

A meeting of the Meridian City Council was called to order at 6:03 p.m., Tuesday, October 25, 2016, by Mayor Tammy de Weerd.

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

Members Absent: Ty Palmer.

Others Present: Bill Nary, C.Jay Coles, Jaycee Holman, Caleb Hood, Kyle Radek, Mike de St. Germain, David Jones, Steve Siddoway Dave Tiede and Dean Willis.

**Item 1: Roll-call Attendance:**

Roll call.

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

De Weerd: I will go ahead and open tonight's meeting. I will thank you all for joining us. For the record it is Tuesday, October 25th. It's a few minutes after 6:00. We will start with roll call attendance, Mr. Clerk.

**Item 2: Pledge of Allegiance**

De Weerd: Thank you. Item No. 2 is the Pledge of Allegiance. Tonight we will be led by one of our Boy Scouts, Kayden. Kayden, if you will come up front and Kayden will be leading us in the pledge. If you will all rise and join us in the pledge to our flag.

(Pledge of Allegiance recited.)

**Item 3: Community Invocation by Michael Davey Pearson – Meridian Seventh Day Adventist Church**

De Weerd: Thank you very much, Kayden, for leading us. Item No. 3 is our community invocation. Tonight we will be led by Pastor Michael Pearson. He is with Meridian Seventh-day Adventist Church, a great community partner of ours, located off of Black Cat. Thank you for joining us. If you will all join us in the invitation or take this as an opportunity for a moment of reflection.

Pearson: Thank you. Father in Heaven, this evening we want to thank you for Mayor Tammy de Weerd and the City Council Members here and absent,

support staff and all those present for the amazing value that each one brings to this community. And, Father, as a Meridian Community we recognize your name and your authority. We ask for your guidance this evening that all matters discussed and decided on will be to the vindication of your character, in Jesus' name, amen.

**Item 4: Adoption of the Agenda**

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

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Item 5-M on the Consent Agenda has been asked to be removed and it will be known as 6-M. And Item 7-B, the applicant is not available for tonight, but would like us to go forward if we don't feel we need him to speak to us and in that same deal Item C, the applicant is requesting to withdraw the item and with that I move we approve the amended agenda.

Milam: Second.

Cavener: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

**Item 5: Consent Agenda**

- A. Approve Minutes of October 11, 2016 City Council Regular Workshop Meeting**
- B. Approve Minutes of October 18, 2016 City Council Special Pre-Council Meeting**
- C. Approved Minutes of October 18, 2016 City Council Regular Meeting**
- D. Final Plat Approval for Paisley Meadows (H-2016-0117) Located at 2180 E Amity Road by Hayden Homes, LLC**
- E. Approval of Award of Bid and Agreement to SUNSHINE LANDSCAPE for the "TEN MILE INTERCHANGE MEDIAN**

- SOUTH - LANDSCAPING” project for a Not-To-Exceed amount of \$70,562.00.**
- F. Approval of Contract Amendment No. 1 to extend the contract for “Sodium Hypochlorite” to Oxarc, Inc. in the Not-To-Exceed amount of \$90,000.00.**
  - G. Approval of Contract Amendment to extend the contract for “Bulk Ferric Chloride” to BHS Specialty Chemical Products, Inc. in the Not-To-Exceed amount of \$100,000.00.**
  - H. Approval of Agreement to Mercer Health for "Benefits Brokerage and Consulting Services" for a Not-to-Exceed amount of \$50,000**
  - I. Service Agreement with St. Luke's Regional Medical Center, Ltd. for Wellness Services**
  - J. Services Agreement with Idaho Chapter of the American Foundation for Suicide Prevention**
  - K. First Amendment to Commercial Real Estate PSA for Well #9 Lot Expansion**
  - L. Approval of Task Order 10625.a to Hydrologic Inc., for the “Well 15 Reconstruction Design” for a Not-To-Exceed Amount of \$51,000.00**

De Weerd: Item 5 is our Consent Agenda.

Bird: Madam Mayor?

De Weerd: Mr. Bird:

Bird: On the Consent Agenda, as stated earlier, 5-M will be moved to 6-M and with that I move we approve the amended Consent Agenda and for the Mayor to sign and the Clerk to attest.

Cavener: Second.

De Weerd: I have a motion and a second to approve the Consent Agenda as stated. Any discussion from Council? Mr. Clerk, will you call roll.

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

De Weerd: All ayes.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

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

**M. Approval of Award of Request for Proposal and Agreement to Valcom Salt Lake City, LC for the “City of Meridian City Council Chambers Technology Replacement” Project for a Not-To-Exceed Amount of \$299,632.93**

De Weerd: Item 6-M was moved from the Consent Agenda and I know that Council wanted some additional information and Dave Tiede is to address Council.

Tiede: Good evening, Madam Mayor, Members of the Council. Happy to be here again before you. There were some questions about this award for the Council chambers technology refresh, but I wanted to start a little bit at the beginning and discuss the RFP briefly. So, as mentioned before, we sought the approval for spending monies earlier this year. We asked for spending authority for the full 428,000 dollars, but we had a projected cost of 300,000 dollars for this project. That's where we left off at. You should have before you a document that gives the scoring criteria that was used. It's a little bit brief, but it covers the four responders that responded to this proposal and the scoring that was given to them based off of the eight members of our project team that helped score that RFP. So, if you have any questions let me know, but those are the four that responded. The questions that were brought up -- or brought to my attention thus far were brought by Council Member Cavener and that was in regards to the conference room A and B that are mentioned in the proposal, the green room, Community Development conference room that seats 12 and the lobby. So, to give you some background, we are replacing the main AV components that are in the closet that control everything in this room. There are a couple other rooms that those same components also serve that is this conference room, which is one that I forgot to mention just now, because that's on there as well. That one. The community development conference room across the hall and down a ways, 12, and then -- I think that's it. So, those two rooms were included in it, because if we rip out the guts of this system those rooms cease to function. Their AV systems don't work period. There is no hardware that we can bring to make them functional, because the hardware is outdated and it's not sold any longer. So, we felt it was important to maintain the functionality that in the conference room for the Council as far as the TV, the projector to be able to see presentations and the same thing goes for the Community Development conference room. So, we included those just so that we don't lose that level of service that we have in those currently. For conference rooms A and B we felt -- or we heard from many of the people that we discussed the chambers with and

we heard that many people felt it would be valuable to have conference room A and B available as overflow for larger meeting events, so that people had a place to sit. When this room gets filled up people tend to congregate in the lobby. Well, if we could have them congregate in A and B as well to have a place to sit, be comfortable, for those larger meetings that are more publicly, you know, attended. So, that's why that was included for conference room A and B. If we don't include it, then, it, obviously, makes it really hard for us to get the audio and video over there. So, people won't be able to do that. And, then, that lobby itself was included, because, obviously, we have audio feeds out there right now. We have to make sure that that -- we maintain that. And, then, the TV in the lobby also is used for agendas and things like that, so we need to make sure that that's addressed and the TV is going out, so -- the TV ended up needing to be replaced as part of that. As far as the green room goes, that was included because that is where we have the streaming equipment. There is no other equipment, other than a new streaming device and a new Mac that will be used for video editing. So, with that I would stand for questions and if you'd like more information on the proposal I'm happy to go over it in more detail, but also want to be respectful of your time.

De Weerd: Thank you, Dave. Council, questions?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Maybe it's a question for Dave or Jaycee or C.Jay about how often conference room A and B are used as -- as overflow for council meetings. Does that happen -- I can think of a couple of occasions, but I don't want to paint with broad brush strokes based on what I'm able to recall.

Coles: Madam Mayor, Councilman Cavener, since I have been the clerk in the two short months I have been here we haven't used that as overflow, so I will defer to Jaycee.

Holman: Madam Mayor, Members of the Council, Council Member Cavener, I would say maybe three to four times a year we have had big enough stuff in there that IT comes down and actually tunes in that TV so that the audio is -- or the video and audio are in there. That's probably about -- I would say maybe three, possibly four times a year if that.

De Weerd: Well -- and that's for the overflow, but there is a lot of meetings that use the technology in that room that because of the capabilities over there it's been a staff time issue.

Tiede: And, Madam Mayor, Members of the Council, Council Member Cavener, one thing I neglected to mention that I also wanted to mention here conference

room A and B right now are stand-alone, they don't integrate with this system, but the system that is over there is having functionality problems. When we have to troubleshoot it's a matter of power cycling the device and hoping it comes back up. There are issues in there. So, while that's not part of this project, addressing those issues they kind of go hand-in-hand and they would be addressed as part of that, so --

De Weerd: Thank you.

Cavener: Madam Mayor, follow up then. Dave, maybe, then, just for my clarity, what rooms are tied to the system that we currently have and that are required to stay connected to this new system, I guess to the point of -- if a conference room in Community Development is tied to this system and that's created some unneeded cost burdens, does it make sense to have that be its own independent AV setup, as opposed to being tied to this system for future problems?

Tiede: Absolutely. And as part of this we actually are putting it on its own standalone system for that conference room. The other rooms that tie in are the Council conference room here and, then, obviously, the green room for just the streaming side of it. But Community Development 12 is the only one off that kind of is like, well, that doesn't really make sense, why is it in there in the first place. But we are separating it out, so that we don't have that problem in the future. Now, if we bring Community Development -- or conference A and B in, then, we would, obviously, be bringing that into the system and that could potentially bring up this type of issue again, but the design of the system and the -- I guess -- I'm trying to think of the word. It's a flexibility in the hardware, means that if we lose a central component here, they are still able to run.

De Weerd: Dave, I thought that conference room A and B were tied into the Council chambers for the overflow.

Tiede: The TV is and it's that small TV that's in there, but not the rest of the projectors or the sound system. So, when they listen it's actually over the TV speakers and that's probably the reason why we thought it would be beneficial to have it on the projector, over the speaker, rather than a little TV that everyone hopes they can see from anywhere in the room, so --

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Dave, they are taking out all these nice TVs and stuff. What happens to them?

Tiede: Per our disposal -- I think the disposal policy that we have the option of including in a contract that they take them and do with them what they will for disposal and that's what we included in this agreement, so --

Bird: They take them, no credit back to us?

Tiede: They included a credit line -- a discount.

Bird: A line item?

Tiede: It's not a line item on here however, so --

Cavener: Madam Mayor, maybe a comment if I may. The reason why I asked first to pull this off is that, again, to my recollection that I couldn't find a copy of the minutes that when this project was brought to Council's attention it was to upgrade the infrastructure of this particular room to be able to aid the public in attending our meetings and in going through the bid project in my opinion it had expanded far greatly than what we had discussed as a Council and I had asked it to be removed solely so this body could have the opportunity to discuss and if the expansion of this project is -- is what the Council believes is necessary and warranted, then, staff can go forth, but I felt it was important that we at least acknowledge the great expansion of the scope of this project from what was initially presented to us -- rightfully so based on the requirements of the project, but I think it's important for us to know. Personally, I struggle that we are giving away perfectly good screens that we could utilize in our other departments. I can't think of a budget that has went on that I haven't seen a request for a television or a projector of some kind for some department. I think that we can be frugal and utilize existing functional technology and, then, quite frankly, I struggle with the fact that we are ripping out one system that has the potential to serve current needs to replace it with a brand new system that -- with a promise it is going to meet all of our future needs. I would imagine that when this body agreed on the current system that we have it was with the promises that it would meet our current and future needs and it's fallen woefully short. So, the only reason to bring this up was so that you as a Council can have the opportunity to weigh in if you think this is the right direction or if the scope of the project needs to be scaled back.

Milam: Madam Mayor?

De Weerd: Ms. Milam.

Milam: My microphone wasn't on. No wonder you couldn't hear me. Now I'm trying to remember my question. So, I guess one thing that just came up is we -- so we currently have the equipment for the planning department, but it's in here and since we are taking it apart, but could we not move that equipment, so that it

would still have the functionality for that conference room or does that have to be replaced?

Tiede: Council Member Milam, we could potentially move them in there. The space would be an issue and, then, the fact that the hardware is already starting to fail and is not supportable would probably cause us to just be in the same boat in, you know, a quicker time than what we would hope for. But that's not to say that's not a possibility. We would have to find space first of all because there is a lot more equipment in that room -- or in that rack right now than what they need, so -- but it's, unfortunately, all part of the same system, so we can't just piecemeal it together.

Milam: Madam Mayor? We have a line item for 18,000 dollars for travel. Can you elaborate on that, please?

Tiede: I can. If I can get my device to respond. Hold on a minute. I don't have it in front of me, but I'm trying to get it up. They didn't quantify it, but on the original proposal it actually has more than just the travel and additionally -- or whatever, so I will see if I can get that up.

Milam: I guess just to elaborate on my question, we were -- I think what you -- last week or whenever we discussed this recently, we were using a local company, so --

De Weerd: No, the question was the need to travel to Salt Lake City to see --

Tiede: Right.

De Weerd: -- the equipment and make sure that the functionality works as envisioned and as decided before they moved it up here, if there were any needed changes, that they could do it while it was still there.

Tiede: Right. And like I mentioned in our e-mail, they do have a local office, absolutely, but they are not a local company. I thought I mentioned that at Council meeting last week, but I apologize if I didn't.

Milam: You did mention Salt Lake. That's what that 18,000 is?

Tiede: Yeah. And it does not cover just travel. They just -- it's not itemized on here. There was a slight error in how it is displayed on the contract.

De Weerd: So, maybe, Jaycee, you can -- can cover -- I think when this was first originally discussed it was about Council chambers. It expanded when there was a desire to have a more interactive opportunity with workshops, like the budget workshop, that included this, that, then, affected the streaming and the camera angles there was a desire to stream town halls that made it a portable need and I

think that after I take out the original permission from Council to look at this, they went and talked with all the different entities on what the needs for this room and any associated rooms would be. They came and reported back -- and sometimes I think I get my one-on-ones or -- or my director meetings mixed up with the Council meetings, but I believe that we have touched base with Council at least once or twice after that before we even moved forward with the RFP. So, can you give a little overview if I'm --

Tiede: I can speak to it. We did come here in -- trying to think -- April and discussed it a couple times, but we were -- we did have the intention of keeping it on a little bit high level and not going into all the details, just because that could take hours. We had all that information when we came to Council and discussed the budget request, but it seemed like that would make sense, if we had to touch those other rooms, to keep that functionality, then, we would do that. Now, what were additions were, hey, look, if we wanted to expand better capabilities in conference room A and B as far as having it available for overflow, the streaming -- those things are things that we discussed in one-on- meetings. And, then, I did find the answer to your question, Council Member Milam. On the actual proposal they have travel, additional cabling and hardware and miscellaneous labor in there. So, it doesn't mean it's all travel, but they didn't also give us an itemized thing saying this is travel expenses or not. But they are out of Salt Lake, so we expect there to be some travel expenses and we also anticipate doing this entire room in one week. So, they are going to be bringing more than one person up here for this installation. So, I expect there is going to be some --

De Weerd: So, that travel is not only their travel to bring the equipment up, it was the travel for the team to go down there? Is that -- no?

Tiede: We did not anticipate that in that. We figured we would take a couple city vehicles down for a day, so --

Watts: And, Madam Mayor and Council Members, I would like to add -- in this -- this is a line item breakdown, essentially, of the contract. The contract is a not to exceed fixed lump sum. So, they could put three dollars in there for travel or 3,000 or 30,000, we don't care. We are looking at the bottom line to get the job done. So, it is a lump sum not to exceed contract. So, it's sort of a moot point as far as you -- you know, it's a tool to use for negotiating, but that line item really isn't a telltale sign. It's really the bottom line and that's how we evaluated cost was bottom line. If you look on the evaluations, cost has a point system. We actually used a mathematical formula, so it wasn't just pulled out of the air, so the points assigned to cost was a formula that was utilized. They were much lower than the number two bidder by almost 100,000 dollars, I believe, but just to let you know, it's not like we are buying airline tickets for them. They have lumped it in with three other -- three other miscellaneous items and it's really the bottom line dollar amount that matters.

Milam: Thank you.

Bird: Keith, then, the 299,000, was that the original RFP bid that each got up here?

Watts: It is. Correct, sir.

Bird: Okay. So -- and that's where they were quite a bit lower than the second one?

Watts: Oh. Okay. Excuse me, sir. Dave just reminded me. It was 272 originally.

Bird: Okay. That's --

Watts: The negotiated --

Bird: -- that's where they were quite a bit lower than everybody else?

Watts: Correct.

Tiede: They still are.

Bird: And, then, everybody else had the chance to come back and add to their other or we just worked this other out with them?

Watts: Correct. By statute that is the -- the way you have to evaluate it with an RFP, you evaluate them and you start with number one and that by law is the only way we can do that. We go with number one, you try to negotiate a contract with them. So, the scope and the -- the final scope and the final payment is a negotiated sum. You're not allowed to go to the others and say, listen --

Bird: I don't disagree with that, but in the same token you all of a sudden -- you're -- you're 100,000 did you say underneath the next bidder?

Watts: Correct, sir.

Bird: And all of a sudden you're up -- you're up there.

Watts: I didn't get that, sir. Sorry.

Bird: Well, when you start throwing these extras at it they didn't have to bid against anybody; right?

Watts: No. It's an RFP. Correct.

Bird: Yeah. They -- so, they can make up for that 100,000 they left on the table before.

Watts: I will let Dave answer that.

Tiede: We did as part of this in IT -- we actually plugged the numbers back into the scoring sheet and they still came out with number one with the 299,000, so --

Bird: Yeah, but went from 299,000 to 400 -- almost 400,000.

Watts: To the next low bidder. Not these folks. These folks were 279. It did go up about 20,000 dollars total with the additional negotiated scope of work.

Nary: Madam Mayor?

De Weerd: Mr. Nary.

Nary: Madam Mayor, Members of the Council, Council Member Cavener asked a question about the -- the equipment as part of the transaction. So, we discussed this both with legal and with purchasing. It is in your policy -- your purchasing policy on disposal that you can include it. The best thing I can liken it to is when you -- when you trade in a vehicle. You take a vehicle and you don't get the value of the vehicle, you take the vehicle to the dealer and say if we give you this vehicle how much will you sell me this other vehicle for and that's part of the transaction and that's why it's on your policy that way. So, I don't know if there was a discussion about repurposing them, but from both a legal standpoint and policy, it's -- it's perfectly acceptable, because if you look at it the other way, if you can't repurpose these screens it's very expensive to dispose of these types of equipment. You can only take it to the dump. You can't -- you can't -- may be can or can't sell through auction, which can -- it can be a very clunky process as well. So, looking at the alternative rather than of getting rid of equipment, this seemed the most logical from -- from both the legal and policy standpoint, so --

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I don't look at this equipment it as junk that would be hard to get rid of. I think of this as equipment that could be -- either be sold or donated or -- I have a really hard time with this part of this as well and -- and, yes, when you buy a car you're looking at the difference is what matters, but I still want to know what the sale price is and what they are giving me for my trade in and, then, I can make an informed decision whether or not I want to trade that car in or keep it and sell it to my neighbor for more and so I would like that to be a line item. So, I do have a really hard time with that.

Watts: Madam Mayor, Council Woman Milam, typically on any type of an item we don't just get to go sell it to our neighbor. We have to send it to auction and you literally get pennies on the dollar at auction and electronic equipment is even worse. So, if we send it to auction I'm sure we would get next to nothing for it and some of it we would actually have to pay to get rid of. The items that are failing we would have to pay to take them to the dump and get rid of them. I can -- in the future we can ask for a line item that says the trade-in value of that piece of equipment and we will take that note and make sure we do that in the future. We did not do that with this one, we just made sure it was clear to all -- all proposers that this equipment would be given -- and that's a typical question when we are getting rid of some -- anything, even like at wastewater sometimes or water, we are getting rid of some pipe or something or pieces of equipment, they ask you want to keep it, do you want us to take it away and typically we put that in the bid that they are to take it away, because it's more costly for us to get rid of.

Tiede: Council Member Milam, just to highlight Keith's point on the auction process, we regularly will take some of the IT equipment that we dispose of to auction. Usually it's higher end equipment, so servers and the like, and we range in the ten dollars to a hundred per piece of 10,000 dollar equipment, so --

Bird: You got zero on this.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: Well -- and that's why I'm guessing a line item would be important, because are they charging us extra to take it from us? I mean that's something we don't know, too. There might be -- this bid might be higher because of the trade-in equipment if they don't see it as valuable and so also repurposing it, I mean those -- you know. So, a lot of this stuff could be repurposed within the city. But I won't dwell on it any longer I guess. For me as a business person, the way my mind works, I have a hard time with that, so --

De Weerd: And it sounds like this has been the practice and --

Bird: Yes.

De Weerd: Everyone responded to the bid with that practice in mind and certainly purchasing just heard the direction to -- to see if there is value or if they are charging us more for the disposal of the assets as well. So, we can definitely do that. Any other questions from Council? Okay. Thank you, Keith. Thank you, Dave.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move that we approve the proposal and agreement with Valcom Salt Lake City, LC, for the City of Meridian City Council Chambers Technology Replacement Project not to exceed \$299,632.93.

Little Roberts: Second.

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

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

De Weerd: The ayes have it. Thank you.

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

**Item 7: Action Items**

- A. Public Hearing for SECOND READING: Ordinance No. 16-1709: AN ORDINANCE AMENDING TITLE 4, CHAPTER 1, SECTION 8.B (1), MERIDIAN CITY CODE, COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS TO CHANGE THE COLLECTION AT COMMERCIAL PREMISES TO COMMENCE AT FOUR O'CLOCK (4:00) A.M.; AND PROVIDING AN EFFECTIVE DATE.**

De Weerd: Item 7-A is public hearing, second reading on Ordinance 16-1709. This is a public hearing. I will ask Mr. Clerk to, please, read this by title.

Coles: Thank you, Madam Mayor. City of Meridian Ordinance No. 16-1709, an ordinance amending Title 4, Chapter 1, Section 8-B1, Meridian City Code. Collection of solid waste and recyclable materials to change the collection at commercial premises to commence at 4:00 o'clock a.m. and providing an effective date.

De Weerd: Okay. Is there anyone in the audience who would like to provide testimony on this item? Okay. Council?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: We -- I move that we move this to the third reading on November 2nd -- or 1st --

Milam: Second.

Bird: -- 2016.

Milam: Second.

De Weerd: Okay. No. This is odd. Do we want a motion to -- for the third reading?

Nary: You don't need one.

Bird: You don't need one, you just go forward.

Nary: Just go forward.

De Weerd: Okay. So, this item will be placed on November 1st for the third and final reading of Ordinance 16-1709.

Bird: And the public hearing will be closed at that time.

De Weerd: Yes. And the public hearing will continue until that third reading.

**B. Public Hearing Continued from August 23, 2016 for Browning Plaza (H2016-0008) by SLN / Boise-Waltman, LLC Located 505, 521, 615 and 675 Waltman Lane**

1. Request: Two (2) Year Time Extension on the Preliminary Plat to Obtain the City Engineer's Signature on a Final Plat

De Weerd: Okay. Item 7-B, the applicant is not here available tonight. If Council needs to have any questions answered we can look at it at that time. I will turn this over to Caleb.

Hood: Yeah. Madam Mayor, we do have an e-mail from the applicant agreeing to the staff report and the conditions that are included therein, but like has been stated, they aren't here tonight. This was continued from your August 23rd meeting. They were trying to work with ACHD and a potential buyer on some changes to some of the original terms of the development agreement, but it's my understanding that that buyer is no longer on the scene. They would like to keep their preliminary plat, which is Item 8-B alive, but have requested withdrawal of Item 8-C, which is the development agreement and had some of the terms in that

is what they were trying to negotiate or get some clarification from ACHD and MDC. But, again, they do -- they would like to keep their 2008 preliminary plat alive that has 40 building lots, two common lots. This is the fourth time extension. Again, it was approved in 2008 originally. It's on 38 acres of land. If you're not comfortable approving or have questions for the applicant, they request the November 22nd meeting. But, again, they are in agreeance with the -- with the staff report and with that I would stand for any questions on Item 8-B -- or, excuse me, 7-B.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Caleb, you're -- the staff is comfortable if we pass it now? I don't want to take it on --

Hood: Absolutely.

Bird: -- if the rest of the Council feels comfortable with it. I do.

De Weerd: Is there anyone who would like to provide testimony on this item? Okay.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearing on H-2016-0008.

Milam: Second.

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

MOTION CARRIED: ALL AYES.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve H-2016-0008 and include staff comments and returned e-mail from applicant.

Milam: Second.

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

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**C. Public Hearing Continued from June 28, 2016 August 23, 2016 for Waltman Property (aka Browning Plaza) (H-2016-0038) by SLN Planning/Boise Waltman, LLC Located 505, 521, 615, and 675 Waltman Lane Application**

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 7-C was requested to be withdrawn. It is a public hearing. I would need a motion from Council to entertain that request.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move that we withdraw H-2016-0038 and also close the public hearing and withdraw the application.

Milam: Second.

De Weerd: Okay. I have a motion and second to close the public hearing and accept the applicant's request to withdraw this item. Any discussion from Council? Mr. Clerk, will you call roll.

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

De Weerd: All ayes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**D. Public Hearing for TM Crossing (H-2016-0116) by  
Brighton Investments, LLC, et al., Located Northeast  
Corner of S. Ten Mile Road and I-84**

1. Request: Two (2) Year Time Extension on the Preliminary Plat in Order to Obtain the City Engineers Signature on the Final Plat for Phase I

De Weerd: 7-D is a public hearing on H-2016-0116. I will open the public hearing with staff comments.

Hood: Thank you, Madam Mayor, Members of the Council. This, too, is a preliminary plat time extension request. The site is -- consists of 75 acres of land zoned C-G and it's located at the northeast corner of I-84 and Ten Mile Roads. The preliminary plat for this project was approved by the City Council in 2012 and contains 50 commercial lots and four common lots. The applicant is requesting a two year time extension, although the applicant is here and probably doesn't anticipate or hope that it takes near that long to actually obtain signatures. They are in the process right now of obtaining signatures on the final plat, but came up a little bit short on that. The applicant is in agreement with the staff report, but, again, is in the audience if you have any questions or if they want to present anything to you. So, with that, that is staff's report.

De Weerd: Thank you, Caleb. Does the applicant have any comment? This is a public hearing. Is there anyone who would like to make comment? I guess Kayden is not interested in making comment on this application, right, Kayden? Okay. Council, any questions for staff or the applicant?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Caleb, this is the second time extension request?

Hood: Correct.

Cavener: Okay. Thanks.

Wardle: Madam Mayor, Mike Wardle, Brighton Corporation. 12601 West Explorer Drive. While this is the second request, we already had received seven weeks ago the first phase final plat approval from the Council. We have a building under construction. Obviously, we will be moving forward. We just did not have time within this period to secure the signatures and get that plat recorded. So, thank you.

De Weerd: Okay. Thank you. Anything further from Council?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearing on H-2016-0116.

Milam: Second.

Cavener: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve H-2016-0116, the time extension for Brighton Investments, LLC, and to include staff and applicant comments.

Milam: Second.

De Weerd: I have a motion and a second to approve H-2016-0116. Any discussion from Council? Mr. Clerk, will you, please, call roll.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**Item 8: Department Reports**

**A. Public Works: Update on Meridian's Petition to the Idaho Department of Water Resources to establish an Area of Drilling Concern for Source Water Protection**

De Weerd: Item 8-A is a report from Public Works. We will start I guess introducing Kyle with our congratulations.

Radek: Madam Mayor, Council Members, I'd like to provide some feedback from Public Works on the Department of Water Resources decision regarding our

petition for designated area of drilling concern. I have come before Council several times to update our efforts on this front and seek guidance, but I'd like to just give you a quick review for about two minutes and, then, tell you what -- what happened and kind of the -- our feedback on it. This effort was born out of our realization sometime around 2009 -- so, it's been a while that we have been working on this -- that the number one threat to our quality of our source water is the destruction and improper abandonment of private wells unsealed in the area contributing to our source water. Our objective in this effort was to address this threat by putting a mechanism in place to ensure that wells in a designated area were properly sealed to ensure the natural protective layers, like clay that separate water of different qualities, are kept intact. The establishment of an area of drilling concern was just one tactic that we decided was our best tactic to use, so -- to be administered by IDWR. Another tactic that we considered for quite some time was to create our own well drilling ordinance, which we, in my opinion, rightly decided, after consultation with Council, that that was probably not a good idea, it wasn't the way to go. IDWR has decided to employ yet another tactic, which is simply to enforce higher administrative standards in light of the scientific data that we provided in our report and our petition. So, I was going to summarize what they -- what they decided, but I included in your packets their -- their order on this -- this subject. I don't know that all of you had time to read it. It was 12 pages, but if you skip to page 11, then, you get to the actual decision they made. So, I'd like to, if I could, just read the two paragraphs that are the most important in the whole -- the whole letter, which are, first, that Meridian's petition for the designation of the west area -- Ada area of drilling concern is denied. Formal designation of the West Ada Area of Drilling Concern is premature. Additional data and evaluation of hydrogeologic conditions in the area surrounding the proposed West Ada Area of Drilling Concern is necessary to establish boundaries of a designated ADC. So, the first paragraph -- wow, that doesn't make you feel very good. But you keep reading. The second paragraph makes you feel a little better. Consistent with the department's duty to protect public health and prevent waste or contamination of ground or surface water, effective November 1st, 2016, the department shall implement the following procedures and standards for well construction permits within the proposed West Ada Area of Drilling Concern boundary, excluding the West Boise Area of Drilling Concern as shown in Attachment A. So, essentially, they are denying the area of drilling concern, but within the area that you asked for an area of drilling concern, we are going to implement higher administrative standards, among them a lot of the things you asked for. So, it's really a good thing. And just as a synopsis of the things that they have committed to doing within the -- the area, which is the same area that we asked for an area of drilling concern, they are going to eliminate start cards for new domestic wells. Start cards were a way that a driller could just put something in the mail and get started working and the trouble with that is by the time the department knew that a well was being drilled it was already done. So, they had no opportunity to see what the driller intended to do and no opportunity to go inspect it and new wells shall require permits to be submitted to show how the well is to be built. So, with the elimination of start

cards, the result is that you have to submit a permit application, just like you would before you build a building, so the Department of Water Resources knows what's intended to be built, where, and how deep, what the construction methods are going to be, how the well is going to be sealed. The next thing is that domestic well should be limited to 200 feet in depth, unless adequate water is not available. So, that was a compromise of what we asked for. In our opinion the kind of standards we -- we are asking for should be implemented at all levels and all layers and everywhere. This was pretty unpalatable to a significant group of people, so I think it's -- it's a compromise that we feel good about, because our city wells are for the most part not drilled into the shallow area. The other thing that the Department of Water Resources recognized is that below 200 feet that's where you start encountering most of your uranium issues and so it's better to keep those domestic wells out of there, because the -- one of our number one concerns, kind of outside of our city water, is that a lot of domestic well owners don't know that they are accessing water of a quality that they wouldn't want if they -- if they knew what it was. So, this -- this measure tends to keep those domestic well owners out of that. Wells drilled deeper than 200 feet shall have a full length seal of pumped grout, which is a fundamental issue that we asked for. Our specific request was that wells needed to be drilled using mud rotary techniques, which was -- we feel is the best way to put a full depth seal with grout in. It's certainly not the only way, but with the permitting requirement the drilling contractors are going to have to submit to the Department of Water Resources how they intend to put a full depth seal in place on that well. The department has required plastic or stainless steel well screens for all walls and the screen interval shall be limited to 20 feet and that will result in the -- controlling the commingling or connecting aquifers of different chemistry through the wall screens. And, then, abandonment of wells will be something that will have to be permitted and when wells are abandoned it's not good enough to just look at the well and pour a bunch of chips down it. You need to make sure that your abandonment techniques include a way in your construction to seal outside of the casing if you're going to -- if you're intending to leave an old case in place. So, usually, what we do is -- with our well abandonments is we perforate the old casing and, then, we pump grout in and so it gets -- gets out into that annular space and seal it up. So, that's another requirement. Those are the main requirements that the Department of Water Resource is going to -- going to put in place. And in summary we are very encouraged by IDWR's action on this effort and their commitment to protect public health and water resources of the state, not only by enforcing higher administrative standards, but by continuing to seek additional data to further the cause. We have been very pleased with the cooperative and professional approach of the IDWR and their staff and we look forward to continuing our cooperative -- cooperative relationship as their administrative efforts are deployed and -- and they seek to get more data to perhaps someday establishing an area of drilling concern that is, in fact, bigger than what we asked for. So, with that I will stand for any questions or comments.

De Weerd: Thank you, Kyle. And I think that the Department of Water Resources did find a compromise that respected the information that the city was able to prove through quite extensive studies and balancing that with the concerns of the well drillers. I think they did find a compromise. It does work for the area that you identified and I think there was acknowledgement that, indeed, there needs to be a regional study of our watershed and how some of the studies that you were able to -- to prove impacts the rest of the valley's water. So, I think it's a positive outcome and, like I said, as I introduced you congratulations. I think you and your team put a lot of time and effort in protecting the resources that I think sometimes we take for granted and we appreciate your work.

Radek: Thank you, Madam Mayor.

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

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Kyle, when the city launched in this endeavor there was some notable and vocal opponents and people that raised some concerns about the area of drilling concern. What has their response been since Department of Water Resources findings and this compromise as -- we view it as a compromise. Do some of those people that were viewed as opponents to our proposal, do they view it as a compromise as well?

Radek: Councilman Cavener -- Madam Mayor, Councilman Cavener, I have to apologize, I have no feedback from the people that did not want the area of drilling concern to be established. The -- certainly the -- the organized -- I wouldn't necessarily call them an opponent, but the Idaho Groundwater Association voiced an opinion that was opposed to establishing the area of drilling concern. However, they agree with the science that was behind the area of drilling concern and they just felt like it could be administered without the actual establishment. I think to some degree there was some concern just with the moniker of area of drilling concern. Some people feel like it's -- the intent of it is -- is to delineate an area where there has been an industrial chemical spill and certainly it's been used for that in the past. We felt like it was an appropriate method of protecting a place that hasn't had a chemical spill yet or has natural contaminants. But -- and I did the see Lynn Tominaga of the Idaho Groundwater Association recently and -- and I didn't get -- you know, I didn't get much feedback. So, I think -- I think for the most part the -- the reasonable opponents are probably happy with that decision, but that's probably conjecture on my part.

De Weerd: Well -- and I think it is conjecture to a certain degree, but when we held a meeting with some of the elected officials with the Department of Water Resources and our staff and consultants, the conversation was a concern that

this might supersede the legislative process and there was some concern of using the area of drilling concern by the Department of Water Resources to -- that overstepped lines of authority. But I think the overarching comments that I heard during that was not a question of the science that was used, but that if there was demonstrated concern for the water viability, depending on how deep you drilled your well, that it should be looked at as a region, not as just this -- this area in particular and so there was acknowledgement in the finding that there is enough concern that these different drilling techniques were -- are going to be required and now it's going to be our job to put into place that -- that we can monitor that those steps are, indeed, being administered and have you talked to the team on how we are going to work with Department of Water Resources?

Radek: Madam Mayor, thanks for that question. Good point. And we have actually been doing what we need to continue to do to monitor the department's effectiveness in administering and implementing their -- their decision here. We have really been doing that already in the absence of an area of drilling concern our decision the last -- last two or three years since we decided we had to do this, we have been on our own monitoring water rights applications and when a water rights application comes in in our area of impact we intercept it administratively, we look at the department's advertisement of that and, then, we will discuss it with the -- the owner of that application and it's resulted in a lot of successful negotiations to have them drill their wells in the way we -- we have requested them drilled. So, we have access to the information that -- that there is a water right applied for. There is a well drillers -- an application and we will be able to see that and we will be able to see what the department has done with that application and we certainly through this effort we have established some relationships with the Department of Water Resources staff that are going to administer also. So, it should be -- it should be better -- much better than just finding out after the fact if they did what they said they were going to do. We are going to be in contact with them on a regular basis.

Cavener: That's great.

De Weerd: Thank you. Anything further from Council?

Radek: Thank you.

De Weerd: And, again, congratulations to the entire team. To Ed. To Charlie.

**B. Approval of Collective Labor Agreement between the  
City of Meridian and Meridian Firefighters I.A.F.F. Local  
4627**

De Weerd: Okay. Item 8-B is under our Legal Department.

Nary: Thank you, Madam Mayor, Members of the Council. I'm pleased to have on the agenda tonight is a ratified agreement with the Meridian Firefighters Union Local 4627. We have been in negotiations since May, a number of sessions, to reach this final conclusion. We made them an offer that is encompassed in the agreement that we have previously discussed. I would like to thank the team -- the city's team for the time and effort. There was a lot of work put in by Deputy Chief Jones, by Council Member Borton, Crystal Ritchie our HR manager and Todd Lavoie, our CFO. In addition Christena Barney, our benefits -- benefits generalist provided a great deal of information in reaching this conclusion. What you have -- the contract that was approved last night has some cosmetic changes to some of the language that we previously discussed. The primary changes are the compensation amounts for the next two years for the union. There is a three percent increase for this fiscal year beginning in the next pay period and also a one percent in 2017, beginning October of 2017. Additionally, the union will move to a separate medical plan beginning in January of 2018 with the Northwest Firefighter Trust. That was an issue of great concern to the firefighters. It had some different things that we don't have the ability to offer in the same fashion for all the general employees. It's very firefighter focused. It's with a trust that only -- only represents firefighters and so after looking at both the benefit plan, as well as the cost of offering that benefit, it felt that was a reasonable way that we could make that -- allow that to occur. And, then, finally, they will stay in our -- the city's plan for the next year with the same benefit package that the city has, including the wellness component that we have. They have also agreed to remain in the wellness plan when they move to the Northwest Firefighter Trust, that they still have that wellness incentive to participate in that for some of the discounts or incentives that we provide for that and the differential is the cost of the -- the dependent -- dependent premium cost and so that was the only differential between those two. So, primarily, again, I think the biggest thing is that the firefighters, when I spoke with their lead negotiator Christian Forbey, they were very appreciative -- I thought they might be here tonight, but that's fine. They were very appreciative of the city's consideration -- Council's consideration of allowing that Northwest Firefighter Trust plan. That really was a key component to them. It is something we have discussed for a number of years and this is something we could make fit at this particular time. So, if the Council is of a mindset to approve it, we would appreciate that approval tonight and, then, we can move it forward and finalize all of that with Finance and everything, so the next paycheck everything gets corrected and put into place.

De Weerd: Thank you, Bill. Any comments?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: I would like to reiterate what Bill said. I was able to attend a few of these meetings as a member of the viewing public and to echo Bill's points, thanks to -- to Bill Nary and Crystal and Christena Barney and Todd and Joe Borton, Councilman Borton as our Council liaison. I felt that they --

De Weerd: And Joe.

Cavener: Uh? Yes. Thank you, Chief Jones. Sorry I didn't see there. You know, really taking into account that these are our employees and wanting to work to come to an agreement that's best for the city and best for our employees. So, thanks to everyone and their due diligence on this issue. It's appreciated.

De Weerd: Thank you. And thanks for the negotiating team and Council Member Borton for representing the elected officials and certainly, Mr. Nary, your -- as the lead negotiator, I think you showed patience and appreciated you working through the issues as they were brought forward.

Nary: Ninety-nine percent of the time, ma'am.

De Weerd: As best you could --

Nary: The patience part.

De Weerd: Oh. Okay. Council, in front of you is the agreement. It does need a motion to ratify.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I would move that we approve the collective labor agreement between the City of Meridian and Meridian Firefighters Local 4627.

Cavener: Second.

De Weerd: I have a motion and a second to approve Item 8-B. Any discussion? Okay. Mr. Clerk.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**Item 9: Future Meeting Topics**

De Weerd: Item 9. Are there any items for future agendas? Council, I do have some upcoming events. Just a reminder that tomorrow morning at 7:00 a.m. your leadership team is cooking up some pancakes and sausage and something else and we would love to have you come and cook beside us. It is a United Way breakfast to -- as a fun way to raise money for United Way campaign to reach our goal. So, please, join us anytime between 7:00 and 9:00 and we will throw a napkin -- or a napkin on you -- an apron and hope to see you there. Town hall meeting tomorrow night at 6:30 at Compass Charter School on Cherry Lane near Ten Mile. Trunk or Treat is Thursday. It is a real treat seeing all the kids in their Halloween outfits going trunk to trunk and I think we have over 90 trunks and we will have a couple of food trucks as well, so dinner is not just candy. And we appreciate Steve and -- and his staff and the Mayor's Youth Advisory Council for putting this on. It looks like it's going to be another great success. And, then, on Saturday is the anti-drug coalition's reality party and they are going to have four different showings. So, if you would like to come and check them out, it's on the hour starting at 1:00 o'clock. There is also a 2:00, 3:00 and a 4:00 o'clock showing. They are about 20 minutes and it's at the Forward Movement Training Center that you take the tour from there and you're kind of on the catwalk looking down and seeing the reality parties. It is for parents put on -- some of the actors are MYAC members and other teenagers lending their talents. So, just one other thing is I will be conducting the Parks Commission interviews this week and hope to bring back recommendations to Council on your November 1st meeting. Also we do have an opening on our Planning and Zoning Commission. So, if you have anyone who might have an interest, please, help let people know that this opening is available. We are also trying to fill a Solid Waste Advisory Council Commission seat and HPC, so --

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: On Saturday is also the Hallow-pooch parade costume contest at Storey Park.

De Weerd: Yes. For all the four-legged furry friends. Dress them warmly and it will be a howling good time. If there is nothing further I would entertain a motion to adjourn.

Bird: So moved.

Cavener: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 7:05 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

  
MAYOR TAMMY DE WEERD

11 / 01 / 2016  
DATE APPROVED

ATTEST:  
  
C. JAY COLES, CITY CLERK

