000 foot view in looking how our citizens move throughout our community and saying that we are a community that is more than just four wheel travelers, there is challenges and to Councilman Borton's point, I applaud the developer and the developer's representative for trying to -- to work with the neighboring landowner to procure some form of a sidewalk, whether it met city specifications right now or county specifications, I think to us means very little. It sounds from what I hear is that we would want a safe path for students to get to and from school. I think the effort to connect the neighborhood, while appreciated, doesn't solve the problem for the community as a whole, but merely for the residents in that neighborhood. So, I think for the first time -- at least this year I have got a real humdinger here in front of me as far as going back and forth as to what's best for our community, not just today, but into the future. I would appreciate any other comments from any of my colleagues if you have any other insight that I am missing, I would sure appreciate it.

De Weerd: It is a humdinger.

Cavener: It is.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, I just keep going back to -- I have a hard time telling people that want to move into our town that we don't trust them to figure out how to get their kids to school. Eventually there is going to be development that comes in to where there is enough sidewalks to get them there to walk, but in the meantime I just think that the parents of the kids that are going to move in here are going to figure out a way to get their kids to school safe and I have an incredibly hard time telling a property owner they can't do something that makes perfect sense with their property because somebody else hasn't done with their property what needs to be done first. They are ready to go -- I say let them move forward and let the people that move in there take responsibility for themselves.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: For clarification, a question of staff. Maybe the applicant. Probably staff. Is the pathway along the -- the canal within phase one?

Watters: It is not. Madam Mayor, Councilman, good point. If the Council chooses to move forward with this and that is a concern, I would suggest asking the applicant to include the common area here where my pointer is, the large common area, as well as the common area along the lateral here, so that the pathway can be extended.

Borton: Madam Mayor, we saw nods from the applicant. Since the public hearing is still open, would it be appropriate for them to come forward and state on the record if they are okay with that?

Wonders: Scott Wonders for the record again. Yes, we are acceptable to moving that into phase one.

Borton: Okay. Thank you.

De Weerd: And so moving that into phase one and putting that in as one of the improvements prior to the first building permit?

Wonders: Yeah. I don't see a problem with that. That would all be built during the actual physical construction, so I don't see an issue with that.

De Weerd: Okay. Thank you.

Wonders: Thanks. Any other questions?

De Weerd: I don't see any, but thank you. Any further information needed from Council?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: It does not sound like it, so I will move to close the public hearing on Item 7-A, H-2015-0005.

Milam: Second.

De Weerd: I have a motion and a second to close the public hearing on Item 7-A. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I will make a motion, understanding it still can be discussed and perhaps amended, but in light of all the conversation that's taken place, I would move that we approve Item 7-A, H-2015-0005, as one motion, the annexation and zoning and the plat, tying them together if there was an issue with the plat I'm not comfortable approving an annexation without the plat as amended. So, a motion to approve both of them, to include all of the staff and applicant comments, in particular the amendments as noted in the staff report set for today's hearing of February 23rd and to include the applicant's granting the waiver to allow the lateral to remain open, conditioned upon the pathway and open space adjacent to it, all to be completed within phase one and prior to the issuance of the first building permit within phase one.

Palmer: Second.

De Weerd: Okay. Council, any discussion? Okay. Madam Clerk, will you call roll.

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

De Weerd: Okay. The motion carries.

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

Item 8: Department Reports

A. Parks and Recreation Department: Rail With Trail Update

De Weerd: Item 8-A is under Department Reports. We will have an update from Jay Gibbons about our Rail With Trail. Our Rail With Trail, but -- hopefully our Rail With Trail.

Gibbons: Thank you, Madam Mayor, Members of the Council. I'm going to be briefer. I'm not asking for -- I'm not asking for a decision, I'm here for information purposes. A year ago we completed a Rail With Trail arterial crossing study with the consultant. We had a different Council. We have some Council members, so the Mayor asked if I would come back and give an update that covers that study, current status of recent efforts with regard to our Rail With Trail proposal and we will go from there. So, I will start with a little bit of background. Of course, I'm Jay Gibbons, I'm the pathways and parks project manager for the city. I work in the Parks Department and my job is to build pathways. So, in 2009 the city adopted a Rail With Trail action plan, which was a study to look at the basic feasibility of utilizing our rail corridor that's currently underutilized and create a multi-use pathway for recreational, as well as alternative transportation with regards to bicycle and pedestrians, across our city, which is a little over six and half, just under seven miles as the rail runs right through the middle of our fair city. So, last year we -- before I go any further, did we -- I attached a -- did I attach a PowerPoint or a pdf to this?

Holman: You attached a PowerPoint, but normally you bring it on a thumb drive. It will take me a minute to load it down here, unless you have it. Okay.

Gibbons: Well, I will say while that is loading I did give a similar presentation to the Ada County Highway District commission a couple of weeks ago and it was well received by them. I was asked to come and give -- give them a presentation and it was a very good discussion and so -- okay. So, a year ago we completed the study with Project Engineering Consultants. They are out of Utah. They have some experience in Utah with Rails With Trail and specific to the Union Pacific or what was formerly Union Pacific in that area. When the Salt Lake Valley was able to convert part of -- a former section of track by the Union Pacific, they converted it to light rail and there is a different operator now that actually owns and does the light rail from south Salt Lake all the way to point of the mountain near Provo. So, they were in light rail and they do have a pathway along most of it. So, we hired them for their experience. We utilized a federal grant through COMPASS, administered by ITD and ACHD was a stakeholder and a partner as part of that project. So, it culminated in a nice hefty binder, which I can provide to anybody that wants to look through it. This presentation is an overview, basically, of this report, explaining what we tried to accomplish. So, with this study our project area extended from the arterial crossing at Black Cat to the arterial crossing at Locust Grove. That's seven crossings. And, of course, you have got three right downtown with Meridian Road, Main Street, and, then, 3rd Street. The reason we didn't extend all the way to Eagle Road was -- well, it's a huge road at the moment and it has its own concerns. We will address that after we looked at the easy ones and, of course, there are more multiple ways to get across these roads. We looked at the existing conditions where, basically, to the -- to the west Black Cat is a two lane road at the moment. Stop signs at the track crossing itself. Ten Mile is a five lane road and so it has been built out. Linder Road still a two lane road. Stop signs for vehicle traffic on both sides. Meridian Road is five lane. Main Street is two lane. 3rd Street is two lane. And, then, Locust Grove is five lane. So, we looked at existing conditions, as well as with ACHD's help we looked at future conditions. So, we know what we are working with currently to cross a two lane road with a pathway versus a five or seven lane road. Also, of course, you could cross over the roadway with a trail crossing or you can go under the road with a rail crossing. We chose as part of this study the most difficult is at grade. You have got to cross all those lanes of traffic and how are we going to do that and we are going to work with the railroad. The railroad was a part of this process. They were at all our coordination meetings to figure out their concerns, input. We also looked at -- because we had previously worked with the railroad and at that time and still are -- unwilling to allow to build a pathway within their 200 foot right of way, we looked at, as part of this study, what a crossing would look like if we were inside the right of way, if we find a way to make that happen, or, alternatively, if we have to absolutely build the pathway outside of the rail right of way, adjacent to the rail right of way, what it would take to do that. It would be crossings that are farther away, of course, from the rail itself and also to further complicate it we looked at both sides of the tracks -- or both sides of the right of way. So, our plan covers each of the seven crossings -- arterial crossings that I spoke of and each one of those, then, has existing conditions. On the north side, inside the right of way, outside of the right of way, south side as well. So, there can be four alternatives up to seven alternatives for each of those roadways. That's why this got really thick. But these are the type of graphics that are there in the plan. This happens to be Ten Mile. This is inside the railroad right of way and what we learned from

the railroad is one of their big concerns in pathway crossings at any of these roads and how it impacts the rail traffic and we all know that there is really only two trains at the moment per day, one each direction. However, of course, the railroad would like to increase that if possible, but what they are concerned about is the vehicles that -- if the crossing can be nearer the railroad tracks themselves. This will avoid the potential to have cars stopped on the tracks when they stop for a pedestrian or a bicycle to go across the road and a train is coming at the same time. Their major concern is from a safety perspective. I wish I could do things with my left hand, but I'm not so good at that. So, this graphic shows, basically, what would happen if Ten Mile outside of the right of way -- if we couldn't go -- or encroach on the rail right of way at all and had to -- had to stay completely out of the right of way and we built adjacent to the right of way on the north side, you can see that our pedestrian crossing would be clear to the north end of the existing traffic separation island and what that would do is potentially -- if a pedestrian or bicycle is crossing on the crosswalk there, cars back up, it's a long way -- you could end up with cars -- multiple cars on the tracks backed up as well. So, there are lots of challenges. They brought up -- or illustrated many safety measures to confine bicycle and pedestrians to the pathway itself utilizing fencing, utilizing -- and slowing down bicycle and pedestrian traffic from just walking out into the -- into the roadway itself. There are serpentine gates that's been utilized in other places that have been successful, we just don't want people -- like on a greenbelt where you can go 22 miles and never have to stop, just the magic of going under the roads. Here we have got to stop at each roadway. So, we have got it -- there may be pedestrian signals in the future, which would more than likely come about on the multi-lane situation. Probably wouldn't happen on a two road -- or a two lane road, it would be at build out basically. But we have got to be concerned with all those types of things going forward. So, they have provided a cross-section. You can see the right of way is 200 feet wide, a hundred feet on either side of the center line of the trail. What's illustrated here is should there some day be a light rail transit system, there is -- there is room within -- in the existing right of way if we had a pathway inside the right of way. There is still over 60 feet between light rail or the rail tracks or the pathway itself. So, you know, there is a lot of room and, like I say, it's underutilized, but we have some work to do with the railroad and I will talk about that in a little bit. This is a cross-section with all these things in section view, as opposed to plan view. You can see the space relationship and the distances. This is an illustration of the different types of under and over crossing concepts and cost. These costs that they gave to us are based on actual -- these are crossings that they -- that the project engineering consultants accomplished in Utah. One of them I believe is out Park City way and the other one is someplace in the Salt valley itself and in our -- in our situation it really varies on, A, cost, esthetics from a city perspective, but also ground water in different areas of the city, too. It's higher than it is than in other places. We may or may not be able to put under crossings in most places. I don't know. There is -- there is investigation that would have to be done and going forward that's where we would take it. So, as an illustration, you know, as I say, we have had push back from -- from the rail -- rail owners in the past. Our efforts continue. You can see this -- this graphic illustrates that in June of 2014 there were 217 Rail With Trails built within -- in 42 states and those successful systems and there is a multitude of information available from basically the Rail To Trail conservancy has assembled an archive of all kinds of studies and groups that put these projects

together and how they were able to work with the railroad to accomplish their project, the agreements that they had entered and those agreement -- we are not reinventing the wheel, but we have got to figure out what -- what we can do to work in our particular situation. And these are -- these are some pictures of successful projects in other areas and you can see the difference in setback and the different treatments from one project to the next in different locations with regard to how close some of these pathways are to the active rail and a Rail With Trail is not a Rail To Trail in that it's a pathway along an active rail line and it really varies. Some of them are very active rails and some of them are a lot lower key like ours. Some of them are higher speed, some are freight, some are passenger. But you can see some of them are within six feet and others are set back. There are fences separating most of them. Some are landscaped. Some of them go through more rural lands and you can see that this one -- the train is still pretty close to the bicyclist. And they range all the way across the country. So, like I said, each one presents its own potential conflicts. This one is actually an electrified rail, so you have that threatening third rail to think about and they have never had an issue with it so far and hope that continues. Another one -- the different methods. Some -- some of the land that the pathway system resides on was donated. Some of it they had to purchase. Sometimes it's an easement. It really depends on what you can work out with the company itself and part of that negotiation you got cost, but it's also what -- what safety features, what -- what are you going to do for the railroad in order to accomplish that. I purposely avoided most of the -- you know, the cost -- the cost of the pathway proposals in other places, because it's all across the board. But I can tell you that if you spent -- if you had to buy the property that the -- the land that the pathway actually sat on, be it inside the right of way or outside the right of way, it pretty much doubles the cost of the project. If you -- if you can secure easements the two -- if you remember on the Consent Agenda tonight there were two pathway easements. Those are adjacent to the north side of the rail corridor out almost to Ten Mile from a development application and we got 16 feet of easement. There were two of them sideways down the common area over two different common lots per se, but they connected. We -- because we have had these -- this plan in place and our pathways master plan that corroborates this, that work hand in hand with the city's comp plan, we are able to work with the development community to secure easements in that regard, but that's -- you know, that's a long slow road and what we have kind of identified is, really, the -- Rail With Trail project needs to be in the rail corridor. That's the least -- the least cumbersome. There are, basically, a hundred property owners between McDermott and Eagle Road. It only takes one or two to say, no, we won't sell you property on -- for any amount of money and, then, we don't have a pathway. That's kind of why if we can work out a deal inside the rail right of way, be it an easement, be it a purchase, whatever, that's really where it needs to be. It's a continuance and to add onto that, we have worked as a city for the last seven years towards a Rail With Trail system and in conversations in the past with our neighboring cities, Nampa and Boise, their planners have kind of always been, wow, let us know how you worked it out. We would really like to go there, but, you know, we want to see how you did it and we kind of got to a point that at the end of this past year, after this -- this project, that the crossing study was done, we had our internal group meet several times over the past -- for the last six or seven months and was kind of -- what's the next step? Where do we go from here? And it's time to bring the other cities in. Let's make this a

regional effort. So, that's kind of where we have gone. We met for the first time last month with representatives from the city of Nampa, the city of Boise, us, our internal group. ACHD is up to date. We will come to -- at the table and we are looking at a regional pathway, basically, from the depot in Nampa to the depot in Boise. That's 22 miles plus. It has its challenges, of course, but, you know, everybody is on board. We actually have our second meeting this -- this Friday. We are trying to identify a specific really good day each month to meet. COMPASS is working on a charter for this project, so they can do some of the transportation and feasibility studies for us that really just how we are going to get to the railroad. The railroad is concerned about safety. They are concerned with liability. They are concerned with the return on their investment. Because they are a business. They are concerned with their customer satisfaction. Their rail customers that they serve. They are concerned with being good members of the community. That's kind of the low hanging fruit. And, then, they are concerned with how are we going to maintain and operate it in the future and part of the reason that it makes sense to go regional with this is it doesn't make much sense to try to enter into agreements with the railroad. The City of Meridian has an agreement for this the -- the form our pathway is going to take. It's going to be this wide. This is the kind of sense we are going to use. We are going to maintain it in such a way. We are going to police it in such a way and, then, Nampa has a totally separate agreement and Boise has a totally separate agreement. We think it ought to be continuous, it ought to be congruent from one border to the next. I think we probably -- even though this is -- in the long run it's all city -- city turned or city supported, we probably ought to bring in Canyon county planners and the Ada County planners just to make sure they are at the table and can lend support where -- in the interim until it becomes within city limits and other regards, because I would imagine that most of -- up to Boise's area of city impact there are very few county properties left, but there are probably a few and we still have a lot and Nampa still has a lot. So, we have been working on this from a regional perspective now for a month or so. We have -- we have reached out. I met -- like I said, a couple weeks ago with the ACHD commission, they are in favor and willing to lend some support and help any way possible as well. So, with that I'm going to stand for questions and I just let you know that I'm a resource if you want to have a conversation about any of this or status or whatever going forward, I'm on the second floor, call me or stop in anytime.

De Weerd: Thank you, Jay. And I think this is a good summary from what the consultants gave you and there is a thicker study if you want more information on what some of these trails are. A lot of the trails across the nation are on mainlines. This is a spur that has very little traffic. We hope to continue to work with rail -- with our railroad partners to increase that -- to increase the industrial opportunities through here, while maintaining a successful Rail With Trail as well. Other areas have shown how successful they can be and I do know some of our major employers along this rail corridor are very interested in this and the opportunity to not only get their freight, but to move their employees safely along this corridor. Is I think we can make it a win-win for our community and our railroad partners to show the importance of this and just on another note, Ada County Highway District I think also sees this as an opportunity for an option to address longer term congestion on both Fairview and Franklin to -- as well. So, this is an important corridor.

These partnerships are important to not only the short term, but the long term opportunities that this corridor presents. Any questions for Jay?

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I don't have any questions, Jay, but great presentation. Thank you. I like where you're going with this and the collaboration. Very exciting project and I hope to see it come to fruition at some point. Let's start with the 16 feet that we got. No. I'm just kidding about that part.

Gibbons: Well, it's --

De Weerd: You don't have to comment.

Milam: Yeah. I was joking.

De Weerd: Any other questions? Okay. Thank you for the update and, again, Jay's offer stands, if you want more information there is certainly a lot more detail available that we can provide.

Gibbons: And I can come back as often as possible, just to give you an update going forward with -- with where the regional effort is going status wise. The Mayor will always be in the loop. If you want to be more in the loop I will be back whenever you want.

**B. Community Development Block Grant (CDBG) Budget
Amendment for a Not to Exceed Amount of \$29,857.00**

De Weerd: Thank you. Item 8-B is under Community Development Block Grant Administrator. Sean is here with us. Welcome.

Kelly: Madam Mayor, Members of the Council, thanks for the opportunity to brief you tonight. Council Members Palmer and Little Roberts, appreciate to meet you. Thank you. This is an agenda item because we have to do it. It's kind of a misnomer as a budget amendment. It's actually more of a budget reconciliation. The way that this works for CDBG, for the Community Development Block Grant, which is a HUD entitlement grant for the city, is our Finance Department -- the city's Finance Department ballpark what we think is going to be right about what our entitlement is going to be for the next year. And they have to do that when they go for the budget process in the summer. And, then, sometime around December or January when we get through continuing resolutions with the federal government and we get our congressional release of funds, we know exactly what we are going to get and so what this -- what this amendment actually does is just marry up what our line of credit is with what the Finance Department needs to have on the budget. And just to be very clear, this is not a request for any public funds, this is something that we already knew we were going to get, we just had to make -- we are

making the dollars make sense. Madam Mayor, I will stand for any questions that you may have.

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

Bird: I have none.

De Weerd: Okay.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Maybe a quick comment and, then, a motion if I can. One, just I think for the benefit of our other Council members -- both our new Council members had the opportunity to sit down and work with Sean with the community development staff, coming on and have been briefed and updated on the CDBG program, which I appreciate you guys making time and effort to be able to deal with our Council members. With that said, I would approve the Community Development Block Grant budget amendment for a not to exceed amount of 29,000 dollars -- 29,857 dollars.

Milam: Second.

De Weerd: I have a motion and a second. Any discussion? Madam Clerk.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Item 9: Future Meeting Topics

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

Bird: I have none.

Item 10: Executive Session per Idaho State Code 74-206(b)(i) – (b) - To Consider the Evaluation, Dismissal or Disciplining of, or to Hear Complaints or Charges Brought Against, a Public Officer, Employee, Staff Member or Individual Agent, or Public School Student; (i) – To Engage in Communications With a Representative of the Public Agency’s Risk Manager or Insurance Provider to Discuss the Adjustment of a Pending Claim or Prevention of a Claim Imminently Likely to be Filed

De Weerd: Okay. I will move to Item No. 10, Executive Session.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we go into Executive Session as per Idaho State Code 74-206(b) and (i).

Milam: Second.

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

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION: (7:12 p.m. to 8:08 p.m.)

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

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we come out of Executive Session and let it be shown that no decisions were made.

Cavener: Second.

De Weerd: I have a motion and a second to come out of Executive Session. All those in favor say aye. All ayes. That was an enthusiastic all ayes.

MOTION CARRIED: ALL AYES.

De Weerd: Do I have a motion to adjourn?

Bird: So moved.

Cavener: Second.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:08 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR TAMMY DE WEERD

_____/_____/_____
DATE APPROVED

ATTEST:

JAYCEE HOLMAN, CITY CLERK

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:08 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

Keith Bird

MAYOR TAMMY DE WEERD
Council President, Keith Bird
ATTEST:

3 18 16
DATE APPROVED

Jaycee Holman
JAYCEE HOLMAN, CITY CLERK

