

A meeting of the Meridian City Council was called to order at 6:05 p.m., Tuesday, April 26, 2016, by Mayor Tammy de Weerd.

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

Others Present: Bill Nary, Jacy Jones, Caleb Hood, Kyle Radek, Jamie Leslie, David Jones, Todd Lavoie, Crystal Ritchie Mike Barton, Hillary Bodnar 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: Well, good evening. I'd like to welcome you to the City Council meeting. We appreciate you joining us tonight. For the record it is Tuesday, April 26. It's 6:00 p.m. I 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 will all rise and join us in the pledge to our flag.

(Pledge of Allegiance recited.)

**Item 3: Community Invocation by Troy Drake with Calvary Chapel Meridian**

De Weerd: Item No. 3 is our community invocation. Pastor Troy Drake with Calvary Chapel in Meridian is here to lead us. Please join us in the community invocation or take this as an opportunity for a moment of reflection. Welcome.

Drake: Thank you. Lord God, it's just a really humbling thing to think that we could just ask the one who made all things to be with us and to help us and strengthen us and encourage us and so we just pray for this great city here tonight, Lord, for all the citizens, just pray, Lord, that they would do your will, that they would seek after you, God, that you would help those who are in need and also, God, we just ask that you would guard those and help those, protect those who watch over us in our city, the firefighters and the police officers, Lord, we are just thankful for them and ask for their safety and as well as that you would be

with all of the folks who make things safe elsewhere in our town through the building planning and all these who work for our city and, lastly, God, we just want to pray for wisdom for these ladies and gentlemen here tonight, that these items that are on the agenda that are -- whether they may seem small or large, that you would give them great wisdom to be able to do the right thing and make the right decisions and so we just thank you, God, that we can inquire to you about these and that you care about all these small things and we appreciate you so much and so pour out your grace upon these people in this meeting and it's in Jesus' name we pray, amen.

De Weerd: Thank you, Pastor Troy. It's always nice having you.

Drake: Thank you.

**Item 4: Adoption of the Agenda**

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

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: On Item 7-A the resolution number is 16-1135. Item 8-B, the applicant has requested that to be continued to May 3rd, 2016. And Item 8-C, the applicant has requested a continuance of this item to May 24th of 2016. On 9-E the staff requests that we vacate this item. And on 10-A, the ordinances, 10-A has been asked to be vacated and Item 10-B is Ordinance No. 16-1684. 10-C is Ordinance No. 16-1685. And with that I move we approve the agenda as amended.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

**Item 5: Consent Agenda**

- A. Approve Minutes of April 5, 2016 City Council PreCouncil Meeting**
- B. Approve Minutes of April 5, 2016 City Council Meeting**
- C. Approve Minutes of April 12, 2016 City Council Workshop Meeting**

- D. Professional Services Agreement with Soul Patch for Musical Talent for Concerts on Broadway in an Amount Not-to-Exceed \$600**
- E. Professional Services Agreement with High Street for Musical Talent for Concerts on Broadway in an Amount Not-to-Exceed \$3,500**
- F. Professional Services Agreement with High Street Entertainment, LLC, as an agent of Precious Byrd for Musical Talent for Concerts on Broadway in an Amount Not-to-Exceed \$2,500**
- G. Sanitary Sewer Easement Between Green Village Development, Inc. And The City Of Meridian Within Heritage Grove Subdivision No. 3**
- H. Water Main Easement Between The City Of Meridian and GGR, LLC within Calderwood Business Park**
- I. Pedestrian Pathway Easement Between the City of Meridian and Cottonwood Development, LLC Regarding a Pathway on the North Side of Gondola Drive**
- J. Approval of Task Order 10648.a to CH2M HILL ENGINEERS for the “Wastewater Resource and Recovery Facility Post Aeration PLC4 And Reuse PLC Upgrades - Design” Project for a Not-To-Exceed Amount of \$202,720.00.**
- K. License Agreement with St. Luke's Regional Medical Center for Construction and Maintenance of Meridian Monument Sign**

De Weerd: Item 5 is our Consent Agenda.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve the Consent Agenda and for the Clerk to attest and the Mayor to sign.

Borton: Second.

De Weerd: I have a motion and a second to approve the Consent Agenda. 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: ALL AYES.

**Item 6: Items Moved From the Consent Agenda**

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

**Item 7: Department Reports**

**A. Mayor's Office: Resolution No. 16-1135: A Resolution to Appoint Callie Zamzow to Seat 3 and Tammy de Weerd to Seat 5 of the Meridian Development Corporation**

De Weerd: So, we will move to 7-A. In front you, Council, is Resolution 16-1135. We are reappointing two seats. The third seat that was open is -- is open and we have a call for interested citizens. Do you have any questions?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve Resolution 16-1135.

Milam: Second.

De Weerd: I have a motion and a second to approve Item 7-A. Madam Clerk, will you call roll.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**Item 8: Action Items**

**A. Staff Recommendation for Approval of Floodplain Variance Request of Addition at 975 E. Pine Ave.**

De Weerd: Item 8-A is under our staff report. Kyle, I will turn this over to you.

Radek: Madam Mayor, Council Members, this item is a request for a variance to our flood damage prevention ordinance from Ada County Development Services on behalf of Ada County Operations Department to allow the existing elevated structure to remain as constructed while adding an addition to it. The existing structure was built in 2007 and at that time our flood plain ordinance required a base flood elevation plus one foot as the flood level protection. Since the time our ordinance has changed to allow -- to -- to a standard of base flood elevation plus two feet. So, the new standard is two feet and the applicant is adding an addition and the addition would be required to meet our current ordinance. The question is about the existing building. If the addition agrees with what's called a substantial improvement and the substantial improvement kicks in a requirement that the existing building be either elevated or flood proofed to the new level and that is the variance that the applicant is seeking is a variance in -- to be allowed to not have to flow through the existing building up to the current requirements and just as a note here, the -- the campus that this is built on is -- because of the way we have administered the flood plain -- or the flood damage prevention ordinance, the campus is, essentially, elevated above the flood level and so the applicant intends to do a letter of map revision to remove that area from the flood plain and so our recommendation is -- and the variance -- the reason for the variance we not be based on an inconvenience or a monetary reason, they are not generally allowable reasons for a variance. However, the -- the applicant, to -- to obtain the funds that would be required to flood proof the existing building, it would require extra time and the applicant has a -- has an imminent need to expand his laboratory services to -- to prevent the spread of viruses and existing and new threats that are being, you know, brought in -- it's my understanding -- and they can expand on that perhaps, if Council desires, but the -- there would be a condition on them that they would -- they would have that application for a -- for a letter of map revision removing their campus from the flood plain before we would allow a certificate of occupancy. And so -- oh, I'm sorry, I lost my train of thought. The reason I was telling you that is -- is going down that -- that path of the funding and the virus -- virus protection, time is the reason that -- that we are recommending that this variance be approved, so that the applicant can go ahead and build their structure and perform their services for the health and safety of the county. I guess with that I will stand for any questions or any presentation that the applicant would like to make.

De Weerd: Council, any questions for Kyle?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Kyle, if -- if they would have to bring that existing building up to code, they would have to raise that whole thing and put a -- put a foot of foundation in it. I don't make sense to me to make them do that and staff is recommending this. I don't see any problems with it at all myself.

Radek: Madam Mayor, Councilman Bird, actually, the last time -- this is the second time Ada county has run into this on this campus. They had a building and our -- the first time we moved the code from base flood elevation to base flood elevation plus one and in that version of code there was no flood proofing provisions and so when Dave Miles updated the code maybe two, three years ago, he put in the flood proofing provisions just for this kind of situation. So, yeah, they don't have to have half a building at one foot and half the building at two feet, they can flood proof up instead, so --

De Weerd: Well, I appreciate your recommendation and I certainly don't see any issue with it. Would anyone from the county like to provide comment or did Kyle cover it well? Thank you for joining us. If you will, please, state your name and address for the record.

Wendell: Surely. Madam Mayor and Council, I'm Scott Wendell with LCA Architects. I represent Ada county for this project. I think the county's ultimate request would probably been in their best interest, that they would like to have the new addition be at the same floor level as the current addition, as they are already one foot above the BFE and that is their first request. I believe this request that was granted through the -- through Dave Miles and the city, you know, indicates that they would raise their addition up -- would be approximately nine inches. So, I will leave it up to the county to, you know, make the final acceptance on this, but it does take a ramp inside the building to make that happen, as well as steps that are not cohesive with the rest of the architecture of the building, as well as flood proofing, we did a study of how to perhaps flood proof the rest of the building and it's quite extensive and really would ruin the character of the building and cause them quite a bit of -- I guess trouble in that respect. So, I will it leave up to the county if they want to continue to, you know, accept what they are looking at in this application and recommendation, so that's all I have to say. Thanks.

De Weerd: Thank you.

Wendell: Any questions?

Bird: I have none.

Wendell: Okay.

De Weerd: Thank you for joining us. If you will, please, state your name and address.

Williams: Mayor and Council Members, my name is Scott Williams. I'm the director of -- I'm director of operations for Ada county, 200 West Front Street, Boise, Idaho. 83702.

De Weerd: Okay. Thank you.

Williams: Our ultimate goal in this was not to either raise the floor or flood proof or change, but it doesn't seem like that's going to be possible. What we would really like to not have to do is to flood proof the rest of the building or raise the floor on the rest of the building. Time is of the essence. Brian's crew does do the mosquito abatement, checking for West Nile virus and now the Zika virus that's coming up, that's going to be the next big issue. We would like to get the permit and get moving on the building as quickly as we possibly can to get it -- to get construction out of the way and get the new laboratory built. Kyle has explained to us that we have the option of either raising the floor and/or now flood proofing and I think, you know, if we have that option which way would we go, we would have to figure out what's going to be best for the construction of the building at the time, as long as we don't have to raise the other part and flood proof the other part, because that would really shut down the operation. We would have to dig around the entire facility to make that happen. Because, really, raising the floor is not an option. Everything would change, then, as far as door heights and elevations for electrical outlets and plumbing and it would be a major undertaking to do that. So, that's what we are really looking forward -- I mean we have an option one way or the other. The other thing is we are going to do the LOMR-F and if we can get that done it's actually out of the flood plain, it may not be an issue by the time we get to permit if we can make that happen and show that it's above the flood plain requirements anyway. So, with that I will stand for any questions if you have questions for me.

De Weerd: Thank you. Council, any questions? No questions.

Williams: All right. Thank you very much.

De Weerd: Thank you. Okay. Council?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Kyle, explain exactly what this variance request is for everybody.

Radek: Yeah. Madam Mayor, Councilman Bird, my understanding is that the variance request is a variance to the requirement to improve the existing structure to the current code, not to vary the requirements for the new structure and as you heard testimony just now, they would -- you heard they would prefer

not to have to do any of that. Staff is not supporting a variance on the new structure -- the new portions of the building, because we feel that they can -- they can do that. It's a new building. It's a new building, new code, that's -- that's what we do, we enforce our ordinance. The variance request would be to raise up or flood proof the existing building, because of the substantial improvement. So, the variance request would allow them to not have to improve the existing building.

De Weerd: I guess, Kyle, what is the likelihood -- if they appeal and -- or apply to be removed from the flood zone, whereabouts are they in that flood zone? Is it on the edge, so what is the likelihood? I know -- what does your crystal ball say?

Radek: Yeah. Madam Mayor, we -- the thing about our -- our flood prevention code is we require people to build so that they are out of the flood plain by the time they get built. So, according to the models that are being run now, if they -- if they are able to do a letter of map revision based on the fill that they have put in since they started developing that campus, they would be out of the hundred year flood and so there would be no insurance requirement, no permitting requirements and, then, it's just a question of chances and mother nature. You're never completely safe. But they would be out of the regulatory flood plain. And, actually, they are technically I guess out of that now, they just haven't done the paperwork to submit to FEMA to change the map.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Kyle, if they -- if we -- if we were to approve a variance and allow that existing -- the existing building and the new building to stay at the same elevation, which go under our previous code, and would be okay if they had the FEMA paper, is that -- am I not right? Am I misunderstanding this? I mean if they get out of the -- if they get out of the flood plain and they are one foot above elevation of their existing building would be okay for the addition; right?

Radek: Yeah. With one -- one caveat. If they remove themselves from the flood plain by a letter of map revision based on fill -- based on fill that they have added, our code would require them to still go through the flood plain development process and the reason our code is like that is because -- is because it's happened in places like Eagle where people have filled and gotten themselves out of the flood plain by three-tenths of a foot, two-tenths of a foot, then, they go and build a basement and it's just not responsible development and so our code says that. So, the variance would be a variance to that portion as well, it's just a condition we are putting on it to say if you go through your due diligence, remove yourself from the flood plain, we are going to allow this variance to move forward on the existing building. The new building doesn't have to be a separate level from the -- from the existing building, it just has to be flood -- it has to be either

that or flood proofed. So, they have the option there. So, I'm sorry if I threw too much information into that -- into that response.

Bird: Madam Mayor, can I follow up?

De Weerd: Uh-huh.

Bird: And I don't -- I don't know how we could compare with Eagle and their basements, because Eagle has got a major, major river going through that floods every year and to my knowledge that creek is -- I have never seen it when you couldn't wade across it and not get your shoes wet and I lived here 51 years, so -- I don't know.

Radek: Madam Mayor, Councilman Bird, that's certainly a comment we always get when we talk about flood plain Meridian. I have lived here 15 years, I haven't seen a flood, so --

De Weerd: Mr. Nary, I guess my question to you would be can this variance apply to both -- both the existing and can Council use the same request to apply to the new construction, too?

Nary: Madam Mayor, Members of the Council, in looking at the -- at the information that I have, I mean the Council can do that. That's not the recommendation of staff.

De Weerd: Okay.

Nary: I think the alternative was the reason staff was not recommending that, since they can flood proof the building as an alternative to having to change the elevations of the building.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Procedurally is the issue of the new construction even before us? The variance request speaks to the expansion of the existing building, but not the new one.

Nary: Correct. Yeah. So, I don't -- I don't know that you can't -- Madam Mayor, Members of the Council, Councilman Borton, but it isn't -- the application that's in front of you today is that request. I know that's what the architect requested, but that's not what's in the information that we have. So, like I said, the staff's analysis is based on one set of facts and criteria and the testimony is adding a little bit more information, but it's not really in the -- in the analysis that was done. Unless I misunderstood, that's what I'm looking at, Kyle.

Radek: That's -- and I interpret it the exact same way.

Nary: Okay.

De Weerd: As far as I'm concerned, if it's good enough for the existing it should be good enough for the new one, but, you know, I don't get to vote, so -- Council, what would you like to do?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I don't disagree with you, but I think the addition is -- the new one isn't even in the variance. The new building. The addition is what we are talking about; right? Or the existing? This thing is -- either misreading it or something.

Radek: Madam Mayor, Councilman Bird, we are actually -- we are talking about -- there is an addition to the existing building. That's the new construction portion. The new construction portion is a substantial improvement to the existing building, so that requires the existing building to be upgraded to the current code. And the variance request that we had submitted was a variance to that requirement to require the existing building be upgraded. But what the new testimony we are talking about, well, we don't want -- we don't want to make the -- even the new addition up to current code, we want to, you know, make that up to the same code as -- as the existing building was. So, that was -- answers the question there.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: If this was a new stand alone building I wouldn't even think about this variance, but this is an addition and when you -- you know, when you got an addition you need to jump up nine, ten inches, whatever the difference is -- I don't know.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I will make a motion, see where it goes. In light of staff's comment and staff's recommendation and the specific elements to support the recommendations unique to this application, I would move that we approve the request for flood plain variance at 975 East Pine Avenue as described in application request before us.

Palmer: Second.

De Weerd: I have a motion and a second to approve the request for a variance. Any discussion?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: This motion is exactly what it states in here, that the new addition will meet the existing code; right? Is that what the motion is?

Borton: Correct. Madam Mayor. This specific variance request set forth by the applicant, recommended by staff, is what the motion is in support of.

De Weerd: So, it gives a variance to the existing and asks that the new construction meet current code.

Borton: And Madam Mayor --

De Weerd: As requested.

Borton: -- through the normal course -- yes. That's what would happen and if there is a separate variance request to address something down the road, we would address that at that time.

De Weerd: Okay. Any further questions? 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.

**B. Public Hearing for Volterra Subdivision (H-2016-0033) by Bridgetower Investments, LLC Located North Side of W. McMillan Road Between N. Black Cat Road and N. Ten Mile Road**

- 1. Request: Amend the Recorded Development Agreement (Instrument #106034786, Amended as Instrument #11101393) to Allow Right Out Only Access to N. Ten Mile Road for the Office Lots Approved with the Volterra South Subdivision**

De Weerd: Okay. Item 8-B was -- is a public hearing on H-2016-0033. This application has been requested to continue to May 3rd. Is there anyone here that's here to testify on this item? Okay. Council, I have opened this public hearing. It needs a motion to continue.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we continue H-2016-0033 to May 3rd, 2016.

Milam: Second.

De Weerd: I have a motion and a second to continue Item 8-B to May 3rd. All those in favor say aye. All ayes. motion carried.

MOTION CARRIED: ALL AYES.

**C. Public Hearing for Waltman Property (aka Browning Plaza) (H-2016-0038) by SLN Planning/Boise-Waltman, LLC Located 505, 521, 615, and 675**

**1. Request: Modification to the Development Agreement to Remove the Requirement (#5.1.8) for Corporate Drive to be Extended North of the Site from the Ten Mile Creek South to Waltman Lane**

De Weerd: Item 8-C is a public hearing as well on H-2016-0083. The applicant has requested that this be continued to May 24th. It is a public hearing. I will open this public hearing. Is there anyone here to provide testimony on this item? The applicant -- can you tell us, Caleb, why the applicant has requested continuance of this item?

Hood: Yes, Madam Mayor. A large chunk of the request for -- excuse me -- modification of the development agreement hinges ACHD modifying some of their conditions for this project and they aren't scheduled to hear this until the 11th of May. So, we need to have ACHD's action before -- that's our recommendation that you have ACHD's action before you act on it, because a lot of what the applicant is wanting to modify has to do with ACHD's conditions of approval.

De Weerd: Okay. We can accept testimony. It's unusual without the applicant here, but if -- okay. Perfect. Okay. We appreciate you being here and sorry for

the inconvenience. Okay. Council, this public hearing has been opened. I will entertain a motion to continue this to May 24th.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: If I may first, I had done -- at a previous firm had done work on this particular project. It's not a current client of mine for firm now, but just for the record I will abstain from acting on the continuance of this application for that reason.

De Weerd: Okay.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we continue H-2016-0038 to May 24th, 2016.

Milam: Second.

De Weerd: I have a motion and a second to continue Item 8-C to May 24th. All those in favor say aye. And I have one abstain.

MOTION CARRIED: FIVE AYES. ONE ABSTAIN.

**Item 9: Continued Department Reports**

**A. Art and Culture Update: Update on Public Artwork at Fairview Avenue and Main Street**

De Weerd: Item 9-A is under our arts and culture update. Hillary.

Bodnar: Madam Mayor and Council Members, I am here to present just an update on the public art project at Fairview and Main. I wanted to get in touch with you guys, because MAC had a special meeting on April 7th and discussed recommendations they would want to carry forward to you guys in consideration of this project. They established two recommendations and didn't prefer one over the other, but they did want me to go and present these recommendations to MDC and the reason is because MDC is the one kind of footing the bill. It's -- it's -- we have an agreement with them to reimburse us for the funds, so MAC wanted to make sure that these two recommendations would be in favor with MDC's board and that they would still want to contribute funds to this project. MDC did say that they would -- they would stay committed and wouldn't want the agreement to stay in place for the funds for the project. That being said, MAC's

two recommendations that they came up with on their April 7th special meeting were as follows: Their first recommendation -- again, not -- just one of their recommendations was to recommend to City Council that we commission Natives by C.J. Rench. This was a proposal that was included in the original RFP for the project at Fairview and Main. That means that it would be commissioned as -- or as an independent project, not in relation to that RFP, because we have issued a contract for the RFP and that contract was terminated. So, it would be a commission similar to the Daniel Borup commission out in the plaza. The second recommendation that MAC came up with was that they reissue a new RFP as soon as possible with some modifications. The modifications that they made to the RFP included shortening the length of time that public comments were collected. Public comments were collected for about a month and a half last time and they decided that they could use events that they are posting this year, including one Concerts on Broadway event and a Dairy Days art show event to collect public comment if they released an RFP. That would be about a two week period that public comments would be collected and pushed for. Their other recommendations -- their modifications to the RFP included strong recommendation of maquettes, asking that the artist prepare maquettes for them to see what a small 3D model would look like. The idea behind this is that they would see the artist committed to the project and a better sense of what the project would look like. Their third modification to the RFP was to include experience to the criteria for selection. While they asked for resumes in the last RFP, they didn't include experience in one of the listed items under criteria for selection, so that was a growing pain on my -- on my part. I mean it's now -- that's being included in all of the RFPs they discussed since just to make sure that we can call references and use those references in order to help judge what art projects we would like to move forward on. So, before you today are the two recommendations to you and to get your feedback on those. MAC is preparing to have another special meeting to discuss potentially what it would look like to commission Natives or how they would get an RFP out, if they would want to use other -- other forces to push an RFP out to get response sooner, rather than, again, leaving an RFP period open for a long time. One benefit that we have this year that could be particularly helpful is that the Meridian Arts Commission has partnered up with the Parks Department and they are collecting RFQs, so qualifications from other artists to work specifically for park identity, public art roster, and so this art roster could possibly be drawn upon for us to select and target artists to send an RFP to as well, with their qualifications already in mind. When I brought this to MDC I will say that MDC -- I asked the date of preference and they preferred commissioning Natives and for those of you who -- do you guys want to see it? I didn't print it this time.

De Weerd: Hillary, I guess I, you know, have given that a lot of thought and if you -- if I recall on this one, the public comment was largely in favor of the family piece that wasn't appropriate for that north curve and -- and so that was understandable. So, they kind of went to the next one, which was unfortunate in how that all transpired. So, in essence, you know, this goes to, then, kind of the

third down the list and I seem to recall when we were doing the call to artists on the piece down here, the concern of the art commission at that time was to do another piece by Amber Conger, because that one was a very interesting submittal and they felt if they did a second piece by Amber it would send a message to other artists that there is a strong preference to a certain artist and -- and I feel that that might play the same here, in particular since this was not a strong preference and because of time constraints and I understand even this artist came back with an add-on cost, that it almost makes sense to -- to just go out. What I loved hearing what you said is the shortened comment period, but also, because you compare it with events that are already happening and that have a large number of public that are in the area that could provide feedback, that -- that is a great counter and so those are my thoughts.

Bodnar: Thank you.

Milam: Madam Mayor?

De Weerd: Hillary, I know that for commissioning this one that time is of the essence; right? If we can get it done this year or is he not going to be able to regardless?

Bodnar: The artist said that he could get it done within this fiscal year. As far as time being of the essence, I think in a sense it is of the essence, because we have said that this is something we are going to get done, but MDC said that they could -- they could roll over their funds into the next fiscal year.

Milam: Madam Mayor, follow up? So, a thought that I just had -- sorry. I didn't have in our previous conversations -- would be -- and I know that during the comment period on these, the piece that we are putting out here on the plaza was a big favorite, but if we took it out of the picture -- I mean is it -- I guess is the RFP -- if it's closed, can you open and still get comments on the existing -- in the existing choices or would that just be opening up a can of worms?

De Weerd: Uh-huh.

Bodnar: Council Member Milam, I think that we -- we discussed -- MAC discussed ways that they could still get public comment. The current proposal has five pieces proposed, so we could always ask, which pieces the public might prefer and why. I think that MAC and the city might have some preferences or at least in color, because we have particular colors that look really well, but that's one way that you could get public input, but that's not to say that -- public input I think is a valuable component of public art and there might be other ways to get -- to get more public input that we haven't already considered.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Hillary -- excuse me. Hillary, can you refresh my memory. This one that's before us, Natives, was included in the public comment with the other two previous versions, but the other two previous versions were preferred, but ultimately were not able to come to fruition; is that accurate?

Bodnar: Daniel Borup's is -- is being commissioned to go on City Hall.

Cavener: Okay.

Bodnar: Yeah. And, then, Danielle Foushee was the other strong favorite as far as comments and as far as MAC's consideration of those comments. That's why that recommendation came before you guys. Yeah.

Cavener: Madam Mayor, follow up? Were there any other pieces that the public commented on?

Bodnar: They commented on a piece by Charles Hammond called True North. It looks like a large archway and it has two different kinds of metal on it, COR-TEN steel and stainless steel and, then, a -- kind of like a compass point that points north.

Cavener: Madam Mayor, one additional follow up if I may? Hillary, can you articulate as to why MAC chose not to recommend two options, as opposed to just giving us Natives versus the other one you just explained?

Bodnar: I think that MAC chose one option as far as commissioning a piece just to streamline what their recommendation was.

Cavener: Great. Thank you.

De Weerd: Any other comments?

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, Hillary, I will just always pray that we eventually will have a flag pole back in that corner. Art's pretty and all, but I'd much rather put that money into a giant flag pole if we are going to put it into other mangled metal. That's where I'm at.

De Weerd: You know, I -- I don't know -- when we talk public art, I hate to just settle for the next one and I agree with the arts commission that they feel that public art should allow for public comment and because that public comment,

then, even on this, would delay and not make it possible. I just think we are settling and it's -- it's too important. If we have already set precedence to be leery of awarding a piece twice in a row to the same artist, because of what it might communicate to other artists, in particular the first time they -- they went that direction it was with an Idaho artist. This isn't even an Idaho or an area artist. I don't know.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Hillary, update me on -- the original one that was picked for the north end down there that we --

De Weerd: The Grove.

Bird: You don't want to hear what I called it. Anyway, who was the -- who was the artist on that?

Bodnar: Danielle Fouchee and she was -- well, she's based out of Seattle. Around that area.

Bird: And this is the same guy that did the one down here?

Bodnar: Correct.

Bird: Yes, I know that. He was a Meridian -- he graduated from Meridian High School I understand. With this art stuff, we will spend six months debating and, then, wind up, you know -- and I know those -- I know the commission has went through this and went through this and went through this and I'm like Ty, I'd like to see the flag pole back up there with a flag, but I guess that's not going to happen, so -- I don't know. All I know is we -- if we are going to have one up there, let's get it done.

Cavener: Madam Mayor?

De Weerd: Yes, Mr. Cavener.

Cavener: I appreciate your comment and I can -- I can understand the -- the conflict that you probably have had going back and forth on this, because I do think it's important that we allow the public to comment. I think that some of our neighbors to the -- to the east of us have encountered conditions where they have moved forward on public art without soliciting from the public. To Councilman Palmer's point, I would say that I would agree, too. I would love to see a flag pole back there as well one day, but in looking at what's before us I think that this concept of Natives is -- is a great recommendation from the Arts

Commission. It sounds like it's one MDC supports and, quite frankly, I think it creates an opportunity down the road for a flag pole to return. So, I think the public has had a chance to weigh in and to Councilman's Bird's point, we -- we wait another six months, maybe a year before we may end up making the same decision. So, unless the liaison to the arts commission has anything that she would want to say -- if not I will make a motion.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I agree and I have been kind of torn kind of going back and forth on this for a few weeks as well. But I do -- I do love this piece and -- you know, the fact that there is going to be separate pieces I think will be -- it will be a really pretty -- and a great addition to Meridian. Also, we have many -- we have more art projects into the future, so we have other RFPs to go out and more opportunity for other artists in and -- and I agree with Councilman Cavener that to waste another several months to maybe possibly get something that we like better, when I think we have an amazing piece of art in front of us, I'm okay with commissioning this one. So, does anybody else want anything? Then I move that we direct the arts commission to continue looking into commissioning the Native piece for that corner.

Bird: Public comment? Thirty days for public comment?

Milam: No. Madam Mayor? The public has already commented and, unfortunately, Hillary, you probably don't have any of those --

Bodnar: I didn't bring the public comments with me, no.

Milam: But there were -- there really was good comment on this and -- I don't know for how long. Two weeks? Two weeks long enough? And I would add that we have a couple weeks of public comment to decide -- or to help at least guide in which three of these five pieces to go with.

De Weerd: Hillary, is that what this special meeting is to -- to discuss these five and --

Bodnar: The special meeting is to discuss two things related to public arts. One thing that they are going to be discussing is distribution of MAC funds by year and the other thing that they are going to discuss regarding this project is what C.J. Rench had reported back to me as far as getting the project done within this fiscal year, but he did ask if the commission would consider requesting additional funds.

De Weerd: Yes. So, this doesn't fall in the budget, just to make sure you understand that.

Cavener: Madam Mayor, before I maybe second that motion, question for Hillary. Hillary, what's the difference between what's budgeted and what this artist is going to be asking?

Bodnar: The budget for 40,000 dollars is MDC's commitment to the project. The artist asked that -- the difference he was asking was 3,500 dollars to help cover the cost of cement, because construction work has gone up in cement. Labor has gone up in return. I followed up with him asking about if that was the difference between his original proposal last year and what the cost of cement and cement work is this year and he -- he didn't specify. I reached out to a contractor to ask if -- what current cost of cement work for the project would be and I haven't heard back from them yet.

Cavener: Madam Mayor, follow up? In -- in the budget that went out does that include a contingency? Is there a contingency built into that?

Bodnar: No. Forty thousand dollars from MDC is the total budget. That being said, MAC has MAPs funds that they could potentially draw from to cover the rest of the budget. And the MAPs funds are to support public art in -- art in public spaces.

De Weerd: And some of that discussion is to be centered around if this is high enough priority or recommendation to tap into the additional funds.

Bodnar: Right.

De Weerd: Because their recommendation was two choices, not one choice, and so that was to be a discussion item.

Bodnar: Right. They -- the Meridian Arts Commission hasn't had another public meeting to discuss what the artist came back with asking about the budget, so it's a chance for them to discuss and really deliberate. They might not -- MAC might not want to go forward with that.

De Weerd: Hillary, does it make sense to bring this back next week after they have had a chance to talk about it and if they are -- if they do have a strong recommendation that this is what they want to do and they are willing to fund the additional 5,000 dollars out of their MAPs funds?

Bodnar: I don't think their meeting would be until as early as May 3rd was when they could all get together. So, they -- and I think actually May 4th they want to be able to be at your next -- not next week's meeting, but the following meeting from there. As long as I know that it wouldn't be -- it would still be considered by

City Council to commission art work I think they could prepare a recommendation if they do choose to support money from their MAPs funds, but if the city doesn't support a commission piece or this piece in particular that they are recommending, that's what I want to know, so that they can move forward and release an RFP and get the process going.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Let's get a second while we are going to do all this --

Milam: Madam Mayor? I would like to withdraw my motion.

De Weerd: Okay.

Milam: Start over. So, Hillary, you were looking for -- do you want -- is that what you're looking for is for us to choose one of the options or just to say go ahead with whatever the commission --

Bodnar: Councilman Milam, if there is one option that the Council wouldn't consider, then, I'm asking you if you would eliminate one of those options or if you would consider both of those options, then, I can move forward with MAC, so they -- they can weigh out the --

Milam: Madam Mayor? I would -- I would be okay with either one of those options and I think that the Commission should make that decision.

Bodnar: Okay.

Milam: I'm not in big favor of paying an extra 3,500 dollars, unless that is the amount that the concrete has actually gone up since his proposal.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Question for Hillary. It sounds like you have solicited a recommendation from MDC. Are you looking for a preferred recommendation from Council or just that -- that we are supportive of both options?

Bodnar: No. If Council has a preference I would love to be able to take that make to MAC.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I move that we recommend commissioning C.J. Rensch's artwork with a two week window for public comment on the selection of the three pieces, but open to either option without being a preference.

Bodnar: Okay.

Milam: Is that a motion?

Cavener: Madam Mayor, question for the maker of the motion. No surprise. Councilwoman Milam, is that dependent on the proposal being within the originally quoted price?

Milam: Yes.

Cavener: Okay. I will second that.

Milam: As a preference, yes.

De Weerd: Okay. I have a motion and a preference -- or a second on a preference.

Cavener: It was a second. A motion and a second.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I feel over my skis and wrapping my head around what's transpired and which -- not your fault by any stretch, but getting my head around the sequence of events, so the -- one of the last comments about it going to the art commission to review and make the recommendation back to us, seems particularly appealing to me, even if that means that meeting on the 4th and on the 10th we hear at a workshop what their thoughts are. One of the concerns -- and maybe I might be missing some things on this, but the integrity of the whole entire process that's starts with an RFP and, then, comes to this stage trying to do the right thing feels a little clumsy. This so long -- and maybe the arts commission will address this -- is going this route with any decision jeopardizes the integrity of how we come to these decisions, you know, is doing another RFP the right way to do it? The commission's input, at least to me, is really helpful, because I -- again, I feel a little sideways.

De Weerd: Discombobulated.

Borton: A little bit discombobulated and it's -- it's not your fault, it's -- I think it's mine trying to get my head around --

Bodnar: Madam Mayor and Councilman Borton --

De Weerd: And usually the recommendation comes from the commissions, not from the Council. So, I think that's why it's a little -- sideways is not even the appropriate term.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: The commission has already discussed this, Hillary; right? I mean didn't they already have a very strong preference to commission this piece?

Bodnar: The commission did not have a strong preference of the two options they presented to MDC.

Milam: They didn't?

De Weerd: And they haven't had a chance to discuss the cost increase either.

Milam: Right. That's --

De Weerd: Which could change their preference, you know.

Milam: They might change their mind.

Bodnar: Madam Mayor? It was my -- it was my decision to come to you today to bring you up to speed with the same update that I brought to MDC, because the contract for art would be in the city's hands. So, I'm trying to honor the same update that I provided to MDC to this Council.

De Weerd: Well -- and I think that's fair. At least, Hillary, now you can bring back the discussion that MDC has had and their -- their comments as well that that money is easily pushed forward or transferred to the next budget year and, then, they can have a discussion and bring back one option for Council.

Bodnar: Okay.

De Weerd: Which would be easier.

Milam: Yeah. Right.

De Weerd: For a discussion piece. Didn't I have a motion and a second?

Bird: Yeah. Let's call for the question.

De Weerd: Okay. The motion and second I won't repeat. Madam Clerk will -- the preference is to give preference to Natives with consideration to the other options. Was that -- okay.

Milam: Madam Mayor? As long as there is no price increase.

De Weerd: Without a price increase. Okay. Madam Clerk, will you call roll.

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

MOTION CARRIED: FIVE AYES. ONE NAY.

Bodnar: Thank you.

**B. Parks and Recreation Department: Request for Approval of AIA Agreement Between the City of Meridian and The Land Group Regarding 77-Acre Park Design Services for a Not-to-Exceed Amount of \$641,726.94**

De Weerd: Okay. Item No. 9-B is under our Parks and Recreation Department. I see you're coming with a strong recommendation, so --

Barton: I believe we have a strong recommendation. Madam Mayor, Members of the Council, thanks for the opportunity to discuss an agreement that we have before you. The agreement is between the city and The Land Group for 641,000 dollars that will provide construction documents for phase one of our 77 acre park, which is in south Meridian off Lake Hazel. We -- we have a budget that was approved of 750,000 dollars, so this proposal is under budget. We have -- we took and refined the project scope of this, their proposal, and we actually took 70,000 dollars worth of fees out of their original proposal for items such as a special soils consultant and some irrigation consulting that a lot of that that we can handle in-house with our own staff. So, we got them down. The other thing that we did is we -- we placed some of their -- some of their fees into a reimbursable line item, which, you know, for one -- one example of that is -- there is a traffic study that we think we are going to need, but we are not really sure how much of a traffic study we need. That's going to depend on -- on how many parking places are designed in that 40 acres. I know that The Land Group, who is our choice of consultant on this project, took the concept plan to ACHD and they -- they kind of recommended a full traffic -- traffic plan, but, obviously, we are not building out 77 acres, so we don't think we are going to need that. In fact, we are quite confident. So, the 641,000 dollars is a not to exceed amount. We expect it will be less and with the remaining funds what we do with these projects

is we get to a certain stage of design and, then, bring a construction manager in for pre-construction services and that construction manager will -- will truth the costs and give us a real accurate opinion of cost and that pre-construction service will take us all the way up to bid time in the project. As far as the project timing, if we can get started on design this summer we will have a good idea of what it will take to construct phase one and we can come in next spring with a -- with a solid budget request for fiscal year 2018. It's our hope that we could bid in December of 2017 for a 2018 spring start to the construction project. So, I guess with that I will stand for questions.

Palmer: Madam Mayor?

De Weerd: Thank you, Mike. Yes, Mr. Palmer.

Palmer: Madam Mayor, Mike, I think I heard 40 acres in there. Is that what phase one will be?

Bird: Madam Mayor, Councilman Palmer, yes, sir. We think it's going to be in the 40 acre range. So, 40 out of the 77 would be phase one.

Palmer: Follow up, Madam Mayor?

De Weerd: Uh-huh.

Palmer: And so the remaining 33 acres -- 37 acres would remain as they are or is that going to be just grass plain or --

Barton: So, currently we have an agreement with Turf Co to grow sod out there and we are hopeful that they will just grow sod on the back half, so it could be an overflow for soccer fields -- I mean everything is kind of contingent upon parking, but I mean if you look at our CIP and kind of -- kind of forecast our years, we have funds in our 2018 CIP for construction of phase one and, then, in 2021 there is an additional amount of four million dollars for construction of phase two. So, we are kind of hoping that it will stay in sod and maybe provide some overflow green space and, then, by 2022 actually build the rest of the park and some of this is, of course, contingent on development and our approval of impact fees.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: And, Mike, a lot of this planning by The Land Group at this point, even though it's the first phase, which is 40 acres, a lot of this will include the infrastructure that we will have for the 37 acres also; right?

Barton: Madam Mayor, Councilman Bird, that's -- that's exactly correct. I mean we are bringing services into the site. We will be building an irrigation pond. We will put an irrigation pump and electrical components that will support the back half of the site. So, there is a lot of expense in up front planning, if you will, to get the front built so it will support the back.

Cavener: Madam Mayor?

De Weerd: Yeah, Mr. Cavener.

Cavener: Question for you, Mike. What opportunities for the public to participate or provide feedback as to what amenities will be offered in this park that's in this process?

Barton: Yeah. Madam Mayor, Councilman Cavener, yeah, once we get going we have -- during our park system master plan update we did a -- did a concept plan for this park and I'm not saying that we are going to use that particular layout --

Cavener: Uh-huh.

Barton: -- but it was a good -- kind of a good measuring tool for what the public might desire in this park and we got some really valuable feedback based on those public meetings that we already had. So, we are going to take some of that and bring it into the first couple stages of design and, then, from there we will hold public meetings. We will hold both open houses, we will bringing the Council along -- you know, along the way along the process. We will be talking to our parks and rec commission and gain their feedback. So, there is -- in these fees there are numerous public meetings and as we go forward we will -- we will schedule those.

Cavener: Great. Thanks.

De Weerd: Okay. Any other questions?

Little Roberts: Madam Mayor?

De Weerd: Mrs. Little Roberts.

Little Roberts: I would like to move that we request -- that we approve the AIA agreement between the City of Meridian and The Land Group regarding the 77 acre park design services not to exceed the amount of \$641,726.94.

Bird: Second.

Cavener: Second.

De Weerd: It looks like we already have our vote. Oh. Motion and second. Madam Clerk, will you call roll.

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

MOTION CARRIED: ALL AYES.

**C. Finance/Human Resources: Direction/Guidance on Presentations on: Compensation Plan, Health Care Benefit Projections, and Allowable 3% Property Tax Projections for FY2017**

De Weerd: Item 9-C is under our Finance Department and HR.

Bird: Oh, boy.

De Weerd: How quickly you get a reputation.

Ritchie: Madam Mayor, Members of the Council, thank you so much for having Todd and I back this evening. As you know that we have come before you -- hold on. Sorry. It's not working. Okay. We have stood before you during the month of April to discuss with you several different budgetary topics for the FY-17 planning and preparation for -- thank you, Todd -- for the new budget year coming up. We stood before you to present to you some information for your consideration. Those three topics were our city's compensation plan, the city's benefit program, and in addition to that the person allowable tax on information. We shared a lot of information at that time for you and Todd and I are back this evening to discuss with you and answer any questions that you may have in addition to that, receiving your guidance and direction, so that we can go ahead and move forward. So, just to kind of summarize and wrap up, the three different topics that we presented to you during the course of the month -- the first topic was our city's compensation program. Just as a reminder the compensation program is supported by a city policy and we do have established salary guidelines that we use when administering our merit program. The considerations that we presented for you and to you the first part of April was for your consideration of a two to four percent placeholder for the budget for a merit increase. As I mentioned to you back in the first part of April we will not have our local, state and national data until May and June of this summer, but we wanted to come forward and share the information with you that we had, so that we could look to some direction from you as we move forward and prepare for the FY-17 budget. We will continue to monitor the information at the local, state and national levels and bring that information back to you.

Lavoie: Madam Mayor, Members of the Council, what we have here is the slide that we presented to you in our previous meeting. What this shows is a mathematical calculation of our estimates on what the merit would look like from two percent to four percent for the city as a whole. Please note that the numbers that we are looking at -- these do not include any adjustments to the police STEP plan. The police STEP plan is handled in a separate function and those adjustments, if there are any, will be presented to you on a different form. But, again, this here represents what the total cost would be for -- let's say, for example, for three percent, the city would be looking at approximately 673,000 dollars as an annual increase to the overall personnel wages and as a secondary note, please, note that this does include an estimate to the fire department union contract. Unfortunately right now the union contract is under negotiations. We do not have a final number on which direction to go. I just threw the numbers in there just as a possible placeholder as an estimate to show you what the impact would be if we increase their wages at the same rate as the general employee. So, again, right now what we are looking for is some direction so that we can develop a Mayor's budget proposal in the month of May for you. With your direction we can apply a two percent -- or, again, it's up to you. We are making a recommendation between two to four percent for us to input into the city budget. So, again, we are standing here now to answer any questions, look for direction, so that the Mayor and I can develop a budget accordingly based on your direction.

De Weerd: Questions? Comments?

Lavoie: Madam Mayor, apologize. Just want to remind you that all decisions that we make here can be changed up until July 20th. So, again, you're just giving direction, you're giving guidance, so if you give us the direction of applying a three percent with -- still right in the middle, we will apply the three percent, the Mayor and I will develop a budget for you with three percent built in and, then, Council does have up until July 20th to make any changes to this said recommendation. Just wanted to put that out there.

Little Roberts: Madam Mayor?

De Weerd: Yes, Mrs. Little Roberts.

Little Roberts: Does the almost six percent voluntary separate -- how does that compare with other cities and how does it compare with the business community?

Ritchie: So, we have not gone out and asked that specific question to the local municipalities in the Treasure Valley. We can certainly do that and I can provide you that information and follow up with you at a future meeting or via an e-mail.

Little Roberts: Okay. Thank you.

Ritchie: You're welcome.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: So, you're looking for an amount at this point -- you're not -- not necessarily whether it's merit or cost of living or however it's divided up, we don't have to necessarily set that, you're just looking for a placeholder amount for the budget?

Ritchie: Mrs. Milam, that's correct.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Question potentially for Crystal. Madam Mayor, you may want to chime in as well. As we have -- going through this process, which I have found to be incredibly valuable, there has been some, I don't know, questions regarding incentivizing what is deemed satisfactory work and I think that we have done a good job somewhat navigating down that path. My question is is there a scenario -- and, again, I'm not sure -- I'd like Council's thoughts on this -- where we provided a predefined percentage as a cost of living for -- for staff and, then, a secondary amount that would be associated with exemplary service as part of their evaluation? Your thoughts, opinion?

Ritchie: So, that is something that we have had some brief conversations about and we are willing to look at for next year as a different form and different method to recognize and reward our employees for performance. I will tell you that as a city we don't offer a COLA, which is a Cost Of Living Adjustment --

Cavener: Right.

Ritchie: -- into our policy currently. So, that is something we would need to address if we want to move down that path for FY-18, but we still are open and willing to discuss different types of merit or different types of pay programs for our employees.

Cavener: Great. That's a great answer. Thank you.

Ritchie: You're welcome.

Cavener: Well, we are awfully quiet. I will go --

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Todd, what is -- I don't know if you know exactly. What's -- what's the average salary for the city? Do you have any idea?

Lavoie: Madam Mayor, Councilman Bird, unfortunately, I do not have that answer at my fingertips. Sorry.

Cavener: I expected you to ask that.

Bird: Well, I have seen -- I have seen it.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: It sounds like we are going to take these one at a time, rather than as a group, so whether a fund is allocated or proceeds are allocated as cost of living or merit or some combination, isn't for today, it could be any or both or neither. We all recognize that this city lives and dies with the employees and we hear from community groups and applicants and our own staff all the accolades that we receive and it's due in large part almost exclusively to the employees that we have. And we talk about being conservative with our budgets and conservative with spending taxpayer dollars and I think all of our city employees know that and that goes both ways. When times are difficult I think our employees recognize that -- that they will be tasked to -- to participate in reigning in some of the -- the costs when times are difficult. But when times are good and our city succeeds through their great efforts, we want to certainly recognize them in any way that is prudent and appropriate fiscally. So, I'm comfortable from my opinion in developing a budget with a placeholder that has the three percent in it. I think Councilman Cavener brings up a great point that should be discussed further. How that is allocated, some percentage as a cost of living component, some other percentage being utilized for merit compensation and specifically how we administer our merit program can always be reevaluated and there may be more effective ways to use those funds to truly reward those exceptional employees that we all know are there. Again, it's not -- I don't think that's a decision for today, that's not part of the discussion, but we don't want to lose sight of -- that's just an opportunity that -- that we can improve what we are doing. If we are all going the same direction trying to reward our valuable employees, I think that's just another opportunity to do that more effectively. So, that's a long version of what -- at least I'm comfortable placing in the budget and you brought up a point, which I think is correct, and employees recognize that, is we are setting forth a placeholder -- quite frankly, it can go up, it can go down as we vet all of the other expenditures that it takes to run the city successfully. So, I get a sense that the

employees recognize that and the Council and Mayor certainly recognize that. So, that's the basis from -- at least my recommendation going forward.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I agree with Joe.

Little Roberts: I second that.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: I guess I will be agreeing with Councilman Borton as well. I guess I would -- if you're looking for feedback, which is why you're here in front of us. I would be more in favor of four percent as opposed to three percent, with the caveat I think, again, that staff understands there is a potential that that number could go down. I -- to Councilman Borton's point, as a placeholder three percent makes the most sense. I think that we have all been in positions where if it's three percent we don't ever see it going up to four percent. So, if we have the ability to start at four percent, recognizing that we may have to have that tough discussion where we chip away at that to a degree, I would rather start at four and work down than start at three and work down. Again, that's just my perspective.

Little Roberts: Madam Mayor?

De Weerd: Or start at three and work up.

Cavener: It won't happen.

De Weerd: Mrs. Little Roberts.

Little Roberts: Well -- and I agree with Councilman Cavener, I think we should start at four as a placeholder and potentially have to shave some off. And maybe not.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: I think it's more exciting to start at two and work up.

Bird: I would agree with you, Ty, a hundred percent.

De Weerd: Okay. We will bring you back something.

Cavener: Two in favor of four. Two in favor of two. Two in favor of three. I think you have got three different doors you can walk through.

Ritchie: Thank you. The second topic that we brought back to you on the 12th of April was -- excuse me -- was in regards to our city benefit program and so currently I shared with you that we do have a benefits committee that is working diligently to move forward and provide to the city and to the employees the most effective, cost efficient program that we can with as rich of a program as we can for those dollars. Currently that benefit committee is working towards no design -- design plan changes, with the possibility of an increase to the health savings account. We are this year going to be going out to market regarding our medical plans, the flexible spending, and our COBRA administration services. So, what we brought you back earlier in April was a placeholder and a recommendation for consideration of a nine percent placeholder based on our current experience rating of 102 percent. In addition to that please keep in mind that of that nine percent five percent right off the top of that figure is to cover the ACA pass through charge or surcharge that we discussed a couple of weeks ago. Actual renewal rates will not be available until June. We have different meetings as well coming up with a lot of local agencies where we will be able to gather what other Treasure Valley and other state agencies are going to be doing in regards to benefit increases, merit. Not to back us up any further, we will provide that information forward. So, we will continue to monitor this one as well. And to reiterate what Todd shared with you is that, again, all of the information and guidance and direction that we are receiving this evening is subject -- we have the opportunity to make changes up through July 20th I believe. So, Todd?

Lavoie: Thank you, Crystal. Again, Madam Mayor, Members of the Council, what you're looking at here is a slide that we presented to you at our last meeting. This is the total cost for the city's benefit package year over year. As it was recommended, we are recommending a nine percent request for the benefit package and that is from 2016 to 2017. So, to go from 5.2 to 5.7 that does cover the nine percent that we are making a recommendation towards. So, today we are looking for I guess guidance and support of accepting the nine percent into the budget as a placeholder as we are. Again, if any discussions come up between now and July 20th we are able to make the changes, but as a placeholder as we could say, we are comfortable with nine percent. Again, we are just looking for your guidance and we will put that into the budget proposal for you in May.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Todd, does that -- does that include increasing FTEs if we should add it?

Lavoie: Councilman Bird, all FTE additions to the budget -- all benefit costs are going to be included on those enhancements that are presented to you during the June meetings.

Bird: And that will show up in that?

Cavener: That will be an actual number.

Milam: They will know it by then.

Lavoie: That is correct. We will adjust the rates accordingly for that, yes.

Bird: Thank you.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Crystal, I believe I heard -- I just want to make sure we are clear on that, that what we are expecting to come back with is no change in services offered?

Ritchie: We are working towards no change to the plans that we currently have in place.

Cavener: Great. Madam Mayor, follow up? I think nine percent -- you're the experts on this. If you think nine percent is the right number I'm not going to question that. I'm in support of that.

Milam: Madam Mayor?

De Weerd: Nodding heads. Yes, Mrs. Milam.

Milam: You didn't give us very much -- you didn't give us any options on that one. Nine percent or ten percent or 11? No? Obviously, yeah, I'm in favor of it. I just want to say, though, that I'm very glad that you're -- we are going out to bid and, hopeful, you have several different options this time.

Ritchie: Yes. And we will bring that back and share that with you as well, Mrs. Milam.

Milam: Thanks.

De Weerd: Okay.

Lavoie: Thank you. So, the last part of the road show was your three percent allowable tax discussion. We presented to you the state code that the city follows to develop our annual property tax calculation and we presented the components of the property tax calculation and, again, we are -- and we also presented the reasons and the components of why we would want to consider taking the full allowable three percent at that meeting. So, in summary, this sheet -- here, again, all numbers are subject to change, but this is a summary sheet for us to consider. The item that we want to discuss is the three percent allowable increase. All the other components within property taxes are governed and mandated by the state. There is really not much discussion there, It's just the three percent allowable. We have that option. Again, our recommendation to you is to exercise the ability to take the three percent to cover the expenses that we -- that we represented -- presented last week. Again, this is informational purposes. It shows you that if we did take the three percent it would be a total cost of seven and a cost -- that would be a revenue source of 781,000 dollars to the city. So, with that we are looking for guidance, direction, placeholder. Again, as we have stated in the other two items, all items are subject to change up to July 20th. But for us to develop a budget for you, if you can give us guidance on what we need to input into our revenue source, that would be helpful.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: While we have this discussion can we sit on that slide?

De Weerd: What was that question? Statement? Okay.

Borton: Madam Mayor?

De Weerd: Mr. Palmer. I mean Mr. Borton.

Borton: Todd, can you talk about the budget building process? If it was looked at in reverse where the Council were to say exclude the three percent, develop the balanced budget, for better or for worse, based upon that and utilizing the June workshop where we kind of tear into things in detail, that decision can be added back in if and when necessary, is that kind of too backwards and cumbersome to do it that way? I'm just --

Lavoie: Councilman Borton, that process is possible. We are -- we have up until July 20th to add the property tax increase up to three percent or reduce the property tax down to zero, like you're recommending. Either way will work. We feel if we add the three percent in now you can see what the total impact of the increases to our revenue would be, so you can see if you can cover all the expenses supplied to you -- or represented to you during the June workshop

meetings in whole. So, either/or would work for this presentation. We are making a recommendation that we add the three percent in for presentation purposes.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I like Councilman Borton's idea. I think that -- let's set our budget to the workshop less the three percent, Todd, and we can always add it back in. See what we have to cut and what we don't. I mean you don't have to come in with a balanced budget at the June thing and, then, we can budget it to -- we can see -- I hope you can come in with a budget balanced, but --

Lavoie: Well, Madam Mayor, Councilman Bird, we can definitely start with zero. The Mayor and the financing -- our goal is to always present to you a balanced budget.

Bird: Oh.

Lavoie: That has been a desire of the Mayor and the finance team and the directors.

Bird: And the Council.

Lavoie: So, for us to deliver a budget to you in May we will most likely budget to the revenue source that you recommend. So, if you recommend zero percent allowable tax, we would probably most likely deliver to you a balanced budget with that in consideration. But we know that we could change it with the additional revenues if you allow us to take those 781,000 dollars that's available to us.

De Weerd: Well -- and I would -- most of you were participants -- well, all of you were participants in the base budget discussions and I think there was one department that came in without any increase at all. I just -- and with the discussions you just had with salary and benefits, the base would not come in -- you need the three percent just to keep up with the base, but it does cut into levels of service and the growth that we just experienced. So, we will come in with whatever you want, but what I -- I would like is if we say don't take the three percent at least to give us an idea of why.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, question -- Todd? What -- with the increase in property values, hence more taxes being paid, what -- what does that do? How much -- what's the difference there with -- with the increase in property values -- the assessment going up anyway -- not the assessment, but the actual dollars.

De Weerd: Yeah.

Lavoie: So, the way -- Councilman Palmer, so as the property value increases within this city taxing district, in the mathematical that's your numerator, that's the number on top. So, the higher that number gets to potential of your total tax levy, the .003 that we are comfortable with, will go down. So, if the tax -- the taxable value actually -- it's -- it's an inverse relationship. So, if the taxable value goes down, most likely your tax levy is going to go up. If your tax value for the whole city goes up, your tax levy will come down. I'm not sure if that helps you there. So, again, every property is unique to itself based on the exemptions that Ada county provides you. So, not every single house is going to be the same. So, if your house goes up ten percent, well, because of the exemption -- so, if your house value goes up and based on the property taxes that we require for our overall budget, again, they all interact, but if we raise the budget, the amount of taxes that you pay will most likely go up just slightly. Not at the same rate that your property tax went up. I'm not sure -- I think I may I have lost you there, but -- I apologize.

Palmer: Mostly got me.

Lavoie: Yeah.

De Weerd: Generally, historically, when we have seen the market values go up, your levy goes down.

Lavoie: That is correct. The inverse relationship.

Palmer: Madam Mayor, follow up then? Or I guess not necessarily follow up, but he says that if we say zero percent he's going to deliver us a balanced budget at zero percent. I think not increasing property taxes and balancing our budget sounds fantastic. So, that's where I'm at. I certainly am not going to vote for a tax increase when we are paying for art and other things.

De Weerd: We aren't paying for art.

Palmer: When we are allowing other organizations to collect taxes to spend money on art.

De Weerd: They can make their own decision. We are not a nanny city. Sorry. Other discussion?

Little Roberts: Madam Mayor?

De Weerd: Mrs. Little Roberts.

Little Roberts: I'm concerned with keeping up the levels that our citizens expect us to provide if we don't look at the increase. Would it be extremely difficult to present both, a zero and a three percent increase -- two different budgets for us to look at? Okay. I guess the answer to that was yes.

Lavoie: Madam Mayor, Councilman Little Roberts, we can deliver the budget to you in an unbalanced position of -- it's called 781,000 dollars. We could deliver that to you. Again, it's a desire of the Mayor and the Finance Department to deliver you a balanced budget when we present to you, but we could present to you an unbalanced budget. Again, it's not something that we like to practice. Again, I agree with you that the level of service is a big requirement -- or a big reason why we need to take the three percent and, hence, the recommendation to you last week of why we would promote taking the full three percent for those costs, those recommendations and those future needs of the city.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I didn't intend to open a can of worms to necessarily make a decision, I'm, quite frankly, open to both myself. I was merely asking to see if the process allowed us to do it backwards, to exclude it and add it back in. It very well may be appropriate. The argument for including it in the -- the compounding effect -- I think it was in your earlier presentation, you know, over ten years, like 4.9 million dollars of lost revenue -- well, the converse argument can be made by avoiding an increase one year can effectively reduce taxes to the citizens of 4.9 million. Even if you were to take it in subsequent years. So, it cuts both ways. And to the Mayor's point, to have that discussion in June, well before July -- I think the June workshop where we see here that -- the real consequences if we were to choose to not take it, whether on level of service or even merely balancing the budget, it might not be feasible to not take it and that June workshop might explain that in great detail, at which point we would make the decision. But part of the process that we are going to I think use going forward, which would be helpful, is the CIP and as we memorialize our commitment to the CIP going forward more consistently, we will recognize and it will be helpful in June to know if we are committing to fund X or Y in 2019 or 2020 and we are on board generally with the commitment, that will help articulate to us why perhaps three percent is appropriate today to help fund that future capital project. So, there may be very good reasons to include it that might come out in June. It's possible to exclude it. I'm not necessarily saying in my eyes it stays out forever, but be nice to see it without it, if it's possible. So, that's kind of why I brought it up. I -- I think intuitively there is problems if it's not included, in light of what the city's --

how it's growing in a variety of ways and its capital commitments going forward. I think June might expose all of that and at least get me comfortable why it may be necessary.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: If I'm not mistaken, Councils over the past 15 years 13 different years have taken three percent. Is that accurate, Todd?

Lavoie: That is accurate.

Bird: Never turned it down.

Cavener: So, Madam Mayor, if I may. I have struggled every year that I have been on this Council with taking the three percent for many of the reasons that Councilman Palmer articulated. However, to Councilman Borton's point, the fact is that our city is growing and the demands grow more and more each year. Even though it's a very hard pill to swallow raising taxes, sometime it's a necessity in order to maintain the level of service that our community offers. I question the coming in at zero, if that doesn't just create a much more challenge for this Council and for our staff between now and June. Not saying it's a foregone conclusion that we are going to take three percent, because I'm not there yet. But I do think that it's possible that we would inevitably take a one percent or a one and a quarter percent, again, depending on the need and so I guess my -- my question may be for Todd is in light of I think Councilman Borton's point of kind of starting working backwards makes a lot of sense, knowing that the finish line inevitably would result in some increase of some sort, potentially. Is there a -- is there a middle road, is there a better solution that allows staff and the Mayor to bring a balanced budget to -- so they feel -- you feel like you're moving forward correctly, recognizing that the Council isn't completely on board with just arbitrarily saying we are going to take a three percent? I really -- that's a big question with lots of pieces, but I'm -- I'm curious your thoughts.

Lavoie: Madam Mayor, Councilman Cavener, the Mayor and I can definitely develop a proposal to you with zero percent, like your -- Councilman Borton and Councilman Palmer and you are recommending. We can look at a process where maybe we can still deliver a balanced budget, because that's our desires. Maybe we can look at developing a list of unfunded items that didn't make the balanced budget, so that if you do consider a three percent, two percent, one percent, we can add those items back into the budget. I was just thinking off the top of my head, like you said, a lot of moving parts. Again, that's something for the executive team and the Mayor to develop. There are possibilities, there are ways that we can get to you the information that shows both a zero percent and

what the impacts are by items that didn't make the cut for a balanced budget, we could figure that out for you, yes.

De Weerd: We can do about anything. I mean -- again, it's -- I have listened to some of the conversations that we have had with individuals and even with our citizens who would rather see incremental changes instead of one large thing and I think that this Council, as in former councils, has not been interested in the foregone balances ever, but as -- because those were decisions that were made when we were growing only slightly, but you have seen the cumulative impact that means to an unfunded CIP or an unbalanced CIP. We are going through a couple of exercises in the coming months and maybe couple years to costs of levels of service and priorities in government that will give you better tools to make decisions like this. But if you even look at the capital improvement plan, we are talking about adding a fire substation next year or even the following year -- the capital alone is 1.5 million and two million and addition to the base is 1.2. Even if you just took the three percent and put it in the public safety fund and said that is going to be dedicated to the base for the personnel costs alone -- I don't know. We are -- we are growing and the -- the decisions we make up here on that growth kind of have already answered the three percent question, but if you want us to bring you a -- a budget without the three percent, with the three percent in personnel and the nine percent in benefits, we will figure it out.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: How fun would it be to be able to go the public --

De Weerd: It's going to be fun.

Palmer: -- and say, look, we figured it out, we -- times are good and getting better, maybe, but we could have taken three percent, but we figured it out, we didn't need that three percent. We didn't increase your taxes and we kept the services as they are and we -- we made it happen. That's what I want to come out of this next year being able to say, not, yeah, we increased your taxes, because we needed it. They say why? Well, go look at every line and figure it out. I just think it would be a blast to be able to go out and say we didn't increase your taxes and you still get the Meridian you have. I think we can figure it out.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: To Councilman Palmer's remark, I -- yeah, that would be great. I would -- I would love to not raise taxes. I pay property taxes on six houses in Meridian, so I would love that. But it's probably the conversation is going to be more like, hey,

we didn't raise your taxes, but if you call 911 it might take a little longer for somebody to get there, so don't expect them very fast. That's a problem that I have with it. So, as much as I don't want taxes to raise, we can't maintain a level of service that we have, because with the growth you can't spread them any thinner and maintain the service. So, we need -- we have additions that we are going to need in our emergency service departments.

De Weerd: And I would like to say that the councils of -- of the past have tried to walk that fine line of keeping your taxes low and your service levels at the service levels that our citizens expect and that's a good thing. But lean and what we expect of our employees I think there is -- there is a cost of service and you will have some departments that will come in front of you already saying we are already too lean and you're going to see that in requests, so -- but --

Bird: Madam Mayor?

De Weerd: Yes, Mr. Bird.

Bird: I -- I think that -- that our service as -- we have had -- we have had one department that their budget in five years went up over three million dollars and their response time has went up over a minute and a half, so --

De Weerd: And how much have we grown?

Bird: Well, we have thrown the money at it, so I would say let's give it a try and I -- our service will be top notch, I can tell you that. It will always be top notch.

De Weerd: Okay.

Lavoie: Appreciate that. Will go ahead make the recommendation -- or take the recommendations and develop a balanced budget for you and we will present it to you in May. So, Mayor, we have some work to do. So, with that we stand for any other further questions. If not we will take your recommendations and develop the budget accordingly.

De Weerd: Thank you, Todd.

Lavoie: Thank you.

**D. Community Development: Meridian/McMillan  
Intersection Configuration**

De Weerd: Thank you, Crystal. Okay. Community Development. Caleb.

Hood: Thank you, Madam Mayor, Members of Council. I'm glad I get to follow that discussion. This will be fun. So, this actually is a conversation about an

intersection, so I just want to orient you real quick. It's in the title of the agenda item, but just kind of want to orient you to Meridian-McMillan intersection and I do have Google maps up, so we can kind of zoom in and out if we need to. Heritage Middle School on the northeast corner. It doesn't show it now, because this aerial is a little old, but this is where Paramount commercial and the apartments are going in. So, this is Paramount over here. So, that kind of orients you a little bit with the intersection we will be talking about today. There is a developer cooperative project -- that's what ACHD calls these -- back in the day. I think it was about 2008 that this intersection was rebuilt. I didn't look that up, I'm sorry, but the developer basically built this intersection ahead of ACHD's plan. So, that's what they call a developer cooperative project. As part of that design of this intersection ACHD allowed the reconstruction of this without realigning the Lemp Canal and that really is going drive a lot of what we are going to talk about today. You can see the canal crosses underneath this intersection and creates an offset. Just to compare and contrast a little bit, ACHD did a project -- if I can pull this over -- not too long ago, just a couple miles down -- or, excuse me, one mile down on Locust Grove. So, this is the Maverick gas station. This is all under construction now, but you can see the -- the South Slough, Lemp Canal, came here and what ACHD did -- it used to run through the intersection and go to the north side through the intersection, but it was relocated back here and that allows your lanes at the intersection to align better. So, just to kind of see. But it's very expensive. This is a major facility and costs a lot of money to relocate it. So, again, jumping to the subject intersection, that creates some of the problems. It's not unusual to have an intersection that has your lanes offset. What makes this intersection configuration a little bit different is the length of the throat. So, Meridian Road here isn't overly wide, so as you're going east to west you don't have five, six, seven, eight, nine travel lanes to make up the difference of going five, six, seven feet out of direction. So, just to kind of, again, orient you a little bit to what's going on here. You have got the canal that creates that offset here and a fairly narrow Meridian Road, you know, relatively speaking or comparatively speaking to other intersections. You're under the same thing at Franklin and Main Street, but that's so wide by the time you get to the other side you don't even know that you went six, seven feet over most of the time. So, there is some -- sometimes it's designed a little bit different -- or a little bit better than others, but it's not unusual, it's not ideal either. So, that's kind of the situation. So, back earlier this year there was a gentleman that had a crash out here -- get to the slide here. So, this is the same intersection, just a little bit older aerial, and it was a dark winter's night, it was rainy, he was heading westbound in this travel lane and didn't see the median until he was right up on it and hit the median and ended up over in the shoulder going through the mud -- long story short, I mean had to get towed out. A wrecker had to come and get him he was so deep in the mud and messed his car up. So, these pictures kind of show you what that offset looks like today and you can see that it is. He came and presented that to ACHD. ACHD said what we will do for you is we can add some tracking -- you can kind of see the tick marks, you know, that they -- you know, as you're making like dual lefts they kind of have, you know, stay in your

lane as you're making the turn -- some paint and add a taller candle at the -- at the head of this center median. He didn't like that answer. Contacted the Mayor's office. The Mayor referred -- his name is Gerald Diffendaffer -- referred him to the transportation commission and the transportation commission heard from Mr. Diffendaffer earlier this month and what the commission recommends is that the Mayor or City Council, whoever wants to be the signator, send a letter to ACHD asking them to enter -- in the interim, until additional improvements are made on McMillan and at the intersection -- I will come back to that in a second. Remove the bike lane that currently exists on the south side of McMillan in this location. It's about 400 feet long. There isn't any other bike lane back to the west, so this is kind of an isolated instance of bike lane. There is bike lane on the east side of the intersection. However, that ends at about a third to a half mile -- I didn't measure it exactly, but if we want we can go back to it, but it goes about that far and doesn't -- so, it doesn't go even to Locust Grove, it stops again roughly a third of a mile -- almost half a mile down. So, what the commission would like to do is have the Mayor send a letter to ACHD asking them to restripe this intersection. The median would, obviously, would have to be relocated approximately six feet to the south and that better aligns the intersection. Until the intersection is rebuilt and/or Meridian -- or, excuse me, McMillan Road is widened and that's, again, the little caveat here. It is an interim request, however, it's probably going to be a long term interim request, because there isn't a segment of McMillan in ACHD's capital improvement plan, which is a 20 year plan, east of Ten Mile. So, right now anyways best guess would be 21 or more years out. So, ACHD doesn't plan on doing anything on McMillan in the foreseeable future. So, some day, you know, it would be great to have the bike lanes on both sides of the street to and through this intersection, but that was what the transportation commission recommended, again, due to that -- that exiting offset. You can see it's been hit for sure. I mean it -- as Mr. Diffendaffer testified, I mean it's -- it is an issue. So, that was the request of the transportation commission. I have not drafted that letter yet. I wanted to have this discussion first to make sure before I went to that effort, but I can certainly draft that and I don't anticipate bringing the whole letter back, but just working with the Mayor, Mayor's staff to get that letter done, if the Council agrees to send such a letter to ACHD with that request. So, that is the presentation, Madam Mayor, and I will stand for any questions.

De Weerd: Thank you, Caleb.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, this looks like a common sense proposal before us. I'm curious what Justin has to say.

De Weerd: Aren't you glad you stayed, Justin?

Lucas: Madam Mayor, Members of the Council, for the record Justin Lucas representing the Ada County Highway District. Business address is 3775 Adams Street, Garden City, Idaho. So, just to preface my remarks, I am not a traffic engineer and really have no desire to be one. I did have a chance to sit down today with Tim Curns, who actually used to work here at the City of Meridian, and we discussed this situation at length and our traffic department has done quite a few improvements out there, including the things that Caleb mentioned. A post -- I actually saw it. It's almost 36 inches high. It's larger, much more visible. The track marks do help. I'm -- my personal opinion on this issue is probably irrelevant at this point, because I'm not a traffic engineer. I don't want to sway you one way or the other. I can say that this is not an uncommon situation. We did review the crash history at the site and it is not expensive in any way. There is a 250 watt luminaire light post directly above this location, so there is adequate lighting and there are reasons why the intersection was designed this way that you saw that canal as an extensive and large facility and that's why the offset exists. The removal of the bicycle facility -- although this is not completely connected, through the work of Brighton Corporation you are going to have apartments directly across the street from the school and depending on where those children are going, there may be enough -- there may be some use of this bicycle facility and I know that Brighton has come and had early discussions with ACHD to enter into another developer's cooperative project to extend and widen McMillan Road in this area in front of what is the Paramount Subdivision. So, I think there is a lot going on out there. This is a rapidly developing area and although ACHD may not have any specific capital project out here, that does not mean that the bike facilities cannot be extended through work from a developer -- potentially maintenance work from ACHD. We actually are able to add bike lanes and do the widening through maintenance work also. I can't speak specifically to when that would happen here, but that is one of the options. And so just try and provide as much information as I can to you as you consider this -- this decision. I do know that long term McMillan Road is planned for a three lane facility. A lot of the thought going into that, which has been talked about quite extensively, is to make McMillan Road more bike and pedestrian friendly and some of the other roads in northwest Meridian and so that I think should potentially weigh into your decision on an issue like that and I can certainly stand for any other questions. I have probably said too much.

De Weerd: Questions?

Bird: I have none.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: It's not a question. He's just asking for a letter and it looks -- I mean it's up to them whether they want to do it or not. In full disclosure that's the nearest major intersection to a home I'm in the process of purchasing, so I anticipate going through that intersection a lot, but -- I don't know. I think sending the letter is fine and them deciding, then, what they want to do.

De Weerd: Just remember the road jogs.

Palmer: The what?

De Weerd: The road jogs as you're driving down that --

Palmer: Right. But if you can --

De Weerd: If you're to be there often. Driving.

Palmer: Right. I may be driving up the bicycle lane to avoid the cement chunk in the middle.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Clarification, Justin. You mentioned since this gentleman initially contacted ACHD you have added an apparatus I guess that's out in front of that?

Lucas: Yes. Madam Mayor, Councilman Cavener, yes, we have actually installed the improvements that -- that were intended to help mitigate this situation. They are on the ground right now, including a larger -- we call them candles, but it's the -- the post that goes in on the leading edge of that curb. Also this left-hand track marks, which are actually yellow, and, then, straight through track marks which show up as white. You know, during the winter with visibility issues there are many intersections where if it's raining and it's wet it can be difficult to see. As I have talked about this with our traffic engineering group, if there was a consistent history of documented crashes at this location I think they would have taken a different approach. This -- although it does appear to have been hit, I -- we can't speak to the consistency of that. Some of those may be unreported, obviously, so --

Cavener: Madam Mayor, follow up? Justin, can you articulate what that threshold is for ACHD?

Lucas: Madam Mayor, Councilman Cavener, there is no established threshold. They look at the volume of traffic going through the intersection, they look at the type of crashes that are reported and depending on the engineering on that -- of the engineering and configuration they, then, determined if they -- if they feel

there is an engineering issue that needs to be resolved. In this instance they looked at it, they have spoken directly with Mr. -- I'm not going to say his last name, it was kind of -- yes, they spoke with the gentleman who made the complaint and we actually make improvements at the intersection. They may not have been to the level that the gentleman requested, but we have made improvements at the intersection intended to mitigate the situation.

Cavener: Madam Mayor? Maybe a question for Lieutenant Leslie. I know I'm putting you on the spot. Justin spoke about this intersection from an engineering perspective. Perhaps you might be able to provide any history from a public safety perspective.

Leslie: Yeah. Madam Mayor, Councilman Cavener, I agree with ACHD in the sense that we haven't had a tremendous amount of crashes at that location. When there is a concrete piece in the road like that it is commonly hit no matter what intersection it's in. I guess I would prefer it not be there, we probably would be better, but -- so, seeing that that's been hit is common of those no matter where they are at in the city, whether the road jogs or doesn't jog. So, the amount of cars that travel through there and the few that we have crashes there, I don't know that I would necessarily change the intersection from a police standpoint, but -- unless you would remove the concrete, but -- I'm not a traffic engineer either, so I'm just giving my perspective.

Cavener: Thank you.

De Weerd: Thank you, Justin.

Lucas: You're welcome.

Nary: Madam Mayor?

De Weerd: And you're not a traffic engineer either.

Nary: Madam Mayor, Members of the Council, I'm not a traffic engineer. I was on the traffic safety commission, for a number of years was the chair, so we used to hear a lot of these types of complaints and since this is really just a comment, I drove on the wrong side of that the first time I drove through it, so I never drove through it on the wrong side again, because I did know now there was a barrier in the road. But I understand the average driver, especially in the winter, it is not intuitive into that that road does not align. It is -- is it not obvious to the first time traveler and having driven on the wrong side of the road and seeing an oncoming car -- it was a long distance away, thank goodness, I understand the citizen's concern that if it's a slight change can make it safer -- and from what they are showing here the bike lane that's there has an adequate sidewalk adjacent to it for bike travel, until the road is wider and it only goes for a short distance

anyway, just as a traveler, like Councilman Palmer, I understand the travel concern, having done it myself, so --

Palmer: Madam Mayor?

De Weerd: Thank you for true confession. Yes, Mr. Palmer.

Palmer: I, too, am not a traffic engineer, but I did stay at a Holiday Express once and so -- from the commercials that should qualify me. But Councilman Borton pointed out there is a lot of sidewalk -- detached sidewalk there -- I will call it a pathway, not a walk, and at least the distance anyway of the -- yeah. I was looking at the wrong intersection. A long distance beyond where that bike path is anyway. So, I don't know, maybe a friendly letter saying would you consider, if it's feasible, if you have the time to look at repainting that, eliminating for now the -- the bike path, so that it lines up a little better, we would appreciate it. Thank you.

Cavener: Madam Mayor? We are providing some great content for the web viewers tonight. All three of them. Yes. My mother included. Hi, mom. My perspective is that -- I mean we have heard from -- while not a traffic engineer, the highway district from their perspective. We have heard from a law enforcement public safety perspective. There is a real world cost to doing some of these requested improvements. It sounds like the subject matter experts on roads have put in some safety mitigation there. To me I feel that this issue has been resolved. I mean if the rest of the Council feels that a letter is warranted I don't -- won't fight it, but to me it just appears that this situation has been resolved.

Bird: Is that a motion?

Cavener: Uh?

Bird: Is that a motion?

Cavener: Sure, I will make a motion that we don't send a letter to ACHD on this particular issue. To follow up with the citizen about the changes that have already been made at that intersection and to thank him for his perspective.

Bird: Second.

De Weerd: Okay. I have a motion and a second and certainly we don't take recommendations lightly from our citizen commissions and who knows what they heard in addition to what you heard tonight and I -- I know that that commission also has the police department weigh in and I don't know if that's what they heard as well. So, just as part of discussion and consideration. It's just a

recommendation from the citizen commission to send a letter to see if ACHD will recommend it. Caleb, did you have anything?

Hood: Yeah. Just a little bit to that -- to that end. Certainly I'm not as passionate about this as Mr. Diffendaffer was when he presented it to the transportation commission. I mean he -- it was -- I didn't time it, but it was a long presentation and he definitely is passionate about this issue. So, I didn't probably do it justice to have him here. He is in his 80s. I didn't -- he was here when the commission made that recommendation. I said I can take that forward. I didn't ask him to come and present this to you. So, I hope I have done it some level of justice. But, again, I'm not him, I didn't go through this experience. He was pretty traumatized by this late night encounter at that intersection. I'm not trying to sway you, but just give you the whole picture that he was pretty convincing in person about why this is an issue and certainly his experience. I will also just point out that Sergeant Stacy Arnold was at the meeting. I don't recall him testifying, but he certainly was there for the duration. No direct questions were asked of him, so he didn't get up and speak on the issue. But I can also just let you know that the -- we have two transportation engineers on the commission and the one that made the motion to send the letter actually is one of the transportation engineers, just for whatever that's worth. The other one voted against the motion, so there you go. So, I will also just let you know, though, they did look at alternate facilities and we explored that, just like we are doing here and you saw, ah, shoot, it doesn't go all the way the mile. You know, there is pretty good facilities, but this detached pathway, it doesn't get us all the way to Linder and there are breaks in it. Boy, it sure would be nice if we had that facility, that would make them feel a lot better, especially with the apartments that are going in and the middle school and we know kids -- especially in middle school are riding their bikes to school. So, definitely had this -- a real similar dialogue you all did and, again, I -- I wouldn't be surprised, quite frankly, depending on what -- what this -- and I'm not trying to sway you, just -- I feel that maybe if Mr. Diffendaffer doesn't like this answer he may come and present it to you himself and I don't know that the clerk can tell him no, but -- so, anyway, just a little bit -- and, again, I'm not trying to say that -- that -- I believe there is a motion and a second. But I just want to provide you a little bit more of that dialogue from -- and perspective from the transportation commission, so --

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: Throw my two cents in there. I -- I think if the transportation commission recommended that we write the letter, then, we should write the letter and if it can be handled in a pretty inexpensive way and much safer driving situation, then, I think we should send the letter.

De Weerd: Okay.

Little Roberts: Caleb, did you say that Mr. Diffendaffer was aware of the changes? Has he seen them and knew that --

Hood: Madam Mayor, Councilwoman, I don't recall that, but I -- it certainly was part -- Shawn Martin from ACHD was at the meeting, who is part of the traffic team at ACHD and it certainly was presented that way. So, he knew that if they weren't there that they were coming. Some of his comments were: They don't make paint like they used to and even if you paint these tick marks you still aren't going to be able to see them, because it doesn't have that reflectivity that it used to have. So, yeah, I'm pretty sure that he knew of the -- the improvements and I believe even just earlier this month they were already in the ground. So, I don't know if he had driven back through that intersection since, but it's my understanding that he knew that they were coming. And, again, I think I pointed out in my initial presentation, he didn't like the -- I think he even referred in his e-mail to the Mayor's office: Don't put lipstick on the pig, right? Fix the intersection. Don't paint it, fix it. So, yes, I believe he is aware of these -- what ACHD has already done to try to make -- to make the improvements.

Little Roberts: Thank you.

De Weerd: He's aware of the lipstick.

Palmer: Yes, Mr. Palmer.

Palmer: Madam Mayor, a substitute motion to instruct Caleb to draft a letter asking ACHD to consider as a final option to repaint it, to realign those lanes to avoid future disasters or however is more appropriate.

De Weerd: That's a substitute motion. Does that have a second?

Milam: Second.

De Weerd: Okay. Question on the substitute motion. Any?

Bird: Just call for the question. We have sat here --

De Weerd: Madam Clerk, can you call roll on the substitute motion.

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

De Weerd: The substitute motion passed, which kind of makes the first motion null and void.

**MOTION CARRIED: FOUR AYES. TWO NAYS.**

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Before we go on -- and I want to speak for the commission -- or Councilman Cavener, too. We like what the -- the transportation committee brings forward and stuff, but, you know, I can tell you right now there is seven people sitting up here that if ACHD's commission worried about our planning and zoning and all that kind of stuff as much as we worry about running their streets, we wouldn't be happy.

De Weerd: Mr. Bird, I think ACHD appreciates that we take the phone calls we have and also offer a venue for our citizens to address their concerns and they participate on that commission as well. So, this is -- for what it's worth, it's a recommendation and ultimately they are the decision makers and so appreciate you opinion.

Palmer: Madam Mayor.

De Weerd: Mr. Palmer.

Palmer: And I completely agree with Councilman Bird and that's why I really want the letter to be as friendly as possible, not demanding at all. You know, hey, had a citizen that brought this, if it works for you guys consider it, please. Thanks.

De Weerd: Pretty please. With a cherry on top and, by the way, it was a recommendation by our citizen commission, so -- thank you.

**E. Community Development Department, Planning and Building Services Division Report: Detached Accessory Structures**

De Weerd: Moving on. The Item 9-E was requested to vacate. I need a -- I need a motion to vacate? No?

Bird: Madam Mayor?

De Weerd: Okay.

Bird: I think it's already vacated.

Nary: I think you're okay.

- F. Community Development Department, Planning Division Report: Processes and Standards for Parklets in Downtown Core**
- G. Community Development: Second Amendment and Addendum to August 7, 2012 Master License Agreement with Ada County Highway District for Regulation and Maintenance of Sidewalk Facilities in the Greater Downtown Area**

De Weerd: Item 9-F is also under our Community Development.

Hood: Madam Mayor, actually, 9-F and 9-G kind of go together, so I will do the presentation on F and, then, ask for action on G.

De Weerd: Uh-huh.

Hood: So, in August of 2002 the city entered into a limited license agreement with ACHD to regulate and maintain sidewalk facilities in the Meridian city core and sidewalk facilities are defined by the area basically top back of curb to the face of a building within the right of way. So, ACHD property that isn't a street, if you will, and that agreement goes from Carlton on the north to Ada, Meridian, on the west, to 3rd on the east. So, that's the boundary of the city core as by that -- by the master license agreement. Then in September of 2013, before we did the demonstration project in front of Sunrise and at Rick's. We modified that master license agreement with an addendum to allow that demonstration -- those demonstration projects to occur within ACHD's right of way. The parklets. And we are seeking to do another agreement to that master license agreement to allow parklets within ACHD right of and parking spaces. So, again, it's real similar to our 2013 demonstration project and that -- in that case that was a city led project. Most of what this would allow is businesses that are adjacent to parking to take that parking space over and have outdoor seating, make them into public venues for different things and, basically there are -- we have worked with them on design standards and safety regulations, so it's not just, you know, on the fly design. We have actually designed these and there is buffers on each side and the travel lanes and making sure that the platforms are level with the -- the existing curb, so people stepping up or down, it's ADA compliant, that there is barriers, reflectors, all kinds of different design standards in here. So, that's in a nutshell what this addendum would be to allow us to -- either ourselves or, again, a business, permit them to install improvements in the parking area of the downtown city core on those streets. This is on ACHD's agenda for consideration tomorrow, so if you all sign it tonight I will give it to Justin here in -- probably in the morning and he can hopefully get it executed here by ACHD tomorrow afternoon. So, that is the gist of this -- these agenda items and I will stand for any questions you may have.

De Weerd: Thank you. And thank you for your work on this. Council, any discussion?

Nary: Madam Mayor?

De Weerd: Yes, Mr. Nary.

Nary: Just to add a little more on Item G and, then, there is a subsequent ordinance as well, 10-B, that helps put this all in place. For the Council that maybe weren't here, when we had this parklet discussion a couple years ago we went to the ACHD commission and got the original agreement with them, but we had a very limited opportunity or time at that time to design and create standards like what's now created in this agreement. So, there has been a lot of work by Planning and by Caleb in putting that together. So, that's really what's in front of you is a culmination of a lot of time and effort to really create that Idaho Avenue placemaking project really work and function in a safe manner, which has always been ACHD's concern, but the original agreement -- again, we did it very quickly, we tried to make sure it was safe, we tried to make sure it made sense. We had really limited opportunity. This one we have gotten a lot more time and effort and eyes on it. So, this amendment will meet those standards and the ordinance will, then, match up our city ordinance for the permitting process to get these accomplished. So, that's kind of the legal piece of what -- the work that Caleb has really helped carry the ball on.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I just want to make a statement. Caleb, Brian, and Marty Schindler, you guys --

De Weerd: And Legal.

Bird: And -- well, Legal, too, along with it -- have really done a great job on this and I think -- I think this is going to be a -- it's something that I have wanted to see downtown for quite a while and I think it's really -- I hope it takes off like I really think it will. Thank you guys for all your work.

De Weerd: You have certainly given it every element to -- to succeed and do appreciate the partnership with Ada County Highway District and their willingness to -- to look at these things. They have been part of this discussions with our -- with our parklet discussions and placemaking on Idaho Avenue, so it's exciting and look forward to seeing this move forward. So, with that said --

Bird: Entertain a motion.

De Weerd: Anything further from Council? Do we need a motion?

Nary: Yes. On Item G. Yes.

Cavener: Okay. Madam Mayor?

De Weerd: Yes.

Cavener: We need a motion just to sign the letter? Is that accurate?

Nary: Approve the second amendment to the agreement.

De Weerd: Yes.

Cavener: To approve the second amendment to the agreement.

Bird: Second.

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

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**H. Legal Department: Continued Discussion Regarding Proposed Ordinance Repealing Request for Reconsideration and Reenacting as a Procedure for Request for Reconsideration**

De Weerd: Item H is under our Legal Department.

Nary: Thank you, Madam Mayor. I will try to take this less than 40 minutes if I could. Actually, hopefully, I will only take a few. When we had this discussion a couple weeks ago -- this is on the state -- we are matching up our ordinance and creating a process for request for reconsideration. There was a concern there maybe wasn't enough detail in the ordinance and I struggled between trying to create more detail and the state code really doesn't create any detail. This is really the drive to have a process in place, but my concern was is because the state code that exists allows for requests for reconsideration, but there is nothing else in the state code to explain how you do that or what does that mean, if somebody requests it appropriately our staff is going to be stuck scrambling around trying to figure out how do we get this in front of you properly. So, this really is just process driven. One of the questions was whether or not we would

allow additional testimony. State code doesn't really anticipate -- doesn't really talk about additional testimony, but what I included here that's a slight variation of the state code, but I think will still be consistent with it, is that if the decision is made to rehear it -- so, you would base your original decision based on the applicant who is requesting reconsideration has to point out, according to the state code, what provision of your code did you not follow. If you agree that you need to rehear that, then, there is a process in here to redo that and so you would have a new public hearing, provide notice, start over, put -- basically step back that one step to the public hearing process, so that you can, then, take testimony. So, the state code is a little bit fuzzy on that. This allows at least that procedure and contemplates that you could actually hear it again. The state code really just says up, down, or change it, without really explaining how would you change it when you have already made a public decision in a public hearing. So, this really just kind of -- I think clears up that gap that exists on when evidence would be appropriate. So, you still have the ability to take evidence, you would just have to renote it and have a new hearing to do that and I think the state code wouldn't be in conflict with that. So, that was a change I made, that's why I put it back on as a department report. If that's not satisfactory, again, there is no hurry, we can certainly take it back and look at it a little bit further if you like. Did that in less than 40 minutes.

De Weerd: Any questions?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: The comment you made, paragraph -- or item three says the request must identify specific deficiencies in the decision. The way it's written is deficiencies that would be broader than a legal deficiency or is it limited to -- does the request need to focus only on a legal deficiency in order to get in front of us?

Nary: Madam Mayor, Members of the Council, Council Member Borton, I took that language right out of the statute --

Borton: Yeah.

Nary: -- so the statute -- the statute says specific deficiencies. It doesn't say that it has to be only legal deficiencies.

Borton: It could be broader.

Nary: It could be anything.

Borton: Okay. Thanks.

De Weerd: Okay. Anything further?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Mr. Nary, we don't have to enact upon this, we will take care of that in the ordinance; right?

Nary: Yes.

Bird; Okay.

**Item 10: Ordinances**

**A. Ordinance No. \_\_\_\_\_: Repealing Meridian City Code Section 10-1-3(G), Regarding Building Permit Exemption For Detached Accessory Structure**

De Weerd: Okay. Nothing further? Okay. Ten Item 10-A, the staff requests to vacate this item.

**B. Ordinance No. 16-1684: Updates To City Code Provisions Regarding Citizen's Use Permit Application And Mobile And Promotional Sales Units On Downtown Sidewalks**

De Weerd: And 10-B is Ordinance 16-1684. Madam Clerk, will you, please, read this by title only.

Jones: Thank you, Madam Mayor. An ordinance amending Meridian City Code Section 3-4-4D, adding the planning division -- division manager to the citizens youth permit work flow. Amending Meridian City Code Section 8-1-4D4, allowing mobile sale units in the downtown core sidewalks, streets, furnishing zoned only with written consent from abutting property owner. Deleting Meridian City Code Section 3-4-3C3D, eliminating requirement that vendors in downtown core sidewalks use zone, obtain temporary use permits with promotional sales units. Deleting Meridian City Code Section dash 83E1, listing promotional sales of an encroachment specifically allowed in the use zone and providing an effective date.

De Weerd: You have heard this read by title. Ralph, would you like to hear it read in its entirety?

Milam: Madam Mayor?

De Weerd: Genesis. Oh, I'm sorry. Mrs. Milam.

Milam: I move that we approve Ordinance No. 16-1684 with suspension of rules.

Bird: Second.

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

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**C. Continued from April 12, 2016: Ordinance No. 16-1685:  
An Ordinance Repealing and Reenacting Title 1, Chapter  
7, Section 10, Meridian City Code, Repealing Request for  
Reconsideration and Reenacting as a Procedure for  
Request for Reconsideration; Providing for a Waiver of  
the Reading Rules; and Providing an Effective Date**

De Weerd: Item 10-C is Ordinance 16-1685. Madam Clerk, will you, please, read this by title.

Jones: Thank you, Madam Mayor. An ordinance repealing and reenacting Title 1, Chapter 7, Section 10, Meridian City Code. Repealing request for reconsideration and reenacting a procedure for request for reconsideration. Providing for a waiver of the reading rule and providing an effective date.

De Weerd: You have heard this read by title. Anyone want to hear it read in its entirety? Seeing none --

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I move that we approve Ordinance No. 16-1685 with suspension of rules.

Bird: Second.

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

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

De Weerd: All ayes.

MOTION CARRIED: ALL AYES.

**Item 11: Future Meeting Topics**

De Weerd: Council, any topics for future agendas?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Council, Mayor, I know that many of us have been on the receiving end of some e-mails by a citizen by the name of Jim Fehrman who has some questions and concerns about various processes that he had been through. Mr. Fehrman has -- feels that he is owed an audience with the Council. I have explained to Mr. Fehrman on multiple occasions that there is no action on our part to be taken. Nevertheless, he has pleaded for me to pass along his request to be heard before us to share his experiences in dealing with the city and I offered to present his plea to the Council. I'm pretty vanilla on this. I think that if our citizens want to come before the Council and share a perspective I'm in favor of that. I have explained to, again, Mr. Fehrman on multiple occasions that we wouldn't take any action, we just would hear his testimony and move on. But I wanted to give the rest of the Council members an opportunity to chime in and if this is something you're in favor of doing or not doing.

De Weerd: Council, both Councilman Bird and I have talked about it, as we looked at setting agenda items, and because there is no resolution to be brought to Council and we usually don't suggest having a venue where there is no resolution we can offer the citizen. This citizen has consumed hours of staff time and -- and to -- I will not allow our staff to be berated in public and I think that that is the only thing that would be accomplished. So, if there is a vote of this Council, a majority votes to put him on the agenda, then, we will do that.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: While I think -- Mr. Nary and I discussed this -- Jacy and them Friday. I have no problem with any citizen coming in and talking, as long as they do it in a decent way and not throwing anybody under the bus. I'm like the Mayor, I'm not going to have our employees get battered by somebody's thoughts. Nobody knows this guy better than I do. But if you -- if you want to bring him forward you

got to set some rules. He can't -- he's got to -- he's got to come up here and act like a gentleman.

De Weerd: Frankly, this -- this citizen has been given so many different opportunities to have his voice heard and, again, when those come to Council it's for resolution and there is nothing to resolve, so -- and, again, you certainly are welcome to make a motion and majority rules, so --

Little Roberts: Madam Mayor?

De Weerd: Mrs. Little Roberts.

Little Roberts: Unfortunately, because -- I shouldn't say unfortunately -- knowing the tenant, I have spent way more time on this issue than I would have preferred to and because of being so involved in it I would rather not see him before Council, because I'm guessing he's got an agenda that will make public the names of our employees that have worked so hard and so diligently to resolve this and I just don't think that's fair.

Borton: Madam Mayor?

De Weerd: Mr. Borton:

Borton: The Council meetings to me are for city business. We are all elected officials. We are all accessible. This citizen, as like any other citizen, is more than welcome to contact any of us. Encourage him to do so. If there is anything about how we do our business that is problematic that comes from those conversations, with this citizen or any other citizen, all else being the same, we would, then, bring that up. That might drive some city business where we want to look at how we are doing on any particular item. Until then encourage him to visit with any and all of us and if one of us uncovers something we can fix going forward, that might be the item that comes on the agenda.

Milam: Is that a motion?

De Weerd: And that is the process in place and I think the citizen has utilized that process by talking to probably every person up here and the policies we have in place have been followed and every opportunity we could to find resolution has -- has certainly -- staff has been more than accommodating, so --

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: My -- my goal in presenting this was not to advocate in one way or another, but more to bring some resolution to the ongoing discussions that this

citizen has had with staff, Council, members of our community to allow this Council to say, yes, we would like to hear from your or, no, we would not.

Nary: Madam Mayor? Madam Mayor, Members of the Council, if I could add just for the record, when there is an Item that can be heard and resolved by you we will schedule that. That's how it works for everyone. This particular point in time there isn't one and when there will be -- again, it's not my objective or anybody else on our staff's objective to not have you hear cases that need to come before for decisions that only you can make. We just aren't there yet.

**Item 12: Executive Session Per Idaho State Code 74-206 (c): (c) To Conduct Deliberations Concerning Labor Negotiations or to Acquire an Interest in Real Property, Which is Not Owned by a Public Agency**

De Weerd: Okay. If there is nothing further, Item 12 is Executive Session. Do I have a motion do adjourn into Executive Session?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we go into Executive Session as per Idaho State Code 75-206(c).

Milam: Second.

De Weerd: I have a motion and a second to adjourn into Executive Session. All those -- oh, I'm sorry. Madam Clerk, will you call roll.

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

De Weerd: All ayes. Motion carried.

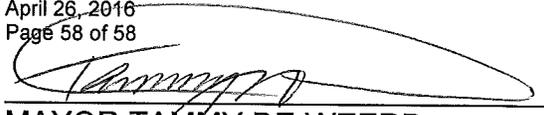
MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION: (8:28 p.m. to 8:54 p.m.)

(Proceedings not recorded.)

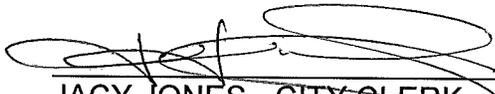
MEETING ADJOURNED AT P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

  
MAYOR TAMMY DE WEERD

05 / 10 / 2016  
DATE APPROVED

ATTEST:

  
JACY JONES - CITY CLERK

