

A meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, June 7, 2016, by Mayor Tammy de Weerd.

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

Others Present: Bill Nary, Jacy Jones, Jaycee Holman, Caleb Hood, Sonya, Watters, Josh Beach, Jamie Leslie, Mark Niemeyer, Tom Barry, Clint Dolsby, 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: Good evening. Thank you all for being here for City Council meeting. We appreciate you being in attendance. For the record it is Tuesday, June 7th. It's four minutes after 6:00. We will start with roll call attendance, Madam Clerk.

**Item 2: Pledge of Allegiance**

De Weerd: Item No. is our 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 Justin Jordan with Real Life Ministries**

De Weerd: Item No. 3 is our community invocation. Tonight we will be lead by Pastor Justin Jordan. He is with Real Lift Ministries. If you will all join us in the community invocation or take this as an opportunity for a moment of reflection. Thank you for being here.

Jordan: Thanks, Mayor. Let's pray. Lord, thank you that we are able to gather here tonight, leaders of this community coming together to think how to lead this great city forward in an amazing way and to think back about all those good things that are happening, the growth, the people that are coming that want to be a part of this community and the leadership of the Council. God, I know that with all the different things that are going on in the community there is a tremendous about of tensions that are involved in that as well and so pray, God, that as

leaders of this community come together they would make decisions that are sound and they are wise and the values that make Meridian great, the community forward with the decisions they make. Pray for budget. Pray for the process. Pray for patients and wisdom and pray the people would listen and value one another as the Council moves forward on making Meridian continue to be a great city. We pray for your wisdom, your guidance and we thank you for Jesus and what he has done for us and we pray this all in his son's name, amen.

De Weerd: Thank you for joining us. Have I given you a City of Meridian pin, Pastor Jordan?

Jordan: No.

De Weerd: Can I offer one to you?

**Item 4: Adoption of the Agenda**

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

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: On the agenda under Item 8-C the resolution is 16-1145. Item 9-B has been requested by applicant to continue to June 21st, 2016. Item 9-F has been requested by applicant to continue to June 21st, 2016. Item 11-A, ordinance number is 16-1694. And Item 11-B is ordinance number is 16-1695. And with that I move we approve the amended agenda.

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 carried.

MOTION CARRIED: ALL AYES.

**Item 5: Proclamation**

**A. Proclamation for Public Works Week**

De Weerd: Our next is a proclamation for Public Works week and in a moment I will ask our director and whoever he would like to join him to come up front, but I will -- I do want to say that this -- this event has happened for five years? Eight? Oh, my gosh. Eight years and it has contributed not only to raising the awareness of what Public Works does in our community and its importance and the really cool part is the staff and how they engage and they show pride in

everything they do. But, as well, they get sponsors that, in turn, give back to our community. Over time they have given to the Meridian Food Bank. Last year a donation of almost 2,200 dollars. Our Care to Share program. They donated 440. They have added contributions to other organizations over time and I would just say that staff not only shows pride in what they do for their day-to-day work, they show the pride that they have in our community and that's greatly appreciated. So, if you will join me up at the podium. Seat how easy that was?

Barry: I had asked them and they forget they work for me.

De Weerd: Okay. So, it is my pleasure to read this proclamation and, then, I will ask our director Tom Barry to give some comments about why you should be involved. Whereas the health, safety and quality of life of everyone in Meridian benefits from the men and women who are always there to provide the dependable delivery of public works services and whereas with 430 miles of sewer lines, 536 miles of water lines and 4,874 active fire hydrants and 1,165 man holes, it is all hands on deck in our Public Works Department to keep the water flowing to our faucets and through out treatment plant and whereas each year the Public Works Department goes above and beyond to celebrate public works week with fun activities, such as Public Works Expo, the Poop Scoot Fun Run or walk and Go With The Flow facility tours and whereas Public Works Week raises funds which have helped to financially support the Meridian Food Bank, the Care To Share program and the Meridian Cares program providing needed services and opportunities to the residents of Meridian and whereas the staff and leadership of the Meridian Public Works Department and our Public Works partners understand the importance of the work they perform and are dedicated to serving the number one community in America, therefore, I, Mayor Tammy de Weerd, hereby do proclaim the week of June 6 through June 11th as Public Works Week in the City of Meridian and call upon all of our citizens to acquaint themselves with Public Works and the tremendous work they do through participating in the various activities of this important week. So, I will present this to our director and ask for his remarks.

Barry: Thank you, Madam Mayor. Appreciate that very much. Well, thank you, Madam Mayor. And it's a great honor to do this for the eighth year in a row. It's something that -- I kind of comment on this from time to time. The staff thought I was crazy for putting this week together, but it's not really a new idea, it's something that's been going on since the early 1960s actually. Not in Meridian, but nationally. John F. Kennedy was the actual person who conceived the idea or celebrating the men and women who work so diligently in the field of public works and so he proclaimed National Public Works Week that has gone on ever since that the America Public Works Association has helped to lead. This year's theme is always there. We took that from the national theme. We do celebrate Public Works Week in Meridian a little bit later than they do nationally, mostly for weather considerations and school schedules and those types of things, but there is a lot to really be excited about. Most people don't know what Public

Works is and it's hard to describe, so we bring it right to the front of City Hall and we put it right here on the plaza. Tomorrow night we start Public Works Week with a tour and we fill a bus full of folks and take them around to all of our facilities and give them an opportunity to see first hand what it's like to say climb down into a sewer lift station or climb up inside the Meridian water tower, look at a well booster station, those types of things. Really exciting stuff for us, because nobody would ever know. Then on Thursday, the main event, the Public Works Expo takes place on the front of City Hall plaza and goes from 4:00 to 7:00 p.m. and it's just an open house where we bring our equipment, our people, and we show you all kinds of demonstrations. We also partner with the community development staff, who have been great supporters of us to bring bird houses and other things that the kids can build and go through a mock sort of building plan and inspection process, get their certificate of occupancy for the bird houses. We appreciate our donors, Home Depot and others, who help us with that. And, then, Saturday we have the Poop Scoot, which gets a lot of laughs, but really it's all about chasing a -- running after a tennis ball that we drop into the sewer system and people race that all the way back to the wastewater treatment plant. Or they can walk. And the goal is the try to beat the tennis ball back to the wastewater treatment plant where we have all kinds of fun, prizes and those type of things. So, really a fun series of events. We are super excited every year about putting this event on. It's a lot of work, but the staff are just absolutely overjoyed in participating. I want to thank you, Madam Mayor, for your unending support and that of the City Council. Every year you guys have been just so awesome about supporting this and as a token of our appreciation I have your Meridian Public Works Week public works week coins that I would like to give each of you, so thank you again. And with that I would like to just introduce the two staff that are to my right here. This is Mr. Mike Pepin, he's one of our deputy directors that runs the department and Dale Bolthouse, who is also a deputy director of utility operations for us in the department. So, we appreciate them. They are actually new hires. Have been around for just under two years or just over two years now. So, we are grateful to have them join the department. Thank you.

De Weerd: Most people don't think about Public Works until it comes pack at you and then -- then you hear, so --

**Item 6: Consent Agenda**

- A. Approve Minutes of May 17, 2016 City Council Special Meeting**
- B. Approve Minutes of May 24, 2016 City Council PreCouncil Meeting**
- C. Approve Minutes of May 24, 2016 City Council Meeting**

- D. Approval of Award of Bid and Agreement to CHALLENGER COMPANIES, INC for the “AUTUMN FAIRE AND MACAILE LIFT STATIONS SCADA UPGRADES” project for a Not-To-Exceed amount of \$199,264.00.**
- E. Approval of Award of Bid and Agreement to CONTRACTORS NORTHWEST, INC for the “WRRF DAFT 2 RECOATING PROJECT” for a Not-To-Exceed amount of \$76,704.00.**
- F. Sanitary Sewer Easement between the City of Meridian and Sky Mesa Development, LLC within Southern Highlands Subdivision**
- G. Interagency agreement with ACHD for: Water and Sewer Construction at the Intersection of Ustick Road and Meridian Road, and Ustick Road between Linder and Locust Grove Road**
- H. School Resource Officer Agreement with West Ada School District for the 2016-2017 School Year for the Not-to-Exceed Amount of \$323,438.00**
- I. License and Indemnity Agreement with Coastline Equipment for the 2016 Public Works Week Mini Heavy Equipment Rodeo**
- J. Meridian Community Block Party 2016 Sponsorship Agreement Between the City of Meridian and Boise Co-op for a Not-to-Exceed Amount of \$1,500.00**
- K. CableONE Movie Night in Meridian 2016 Single-Night Sponsorship Agreement Between the City of Meridian and Parkview Christian Church for a Not-to-Exceed Amount of \$500.00**
- L. CableONE Movie Night in Meridian 2016 Presenting Sponsorship Agreement Between the City of Meridian and Mountain America Federal Credit Union for a Not-to-Exceed Amount of \$3,000.00**
- M. CableONE Movie Night in Meridian 2016 Single-Night Sponsorship Agreement Between the City of Meridian and Westside Body Works for a Not-to-Exceed Amount of \$500.00**

- N. CableONE Movie Night in Meridian 2016 Sponsorship Agreement Between the City of Meridian and Meridian United Sports Center Academy for a Not-to-Exceed Amount of \$500.00**
  
- O. Amended Development Agreement for Jump Time (MDA-15-008) with Babcock LLC located near the intersection of E. Franklin and S. Eagle Roads, in the NE 1/4 Section 17, Township 3N, Range 1E P. Development Agreement for Saint Ignatius School - (H-2016-16-0028) with Roman Catholic Diocese of Boise located at 6180 N. Meridian Road, in the NW 1/4 of Section 30, Township 4 North, Range 1 East.**
  
- Q. Findings of Fact, Conclusions of Law 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**
  
- R. Final Order for Approval for Bainbridge Subdivision No. 3 (H-2016-0039) by Brighton Development Located Southeast Corner of N. Black Cat Road and W. Vanderbilt Drive**
  
- S. Final Order for Approval for Shallow Creek Subdivision (H-2016-0048) by A Team Land Consultants Located Southeast Corner of S. Locust Grove Road and E. Franklin Road**
  
- T. Findings of Fact, Conclusions of Law for Whiteacre Subdivision (H-2016-0019) by Providence Properties, LLC Located at the SWC of N. Meridian Rd. and West McMillan Rd.**

De Weerd: Item No. 6 is our Consent Agenda.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

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

Borton: Second.

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

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**Item 7: Items Moved From the Consent Agenda**

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

**Item 8: Community Items/Presentation**

**A. Meridian Arts Commission Budget Amendment  
Requesting for Spending Authority from Donations**

De Weerd: So, we will move to Item 8-A under our Meridian Arts Commission.

Bodnar: Hello, Madam Mayor and Members of the Council. I'm here to present a budget amendment to you all for the Meridian Arts Commission. The Meridian Arts Commission has received over 23,000 dollars in donations and so we are requesting spending authority for a portion of those dollars. We are only requesting 18,500 dollars for spending authority from those dollars, because that's what we anticipate actually being able to spend this year. That's going towards Concerts on Broadway and traffic box art wraps and they are detailed out in the budget amendment. Are there any questions?

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

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I move that we that approve the spending authority for the Meridian arts Commission for the -- it's not here. What was the exact amount, Hillary?

Bodnar: Well, some of it's already been budgeted as spending authority, so it's 4,573 dollars.

Milam: 4,573 dollars.

Bird: Second.

De Weerd: I have a motion and a second to approve the spending authority under Item 8-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.

Bodnar: Thank you.

**B. Presentation by US Forest Service on “Forest Health Project”**

De Weerd: Than you, Hillary. Item 8-B is a presentation on forest -- on the forest health project. Good evening.

Curley: Good evening. Thank you so much for letting me come. I came here tonight to talk to you about a project that we are working at the Bogus Basin Resort and the reason why I'm --

De Weerd: Can you state your name? I'm sorry.

Curley: Stephanie Curley. With the U.S. Forest Service Mountain Home Ranger District.

De Weerd: Thank you.

Curley: So, we are working on a project to improve the forest health at Bogus Basin and what you see on the screen right now is actually a picture from the early '90s and this tree -- see if my pointer works here. Am I not doing that correctly? Okay. I just want to draw on it. Okay. Okay. I guess I'm going to draw in red instead. So, this tree that you're looking at right here actually fell on the chair lift while we had skiers in the chair lift and that was in the 1990s. And the reason why that happened is because this tree was subject to a disease and it's dwarf mistletoe. It's a parasitic plant that grows under the bark of trees and in recent years we have seen a major increase in this disease and it's sending out a message to bark beetles that there is a vacancy at the hotel and the buffet is really delicious. So, come on and they come and they attack the trees and, then, we are seeing about anywhere from 50 percent to 98 percent mortality from these insects and disease at the Bogus Basin Resort right now. Technology is going to get the best of me here. I can see this.

De Weerd: It doesn't just get you, it gets everyone, so --

Curley: Okay. So, up here in this upper right corner, that's the dwarf mistletoe plant and, like I said, it's infecting a lot of the trees up there and these are the bark beetles that are coming in as a result of that. So, what we are proposing to do is to go through and do some -- a variety of treatments that would improve the conditions here and what you're seeing on this map right here, that is a bark beetle outbreak that was mapped by our forest health team and you can see they are getting closer and closer and this is actually the Bogus Basin resort area. This little piece right here is the Bogus Basin private land. That's where the resort facilities are. The parking lot and the buildings. And, then, everything outside of that in the boundary is United States Forest Service property that they work under a special use permit. So, this is what it's looking like up there right now. You can see the gray and the red trees and it's getting to be an epidemic up there and this picture right here, what you're seeing is right along some of the ski runs -- this is a Nordic trail where you're seeing hazard trees that are a danger to the public. So, that's why we want to work on this project. Okay. so, the treatments we are proposing is a variety of different things from commercial thinning, which would reduce the density of the trees and make it less desirable for bark beetles and that's in this pink color and, then, the other treatments consist of falling hazard trees, which is this color here, and those trees may or may not be left on site and, then, in the green we are -- we are going to do what we call a sanitation salvage and that is taking out the worse of the worse of the dwarf mistletoe trees. The dwarf mistletoe is sort of like -- almost like a cancer. It can happen in different levels and so at lower levels the tree can live for a really long time and maybe ten years from now it's now a moderately infected tree and it's starting to die from the top down and, then, at the very last stage of it your tree is mostly dead up on top and just has a really few heavy branches, because what that parasite does is it takes all the nutrients that are coming up through the root system and directs it right to that branch where the mistletoe is and so the rest of the tree isn't getting the nutrients and it starts dying and, then, you get those heavy branches and, then, they get covered in snow and they start toppling over. So, since Bogus Basin is a pretty large economic driver for Ada County and the Treasure Valley area and actually the state of Idaho, it's pretty important to us that we take care of this insect and disease problem. So, that we have forest up there in the future for the purpose of retaining snow, for wildlife habitat, for the scenic quality of the environment and the recreation experience. In addition to those kinds of treatments we would always be looking at doing some prescribed burning in the area, because that litter on the forest floor and the conditions that were -- exist up there right now would give us a fire that looks like that and we are looking at doing something that looks like that to prevent that. So, this is what the conditions look like right now and that is not a healthy condition for the forest and that definitely is something that bark beetles really love. So, part of the reason why is I need to haul this -- the logs off the hill and that's part of this project that I wanted to really get our feedback on is because if I leave it on the ground that's slash, I am creating more of a fire hazard, I'm leaving that on the ground, and, then, I'm also creating habitat for another bark beetle called Ips and it comes in and it overwinters in that logging slash and,

then, it comes out and it attacks all the healthy trees the next spring, so we really want to avoid that problem and haul the material off the mountain to the extent possible, so that we don't end up with another problem. And I don't know how many of you know about what happened at Brian Head Resort in southern Utah. Sometime between 15 and 20 years ago they were looking at an epidemic of this spruce beetle of the spruce beetle in their spruce forest and before they could do any treatments the spruce beetle actually wiped out the entire forest. So, they have spent the last decade or so reforesting and keeping snow on the hill with snow fences and trying to keep the resort alive as a result. And there is a reason why the National Interagency Fire Center is in Boise, Idaho, because that's where the vast majority of fires in the nation occurs and so these are the conditions we are looking at and were in this particular area. This map actually shows fires over 300 acres of 1970 to 2007 and you can see it's a very significant problem in southern Idaho and by doing this project we would improve the recreation experience up there. There would be a temporary disruption and we would try to work around that as much as possible, but in the end we will have a healthier forest and something that can exist in perpetuity. Okay. And I have that on automatic switch apparently. So, these pictures show conditions before, what's going on up there right now, and, then, what it should look like. This picture right here is actually what happens when the skiers and snowboarders come along and you get that natural regeneration, it gets clipped off at the top and, then, your trees never grow over two feet tall and they never produce cones and so you're not getting that natural regeneration. So, one part of this project is actually going back in and reforesting where we have -- have taken out that sanitation salvage and that will help retain our forest in the future. But we have to plant with an alternative species, because that -- those two -- the bark beetle and the dwarf mistletoe, those only attack specific species of trees, so we primarily have a Douglas fir forest up there with and where we are seeing our big problem is in the Douglas fir with the Douglas fir dwarf mistletoe and the Douglas fir beetle. So, we would come in and we would plant with an alternate species that is not subject to those disease factors and, then, over time -- and it takes a hundred years to grow a hundred year tree, we will eventually be able to go back in and replant the Douglas fir forest that was there. So, this is really why I'm here. So, in my discussions with the Ada County Highway District about hauling logs through the cities in Ada County, they asked that I come forward to the various different city councils and -- and talk to you about -- about log trucks coming through your community. So, one of the issues that I have up here that prevents me from just dealing with this issue in an easy manner and avoiding coming through the cities is that this timber is so riddled with insect and disease that it's not very valuable and hauling it north would cost the purchaser, not the forest service, but it's the person, the entity that bids on this timber sale, that cost for road maintenance is borne by that entity. So, there is a very high likelihood that this sale would be deficit and I wouldn't be able to sell it and without selling it I can't get the logs off the hill and my only option is to watch Bogus Basin die very slowly. So, that's what I'm trying to avoid. So, we do have -- or at least propose a few different options for hauling logs. But really, essentially, what these logging

companies like to do is they like to get to the freeway before 7:00 a.m. to avoid the traffic, to avoid congestion and everything else and they want to get to the mill in a timely manner, because that's how they get paid. So, I'm asking for your feedback and if you would be so kind as to assist with a letter of support, I would very much appreciate that, and I will take any questions you have.

De Weerd: Thank you. Council, any questions?

Bird: I have none, Mayor.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: So, when you talk about driving through our city you're basically talking about driving down the freeway; right?

Curley: We are talking about being able to get from down Bogus Basin Road and -- from Bogus Basin Road to the interstate.

Milam: What route would that be?

Curley: Well, that's something that we are working with ACHD to determine. Now, it could potentially go out to Emmett. It could potentially go to Oregon. Or it could potentially be sold to the mill in Horseshoe Bend or to the mill in Grangeville and the route that they want to take is really going to depend on who purchases it and the way that our program works is that we don't know who is going to purchase it until after we complete our environmental work and, then, we put it up for bid. So, my -- my hope is that we can keep our options open, so that we can take -- hopefully get some proceeds from the sale, so that we can do the restoration work that would replant the forest up there, because that's a big part of this as well.

De Weerd: So, it could go down I-84 through Meridian, perhaps Chinden. I imagine those would be the only two routes that would impact our community.

Cavener: Madam Mayor?

De Weerd: Yes, Mr. Cavener.

Cavener: Your option one that would require the route to go through the City of Boise, my question is have you made this presentation to the city of Boise and what was their response?

Curley: Yes. Yes. And we, actually, probably would never go down Harrison Boulevard. A logging company is not going to go down there. But -- and, like I

said, these are options that we put on the table for discussion and that one has since been ruled out. So, there are -- you know, Cartwright Road over to Highway 55. There is -- the north route would be up Harris Creek and across Harris Creek Summit. However, I don't have easements across the private land, so I'm pursuing that right now as an option, but, again, that would be the very most expensive route, which would likely make my sale deficit, so I doubt that a purchaser would go do that one willingly. You know, obviously, there are a lot more routes and these are just a few that have been placed on this map for discussion purposes there are some other options that have been discussed that have been down Bogus Basin Road and over the Hill Road and, then, across 36th and out to the freeway.

Cavener: Madam Mayor, follow up? What other municipalities have you made this presentation to and what has been their response?

Curley: City of Boise has issued a letter of support. City of Star has issued a letter of support. City of Eagle has issued a letter of support. Who am I missing, Aaron?

De Weerd: Garden City.

Curley: Garden City. And those are the ones I have spoken to so far.

De Weerd: Well, if we want to the pass along the same outdoor Idaho that we enjoy, we need to our future generations, this is something that I for one appreciate you paying attention to and trying to be good stewards of our forest land. This just makes sense. So, Council, I guess the request in front of you is if you would direct a letter of support for my signature or if you would like it to be brought back to have each of you sign as well, that would what we are hoping for.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I would move that we draft up a letter of support for Mayor the sign and send to the forest service in favor of it.

Milam: Second.

De Weerd: I have a motion and a second. Any discussion from Council? I don't know need a voice vote on this, do I, Mr. Nary?

Nary: No.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Curley: Thank you.

De Weerd: Let the record not that Councilman Borton is out of the room right now. Thank you so much, Stephanie, for your time.

Curley: Thank you.

**C. Mayor's Office: Resolution No. 16-1145: A Resolution of the Mayor and City Council of the City of Meridian Appointing Nathan Mueller to Seat 8 of the Meridian Development Corporation; And Providing an Effective Date**

De Weerd: Okay. Actually, Item 8-C is under the Mayor's office, Resolution 16-1145. Council, in front of you you do have a request to appoint Nathan Mueller to Seat 8 of the Meridian Development Corporation. I would entertain any questions that you might have. If there are none, I would entertain a motion.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: I move we approve Resolution 16-1145.

Bird: Second.

De Weerd: I have a motion and a second to approve the appointment of Nathan Mueller to the MDC board. Any discussion? Madam Clerk, will you call roll.

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

De Weerd: All ayes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

De Weerd: Oh. You probably don't want to vote, do you?

Borton: I will not. I didn't hear your motion.

De Weerd: It is all ayes. Again, Mr. Borton has just come into the -- the room.

**Item 9: Action Items**

**A. Final Plat for Brinegar Prairie No. 1 (H-2016-0053) by Challenger Development, LLC Located 2220 N. Ten Mile Road**

**1. Request: Final Plat Approval Consisting of Forty-Six (46) Residential Lots and Ten (10) Common Lots on 11.9 Acres of Land in the R-8 Zoning District**

De Weerd: Item 9-A is a final plat on H-2016-0053.

Beach: Madam Mayor, Members of the Council, this is an applicant -- an application for final plat. Typically these don't come to you if we have received comment from the applicant in support of the staff's report. The reason this is before you this evening is we did not get those comments back before Thursday and the applicant is in support of the conditions of approval. I would be happy to go through it if you would like, but we have a e-mail from the applicant indicating that they are in support of staff's recommended conditions. So, stand for any questions. I can go through it if you would like.

De Weerd: Council, any questions?

Bird: I have none.

De Weerd: I would entertain a motion.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve H-2016-0053, the final plat for Brinegar Prairie.

Milam: Second.

De Weerd: I have a motion and a second to approve Item 9-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.

**B. Final Plat for Isola Creek No. 4 (H-2016-0050) by Isola Creek, LLC Located North Side of W. Ustick Road and East Side of N. Ten Mile Road**

- 1. Request: Final Plat Approval Consisting of Forty-Five (45) Single Family Residential Building Lots and Four (4) Common Lots on Approximately 28.02 Acres in the R-4 Zoning District**

De Weerd: The next item 9-B has been requested to continue. I would need a -- I need a motion for that.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we continue H-2016-0050 to June 20th, 2016.

Milam: Second.

De Weerd: I have a motion and a second to continue this item to June 21st. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**C. Final Plat for Birkdale Estates Subdivision (H-2016-0059) by EGC Development, LLC Located Southeast Corner of N. Meridian Road and E. Chinden Boulevard**

- 1. Request: Final Plat Approval Consisting of Fifteen (15) Residential Lots and Five (5) Common Lots on 10.06 Acres of Land in the R-2 Zoning District**

De Weerd: Item 9-C is a final plat on H-2016-0059. I will ask for staff comments.

Beach: Madam Mayor, Members of the Council, this is exact situation of 9-A. We got the staff report out after the deadline on Thursday and so we have received support from the applicant based on staff's conditions of approval. I would be happy to go through it or answer any questions you have.

De Weerd: Council, any questions?

Bird: I have none.

De Weerd: If there are none, I would entertain a motion.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move that we approve the final plat H-2016-0059 for Birkdale Estates Subdivision.

Milam: Second.

Cavener: Second.

De Weerd: I have a motion and a second to approve Item 9-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.

MOTION CARRIED: ALL AYES.

**D. Public Hearing Continued from May 24, 2016: Third Street Square Subdivision (H-2016-0031) by Trenton Seltzer Located East of N. Main Street Between Franklin Road and Pine Avenue**

**1. Request: Preliminary Plat Approval Consisting of Seven (7) Building Lots and One (1) Common Lot on 1.737 Acres of Land in an O-T Zoning District**

De Weerd: Item 9-D is a public hearing continued from May 24th on H-2016-0031. I will turn this over to staff with opening the public hearing.

Beach: Madam Mayor, Members of the Council, this, as you said, is a item that was continued from May 24th for the sole purpose of obtaining testimony from the owner of the property and to get clarification on the width of the drive aisle and for the developer to work with the neighbors on issues regarding fencing and irrigation. With that I will stand for any questions.

De Weerd: Okay. Did the -- have you heard from the applicant?

Beach: I have. The applicant had indicated that some of those -- a majority of those issues have been resolved with the neighbors. I know that those neighbors are here this evening, so we will likely get some testimony from them. The develop-- the applicant also indicated that the -- the builder and the property owner, I believe, are with us as well to answer questions.

De Weerd: Okay. Thank you, Josh. Would the applicant like to make comment? Good evening. If you will, please, state your name and address for the record.

Riley: Of course. Penelope Riley. Post Office Box 405, Boise, Idaho. 83701. Thank you for your time this evening. As Josh indicated, the project manager, who is here this evening, has met with Ms. Yost and they are going to -- the project is going to provide her with a full wood fence and they are in agreement on that and it's -- everyone concurs that the irrigation system that was partially torn up with the road construction was not operable. She does have an irrigation system hook up in her backyard now. I have a photograph of it if you need to see that and the CC&Rs for the project will make sure that water is delivered to all the neighbors -- their irrigation water will be delivered per Idaho law and good neighbors, too. So, other than that I don't really have any comments. Mr. Santangilo is here and Mr. Luddington is here. Both are available to answer questions you have.

De Weerd: Thank you. Council, any questions for the applicant's representative?

Bird: I have none.

De Weerd: Thank you.

Riley: Thank you.

De Weerd: I did have a couple of people sign up. One wished to testify. First we did have Al and Shelly Fleming, who sign up neutral. Karen Rieken signed up as neutral. And Patty Yost signed up as neutral, wanting to provide testimony. Good evening.

Yost: Hi, Mayor Tammy, Council, I'm Patricia Yost. I reside at 330 East 3rd Street. In front of the project. Robert and I met today and -- actually, he had given me a phone call after the May 24th meeting and I wrote him an e-mail and told him that I believe that you guys gave both of us grace that night. So, really, I'm up here to say how much I appreciate you. We had two weeks to -- to amend and do the right thing and you guys heard my voice and you cared, which means a whole lot to me. And as far as what did discuss -- a few matters, but, yeah, that the fence would be wood. It would match my neighbor's fence and I'm not sure what that irrigation thing was that she was talking about as far as the city didn't ruin my irrigation, so I'm not -- but Robert is -- the difference I feel like what happened -- when I go passed the school it has a sign there that says it's the builders on how we first want to build your trust and probably this is a lesson to all of us that that's really pertinent, that if that would have been establish from the very beginning we wouldn't be having a third meeting, that all of this could have

been avoided and I'm just really hoping and praying from here forward that what is stated and how -- that it will actually happen in the process that was stated to me and just want to thank you guys, all of you, for -- just like I said, giving grace to both of us that night. Thank you.

De Weerd: Thank you, Patty. Is there anyone else who would like to provide testimony? Thank you to the project manager and the owner. We appreciate you working with the neighbors. Council, any further information needed from the applicant, from staff, or from any of the neighbors?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Question for staff. Josh, did we get the right width of the road?

Beach: It is 20 feet.

Cavener: Okay. Thank you.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Hearing nothing more, I move that we close the public hearing on H-2016-0031.

Cavener: Second.

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

**MOTION CARRIED: ALL AYES.**

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move that we approve H-2016-0031 and to include all staff, applicant, and public testimony.

Cavener: Second.

De Weerd: I have a motion and a second to approve Item 9-D. Any discussion? 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.

De Weerd: And thank you again for working together. We appreciate that.

**E. Public Hearing Continued from May 17, 2016 for Maverik (H-2016-0027) by Maverik, Inc. Located 1515 E. Fairview Avenue**

**1. Request: Annexation and Zoning of Approximately 3.907 Acres of Land with a C-G Zoning District**

De Weerd: Item 9-E is a public hearing continued from May 17th for H-2016-0027. I will ask for staff comments at this time.

Beach: Madam Mayor, Members of the Council, this is an item that was continued from the May 3rd hearing. The Council continued this item at the last hearing in order for the applicant to work with the city attorney's office on the structure of the development agreement. Council limited the public hearing to -- in this hearing to issues regarding billboards and signage. Staff doesn't really have a whole lot to add to this. I would add that -- reiterate that at our last hearing if there be a mechanism in which if the billboards are allowed to be maintained on the property, that there be some mechanism to allow the Maverick the allotted signage that they would get if the billboards were not there, if that makes sense. A certain amount of signage is allowed, but the billboards effectively use up all that signage, so -- with that if you have any questions.

De Weerd: Council, any questions?

Bird: I have none.

De Weerd: Mr. Nary.

Nary: Madam Mayor, Members of the Council, myself and Ted Baird from my office have been in a couple of conference calls with the attorney from Maverick. They are proposing -- they are proposing creating a termination agreement that I would like the city to be a part of, so that we have a way to track the future use on this property. One of the things that they were going to come and talk about tonight was some financial incentives that's going to be part of that agreement to assure that these signs get removed in ten years. The signs were renewed for the ten year period. The suggestion from Maverick's counsel is the termination

agreement that would go into effect now that could, then, be recorded against the property that would make it clear that the signs are not going to be renewed and they are going to be removed at the end of the ten year period and so I think we can work through the -- the language with them. I think we can move this project forward at this point if it's -- if it's acceptable to Council and, like I said, when I contacted Mr. Schofield he said their representative Mr. Meyers I think is here tonight, would talk about that financial piece and how they would make that work. It wasn't financially feasible to buy out the agreement because of the ten year period, but we talked about bonds and a letter of credit, some type of surety or something of that nature. Part of it is I think -- I guess in our opinion is if you have some kind of financial instrument tied to that agreement that has to be renewed periodically, it reminds everybody that this going to happen versus something that gets put in a drawer for ten years and, then, someone has to remember at that point in time to effect -- to make something happen. But we are ready -- we are okay with where we are at. I think we can work through any issues both in a DA or a termination agreement or both on this project. So, we have no objections of moving it forward and if it's acceptable to Council, barring the one question on the financial piece.

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

Meyers: Good evening, Mayor and Council. My name is Todd Meyers. I'm with Maverick Incorporated. We are located at 185 South State Street in Salt Lake. As we have looked at this there is a couple of different issues that, of course, we want to make sure that we cover with it. First of all, I think notice going out and having that notice there for future property owners that when they buy this property they would know about these commitments and so the first thing that we are proposing is we in -- let me back up just a little bit. A lot of these sign companies are pretty good in making sure they protect themselves by not allowing you to do a notice of termination more than just a few months in advance of it expiring. That is not the case on this one. So, there is no reason why we couldn't put that notice out today and be able to have it, then, part of the public record and what we would propose on that is that it would be basically in three different areas. The development agreement we would have it inside the Maverick lease and the important part of that is we are leasing the property where two of those signs are and so we will address this issue there. Those two signs are on the main frontage there and I think the more desirable frontage Fairview and so they cannot turn around and basically release the property that we are leasing and so when that ten years comes up they have no right to additional income off of that frontage beyond our lease. And, then, the third part of that -- and we do this quite often is to record a memorandum of lease. It just gives everybody notice that we are the lease holders on that property and we will not allow you to double lease the property from us. So, that -- those were the three things we talked about there. The agreement itself, it would include that there would be no extensions, no new leases, and that those signs would have to

come down within 30 days. Now, how would they come down? What we are proposing is that we would do a letter of credit and so Maverick would be the -- who would put up a letter of credit for the benefit of the city and so if they were not down in 30 days, the city would be able to use that fund to go take those signs down themselves. We will, of course, then, cover ourselves in our lease that if that money does get used by the city to take down those signs, well, we are going to deduct it from rent and so we will make sure our interests are protected on that, too. I think that covers everything -- anything and everything. Having a hard time speaking today. Sorry. Happy to stand for questions.

De Weerd: Thank you. Council, any questions?

Bird: I have none.

De Weerd: Okay. Thank you.

Meyers: Thank you.

De Weerd: I did have one person signed up and Les -- I'm not even going to attempt your last name. So, please, join us. Thank you for being here. If you will, please, state your name and address for the record.

McNault: Les McNault. 1680 Beardon Court, Meridian, Idaho.

De Weerd: Thank you.

McNault: Madam Mayor, Council Members. Meridian is my town. I love this town. I have been here since about 1980 and the project that's moved forward this evening has become the demise of my business. I lease or rent from the owner of the salvage yard and with this moving forward that building will be razed and I just wanted to say thank you to the City of Meridian for allowing me to be there for the last ten years. I have found a niche -- or I found a niche there and was able to survive and provide good, honest mechanical pro repair on vehicles to this town for the last ten years and a facility really doesn't come up to the expectations of what the city wants, but you haven't really given me any trouble. All the people in Meridian have been wonderful. This is just a way to say thank you to the city for letting me be there for the last ten years and I look forward to maybe coming in front of you again at that near future to propose a shop in this town. I want to stay in Meridian, because this is where I live and Meridian really deserves an honest repair shop, so I just wanted to say thank you.

De Weerd: Well, thank you. We appreciate you being here.

McNault: Thank you.

De Weerd: This is a public hearing. Is there anyone else who would like to provide testimony on this item? So, there is two businesses. The guy that's out there with the Air Quality emissions testing van and this gentleman, but it will be replaced with another business and that corner will be cleaned up. Council, any questions for the applicant? For staff?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Question for Mr. Nary. Bill, can you refresh my memory? Is there a case where someone has chosen to annex into our city and been grandfathered privileges over a decade or a decade?

Nary: Madam Mayor, Members of the Council, Council Member Cavener, I will give you the legal answer. Kind of. Sort of. We have had a few occasions we have annexed properties -- agricultural property comes to mind on Locust Grove that did acquire services and was not required to annex until they were re to resubdivide, but for an existing use or a non-conforming use, no. It was just an agricultural piece that was going to continue to farm. Other than that I can't think of any other ones that come to mind in the last 14 years.

Cavener: Thank you.

De Weerd: Well, until they either subdivided or we give a time frame.

Nary: Right.

De Weerd: As I recall.

Nary: Yes. That's correct, Madam Mayor.

De Weerd: Any other questions? Does the applicant have any final remarks? Okay. Council?

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I move that we close the public hearing on H-2016-0027.

Bird: Second.

De Weerd: I have a motion and a second to approve -- to close the public hearing on Item 9-E. All those in favor say aye. All ayes.

MOTION CARRIED: ALL AYES.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I move that we approve the annexation and zoning of approximately 3.907 acres on H-2016-0027 and with all staff, applicant and public testimony.

Bird: Second.

De Weerd: I have a motion and a second to approve Item 9-E. Discussion from Council.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: I just want to reiterate my comments from our meeting a weeks ago. We are setting I think a very dangerous precedent in our community by allowing a nonconforming use to exist for over a decade. When these signs come down we will have had three presidential elections. Councilman Palmer, your kids will be in middle school and my kids will be in high school. Mr. Nary will be retired drinking pina coladas by the time those things come down and I -- I think that we as a community have values, that's why Maverick has selected this community to open up another location and I think that we as a community need to stand on our values and if there is a benefit to annexing in Meridian we need to stand on those values.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, I agree that we are setting a precedent that if you billboards on a junkyard we are willing to let them stand, so that we can have a beautiful Maverick instead of a junkyard.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I will chime in on this. I agree, I don't like that we are allowing these signs to remain. However, I don't like the alternative even more, which is -- like Councilman Palmer said, just having the junkyard, we can't get rid of the signs. We they are either going to be there for ten years -- either way we may as well have a nice business, you know, that really benefits our community and hope

that nobody else tries to put signs up on their property, so they can get grandfathered in.

Cavener: They will. The absolutely will.

De Weerd: Well, I guess as Council deliberates, we look at what is in the best interest of our community and we can stand on principal and be concerned that we are allowing a grandfathered use -- until the lease expires and have a junkyard there for ten more years or we can do a number as a mitigation as the applicant has stated and -- and have a grandfathered use until the lease expires. I think as Mrs. Milam stated, the better of the choice is to clean up that corner. Not very many of our citizens recognize that that's not in our city and there are issues out there and it's hard to mitigate. I think our -- our public safety agencies would appreciate getting rid of all these enclaves to help clean it up and make the cleaner for even delivering our service to. So, I think the -- the gain is certainly outweighs the -- the issue and I would agree with Mr. Palmer, I think you can -- can frame this -- I have agreed with you before.

Palmer: To adjourn.

De Weerd: But I just think that -- that we are not going to have too many junkyards with -- with billboards on it to set a precedence for, so -- Council, any further discussion on this?

Palmer: Madam Mayor, just a question. I wasn't fully paying attention during the making of the motion. When you made it did you include the -- not factoring in the billboard space when it comes to their signage?

Bird: She included all --

Milam: Yeah. All staff and applicant --

De Weerd: Yeah. But you never know what that means. I love the all encompassing -- and include everything, unless it conflicts with each other.

Milam: Whatever they said. Yeah.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Not to booger it up, but --

De Weerd: But --

Borton: Yeah. But I'm going to. One of the items -- and I apologize for not mentioning it earlier that I -- I don't recall if it was resolved. I don't think it was -- was the reduction or the potential to reduce the 25 foot landscape buffer along the south easement was adjacent to that terrain and I don't recall if the applicant had made an election to specifically request that change? Our motion didn't address it. I don't think that one got resolved and since we are here it's now time to do that, too.

Milam: Shall I withdraw my motion?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Josh, I thought that was resolved. I thought the only reason we had them back this week was strictly the signs and the deal on that. I -- I thought that buffer had been resolved two weeks ago.

Beach: So, again, I don't recall whether that was even brought up. I mean that's in the -- it's in the hearing outline. I know that we -- staff had considered that, but it was not something specifically that the applicant had asked for, we just put that in there saying that there is an opportunity to reduce that, but you would need to ask for it and I don't believe that he did ask for it.

Bird: He didn't ask for it.

Beach: So, now is the opportunity if he wants to ask for it, I guess, is -- is the point for -- I believe for Council Member Borton. There is that opportunity. Yeah.

De Weerd: So, Council, you have a couple of options. You can withdraw your motion --

Milam: Madam Mayor, I will withdraw my motion.

Bird: Second agrees.

De Weerd: Okay. And reopen the public hearing.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Move we reopen the public hearing on Item H-2016-0031. Oh, no. Excuse me. H-2016-0027.

Palmer: Second.

De Weerd: I have a motion and a second to reopen the public hearing on Item 9-E. All those in favor say aye. Any opposed?

Cavener: Opposed.

De Weerd: Okay. Well, motion carries to reopen the public hearing and ask for the applicant to make comment on the easement question.

MOTION CARRIED: ALL AYES.

De Weerd: Good evening.

Gronbeck: Good evening, Madam Mayor, Council. My name is David Gronbeck. 802 West Bannock, Boise, Idaho. I'm here on behalf of the property owner and we do request a reduction in the landscape buffer on the south of property. We also would request that the signage that is currently on the property now be included in the overall signage allotment for the property. The plan -- the plan will be to subdivide this property as well.

Beach: So, Madam Mayor, Members of the Council, if you look at the site plan here, they -- in this plan had indicated that there is a 25 foot -- this isn't a landscape plan, but all indications show that they have included that in their plan. I can't speak for the applicant, but I would assume that he would be amenable to reducing that to five feet.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: And that presumes that that buffer is encumbered by an easement.

Beach: Correct.

Borton: Okay.

Beach: So, then, that would be an additional five feet outside of the irrigation district's existing easements, if that makes sense. Instead of the 25, which would normally be required outside of that easement.

Borton: Okay.

De Weerd: So, Josh, how much would that be from the waterway to -- what kind of buffer would that be? Including the easement.

Beach: I'm not sure I know offhand how wide that easement is at that point. That's something we would have to look into. This is -- I believe this is just their site plan and I'm not sure that it's going to be one hundred percent accurate as far as the width of that easement. That's something that we would need to take a look at as far as when they come forward with a preliminary plat we would need to make sure we know how wide that is and attack it at that point. So, having said that, if they are going to come forward with a preliminary plat, they could ask for that reduction at that time or now. It's really, truly up to you. I wasn't one hundred percent certain that they were going to come forward with a preliminary plat up until now, so that's why we included that in the staff report.

De Weerd: And it almost would be cleaner and you would know more about the potential or requested use if they come back and ask for it then.

Beach: Absolutely. Yeah. This -- this is -- I believe this is strictly conceptual at this point, this layout for this southern portion, so fine tuning that a little bit later would probably be a better idea.

De Weerd: So, both your requests pertain to the southern piece?

Gronbeck: Well, I think actually it pertains to the -- the landscape reduction to the area along the irrigation easement to five feet, but I would think the signage -- my request for that would be for the entire property.

De Weerd: And what is your request on the signage?

Gronbeck: Well, what we are hoping is that -- you know, because we, obviously, want Maverick to have their typical signage and that's -- it's been pointed out by Josh, you know, the signage that is on the property takes up all the allotted signage. So, what we are requesting is that the signage that is there now is not included in our allotment.

De Weerd: Didn't your client cause this problem to begin with by renewing the lease?

Gronbeck: Well, he didn't technically renew the -- I mean the lease was automatically renewed. It wasn't something -- it was ten years ago that he signed that lease for an automatic renewal --

De Weerd: Oh, it did have an automatic renewal?

Gronbeck: It had an automatic ten year. It wasn't a -- it wasn't a deal where you signed or we wouldn't be here. I was able to terminate the lease on the corner billboard, because it didn't have an automatic renewal, so that will go, you know, ASAP.

De Weerd: Makes sense.

Gronbeck: Any questions?

De Weerd: Any questions, Council? Thank you.

Gronbeck: Thank you.

Borton: Madam Mayor? So, is the determination of a landscape buffer to be addressed at a later date -- at a plat date or --

De Weerd: That -- you have a choice, so -- address it now or address it when the plat comes in for that piece.

Borton: You don't know the -- you don't know the dimensions of the easement?

Beach: Correct.

De Weerd: And that's why it would make sense to defer it. Yes, sir.

Meyers: Todd Meyers, Maverick Incorporated. 185 South State Street, Salt Lake City. Just two things real quick. First of all, the signage -- thank you for bringing that up. Obviously signage is very important to our business, so if the billboards could not count against that it would be important for the function of our store. The second thing is -- I hope I can address this. During the -- after the hearing had closed there was a couple of comments that were made. The first one is, okay, are you going to just now open it up for all issues to be grandfathered coming into the city. It's not like these billboards just went up six months ago and they decided, hey, let's get this set up so we can get this cash coming in and, then, we will go annex and get all the benefits of the city. These are long standing billboards and so I think that is different than just six months. The other thing is we are going to clean up a lot of nonconformity issues, including one billboard is gone. Another one goes away, but the big one is the salvage company itself, that eye sore and along with the metal fence that kind of screens it. And, then, there is also the potential of the soil being contaminated with that type of business there. Our business is one where DEQ highly regulates our facilities -- our tanks mainly. And so this will be built to today's standards. The other thing would be time. And I realize ten years is a long time, but I got to share with you a discussion that I had yesterday. We have a real estate agent that we use quite a bit in this area and as we were walking out of planning commission in Boise last night he said, well, what have you got going tonight and I told him that we have this property in Meridian. He said, oh. I proposed that property to Maverick eight years ago and you guys decided that it wasn't worth the hassle with the billboards. If we would have went after that hassle, those billboards would have went down 12 month ago. So, yes, it is a long time, but it's going to come and so I would hope that you would support us.

Either way Maverick is very much pro Meridian and whether we get this site or not, we will continue looking for other sites within your city. Thank you.

De Weerd: Well, where were you eight years ago?

Milam: I know.

De Weerd: Thank you.

Nary: Madam Mayor?

De Weerd: Mr. Nary.

Nary: Thank you. Madam Mayor, Members of the Council, if it would help on the south boundary issue, I think the Mayor has hit on it, that waiting until that is an actual project, rather than a proposal, my assumption, which is I'm pretty comfortable with, is that there is probably a prescriptive easement for the district and they don't have a defined -- they have a defined easement boundary that may or may not be recorded anywhere, but when the property is going to be subdivided and used for some project, they will clarify where the boundary is. So, at that point it would probably make more sense to decide where the buffer needs to be five feet or 25 feet when you actually have a project in front of you, rather than now. At this point my guess is that the district is not interested in establishing a boundary, because there is nothing that's impeding their -- their facility. So, that would -- if that helps in making sense why maybe waiting on that particular piece would make some sense. I just thought I would add that.

De Weerd: Thank you. Anything further on this item? Josh, anything?

Beach: I don't have anything, no. We kind of worked pretty hard to get the development agreement where we saw it needed to be with this one and you have seen our conditions, so you know where -- where staff stands, but leave that to Council to make decision, so --

De Weerd: Thank you. Okay.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I move we close the public hearing on Item H-2016-0027.

Palmer: Second.

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

MOTION CARRIED: ALL AYES.

De Weerd: Mr. Borton.

Borton: Madam Mayor?

De Weerd: Yes.

Borton: I would move that we approve Item H-2016-0027, tabling for a later date the discussion with regards to the landscape buffer to the south, but to insure incorporation into the development agreement and a recorded memorandum and the notice of termination, all of those triggers that Mr. Nary and the applicant have stated to insure that the billboard signs currently on the property -- the leases are terminated at the end of their existing term and that the applicant provides to the city as part of this process the appropriate financial security and letter of credit to insure there is resources available for their removal at the end of the term and that the available signage exclude the existing billboards while they exist for the property.

Palmer: Second.

De Weerd: I have a motion and a second to approve Item 9-E. Any further discussion from Council? Madam Clerk.

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

De Weerd: The ayes have it.

MOTION CARRIED: ALL AYES.

**F. Public Hearing for Brundage Estates (H-2016-0001) by L.C. Development, Inc. Located East of S. Linder Road Between Victory and Amity Roads**

**1. Request: Preliminary Plat Consisting of 366 Building Lots, 20 Common Lots and 1 Other Lot on 136.63 Acres of Land in an R-4 Zoning District**

De Weerd: Item 9-F is a public hearing for H-2016-0001. The applicant has requested to continue this item to June 21st. I will open the public hearing and, Council, I would request your consideration for their request.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Mr. Bird, I move that continue H-2016-0001 to June 21st, 2016.

Borton: Second. I have a motion and a second to continue Item 9-F to June 21st. All those in favor say aye. All ayes. Motion carried. Let the record note that Mrs. Milam was out of the room.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**G. Public Hearing for 907 NW 2nd Street (H-2016-0040) by City of Meridian Located North Side of E. Pine Avenue, West of N. Meridian Road**

**1. Request: Rezone of 0.21 Acres of Land from the R-4 Zoning District to the O-T Zoning District**

De Weerd: 9-G is a public hearing for H-2016-0040. I will open this public hearing with staff comments.

Watters: Thank you, Madam Mayor, Members of the Council. The next application before you is a request for a rezone. This site consists of .27 of an acre of land, zoned R-4, located at 907 Northwest 2nd Street. This property was rezoned in 2003 to R-4 and a conditional use permit was approved for a multi-family development which exists on this property. The Comprehensive Plan future land use map designation is Old Town. The applicant has applied for a rezone of .27 of an acre of land from an R-4 to the OT zoning district, consistent with the future land use map designation for this property. The reason for the rezone request is that the Public Works Department will be installing a new sewer line in Northwest 2nd Street and abandoning the old sewer line in the alley between Northwest 2nd and Northwest 3rd Streets. The sewer service for the properties along Northwest 2nd Street will be rerouted to flow into the new sewer main in Northwest 2nd Street. The new sewer service cannot be installed to serve 921 Northwest 2nd Street entirely within the property lines of that property without causing damage to landscaping and disruption to tenants. Therefore, the property owner has requested that the sewer service line to the building at 921 Northwest 2nd run through the subject property, which is under common ownership. In order to do this the subject property must be rezoned to the same zone as the adjacent property, then, a property boundary adjustment can be applied for to combine the two parcels into one parcel. Once the rezone ordinance is approved, the applicant plans to submit and obtain approval of an application for a property boundary adjustment to combine the parcels. Because no development is proposed with this application, staff did not recommend a development agreement is required as a provision of the rezone. The Commission recommended approval of the subject rezone request. No one testified at the hearing and no one submitted written testimony. There were no

key issues of discussion by the Commission or any outstanding issues for Council. There has not been any written testimony since the Commission hearing. Staff will stand for any questions.

De Weerd: Thank you. Council, any questions?

Bird: I have none.

De Weerd: Okay. Is the applicant here?

Watters: The applicant is the city, Madam Mayor?

De Weerd: Oh. Sorry.

Watters: Clint can stand for any questions you may have on this.

De Weerd: Good point. Any questions?

Bird: I have none.

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

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Seeing none, I move we close the public hearing on H-2016-0040.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve H-2016-0040 with staff comments.

Cavener: Second.

De Weerd: I have a motion and a second to approve Item 9-G. Any discussion? 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.

**H. Public Hearing for Ashley Manor (H-2016-0043) by Mark Ellison Located 4379 N. Locust Grove Road**

**1. Request: Annexation and Zoning of 1.22 Acres of Land with an L-O Zoning District**

De Weerd: Item 9-H is a public hearing for H-2016-0043. I will open this public hearing with staff comments.

Watters: Thank you, Madam Mayor, Members of the Council. The next application is a request for annexation and zoning. This cite consists of 1.22 acres of land, zoned RUT in Ada County, located at 4379 North Locust Grove Road on the west side of North Locust Grove south of East McMillan Road. The Comprehensive Plan future land use map designation is mixed use neighborhood with a neighborhood center overlay. The applicant has applied for annexation and zoning of 1.22 acres of land, with an L-O zoning district, consistent with the future land use map designation for this site. There is an existing home on the northern portion of this site, as you can see on the aerial there. It is proposed to remain until phase two is commenced, which the applicant expects to be in October of 2017. At that time the home will be demolished. Until that time the applicant requests approval to continue to use the home as a residence, as a rental home, so that it's not left vacant. Additionally, the owner requests approval to not hook the house up to city water and sewer services, since it will be demolished in the future. Because residential use of the property is a prohibited use in the L-O zoning district, staff recommends the residential use, as well as the access via Locust Grove cease upon approval of the annexation ordinance. Continuance of the residential use would be considered a nonconforming use in the L-O district and as such would be subject to the standards listed in UDC 11-1B-4. The applicant proposes to develop the southern vacant portion of the site with a new office building or expand the existing office building on the adjacent parcel to the south by the summer of 2017. The conceptual development plan is before you, along with the conceptual building elevations for the future office building proposed to be constructed on the site. The building is proposed to be similar to the building on the adjacent property to the south under the same ownership there on the corner. The Commission did recommend approval of the subject annexation and zoning request. Mark Ellison testified in favor. The applicant. Gerald Clark testified in opposition. Written testimony was received from the applicant Mark Ellison in

response to the staff report. The only really issue of public testimony was the generation of more traffic on Locust Grove Road from development of this site. The Commission discussed that they were in support of the residential use of the existing home terminating at the time of annexation ordinance approval as recommended in the staff report. There were no changes to the staff recommendation. There are no outstanding issues for City Council. Staff has not received any written testimony since the Commission hearing. Staff will stand for any questions.

De Weerd: Council, any questions?

Bird: I have none.

De Weerd: Is the applicant here? Good evening.

Ellison: Good evening, Mayor, Council. My name is Mark Ellison. I'm an employee of Ashley Manor. The address of Ashley Manor is 4334 North Bright Angel Avenue in Meridian. Ashley Manor has reviewed the recommendations of the Planning and Zoning Commission and has undertaken steps to have the building -- the residence that's on the -- on the site removed and so as part of our development plan we will agree to remove that building, so we do not need to have an exception to let that continue to be rented. Staff has been very helpful and we appreciate their assistance in discussing and considering alternatives. That we will follow the recommendations and are at this point in agreement with them. Are there questions that I can answer?

De Weerd: Thank you. Council, any questions?

Bird: I have none.

De Weerd: Thank you so much.

Ellison: Thank you.

De Weerd: This is a public hearing on Item 9-H. Is there anyone who would like to provide testimony on this item? Okay. Council?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearing on H-2016-0043.

Borton: Second.

De Weerd: I have a motion and a second to close the public hearing on Item

9-H. All those in favor say aye. All ayes.

MOTION CARRIED: ALL AYES.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve the application on H-2016-0043, Ashley Manor, for annexation and zoning of 1.22 acres of land with an L-O zoning district and to include all staff, applicant and public comment.

Borton: Second.

De Weerd: I have a motion and a second to approve Item 9-H. Any discussion from Council? 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.

- I. **Public Hearing for Howry Lane Subdivision (H-2016-0030) by M3 Acquisition, LLC Located 5220 S. Howry Lane**
  1. **Request: Annexation and Zoning of 41.07 Acres of Land from RUT (Ada County) to R-8 Zone**
  2. **Request: Preliminary Plat Approval Consisting of 136 Building Lots and 13 Common Lots on 40.46 Acres of Land in the R-8 Zoning District**

De Weerd: 9-I is a public hearing on H-2016-0030. I will open this public hearing with staff comments.

Watters: Thank you, Madam Mayor, Council. The next applications are a request for annexation and zoning and a preliminary plat. This site consists of 40.46 acres of land, currently zoned RUT in Ada County, and is located at 5220 South Howry Lane. The Comprehensive Plan future land use map designation for this site is low density residential. The applicant has applied for annexation and zoning of 41.07 acres of land with an R-8 zoning district. The proposed zoning is consistent with the applicant's request for step up in density from low density residential to medium density residential. The proposed plat consists of

136 building lots and 13 common lots on 40.46 acres of land. The plat is proposed to develop in three phases. Lots range in size from 6,000 to 14,076 square feet, with an average lot size of 7,978 square feet. The gross density for the subdivision is 3.36 units per acre, which is consistent with the medium density residential designation if Council approves the step up in density as requested. All lots conform to the dimensional standards of the requested R-8 zoning district. There is an existing home and accessory structures on the site that are proposed to be removed with development. Howry Lane currently provides access to the subject property and the Hill property to the north via East Amity Road. As a provision of annexation the owner is required to relinquish their interest in the private lane and dedicate right of way in accord with ACHD requirements. ACHD is requiring a road trust to be provided for eight feet of pavement and curb and gutter. It is anticipated that the Hill-YMCA property on the west side of Howry Lane will dedicate right of way and construct a portion -- half plus 12 feet of Howry as a public street with construction of the YMCA. The right of way for the remainder of the street is required to be dedicated with this project. A five foot wide detached sidewalk and a 20 foot wide landscape street buffer are required along the east side of the public street. Because this property is only 20 feet wide, the sidewalk and street buffer will need to be provided with development of the hill property on the east side of Howry. The plat is required to comply with the block length standards listed in the UDC. Block 3, which is this block right here, if you can see my pointer, does exceed the maximum block length of 750 feet. Block faces are allowed to extend up to 1,000 feet when a pathway connection is proposed and may extend up to 1,200 feet with Council approval for a block design that is constrained by site conditions, such as a slop in excess of ten percent. The original plan you see here on the left is what was originally submitted with the application. There were some changes made prior to the Commission meeting on this that shows the revisions here in red. There was a pathway that was added here to break up the block length. The proposed block length now is approximately 1,150 feet. The applicant states that there is a slop in Block 3 that exceeds ten percent. This is not a -- the block length of 1,150 does not include the existing block length to the east to the next cross-street in Rockhampton Subdivision, which is another 500 feet. So, I'm going to flip back and just show you that right here. This is the block we are talking about and, then, the next crosses right there. So, Council approval of the proposed block length is required. Access is proposed for the site via two existing stub streets at the east boundary from Rockhampton Subdivision. From future stub streets at the west and south boundary via Hill Century Farm Subdivision and eventually via South Howry Lane, a future collector street from East Amity Road. A minimum of ten percent qualified open space is required to be provided for this development in accord with UDC standards. The applicant proposes 7.03 acres or 17.4 percent qualified open space consisting of open grassy areas over 50 by 100 feet in area and linear open space along the drain ditch. A minimum of two qualified site amenities are required to be provided. The application proposes to provide a tot lot and a swimming pool with changing rooms on Lot 1, Block 3, and that is this area right here. And a pathway along the Cunningham Lateral as

recreational amenities for the development. Cunningham Lateral runs right through this central common area here. The pathway is proposed on the north side. The applicant has communicated to staff that the irrigation district has indicated they don't want a pathway within their easement. The applicant is intending to pursue this further, but does not -- excuse me -- does want to allow wiggle room in the conditions in the event the irrigation district will allow the pathway. The Cunningham Lateral and a drainage ditch bisect this site. The drainage ditch runs to the south through this area. The UDC requires all irrigation ditches, the laterals, canals and drainages to be piped, unless used as a water amenity or a linear open space. The applicant proposes to leave the drain ditch open as a linear open space water amenity. As such it is required to be improved in accord with UDC standards for such. The applicant has submitted ten conceptual building elevations as shown for future homes within this development. Building materials appear to consist of a mix of horizontal and vertical lap and shake siding with stone and brick accents and asphalt shingles. The Commission did recommend approval of the proposed applications. Mark Tate, the applicant, and Gordon Cross testified in favor. No one testified in opposition. Janeene Keating, Herb Naugle, Dennis Nichols, Timothy Brown, all commented on the application. And written testimony was received from Mark Tate, the applicant. Key issues of public testimony. They were in favor of the traffic calming, narrowing of the street proposed West Auckland Street where the proposed development joins Rockhampton Subdivision at the east boundary. Let's go back to this real quick and -- it's kind of hard to see, but it narrows right here for traffic calming coming in and out of Rockhampton and the V, which is right here, where -- excuse me. The site plan here on the right. Where Auckland stubs into South Hillsdale Park Drive. They also had concern that water rights and irrigation are sufficient to serve proposed lots and continue to adequately serve existing property and concern regarding drainage from the development. Key issues of discussion by the Commission were the traffic calming measures within the development for north and south blocks and the UDC requirement for bollard lighting to be provided along the pathway within the common area. Currently bollard lighting is a UDC requirement that may be waived by the director. Commission changed two staff recommendations. They required -- requirement for additional traffic calming to be provided in West Auckland Street at the east boundary of the site between Rockhampton Subdivision and the proposed development as required by ACHD. Outstanding issues for Council: Staff requests a sentence is added to condition number 1.1.1B as follows : If the irrigation district will not allow a pathway to be constructed within their easement, an alternative site amenity shall be provided. Also modify conditions number 1.13G and 1.13H, which reference the pathway along the Cunningham Lateral. Block 3 -- excuse me. Number two, Block 3 exceeds the maximum block length allowed, 1,000 feet with provision of a pathway. Council may approve block lengths up to 1,200 feet when block design is constrained by site conditions, such as deep slopes in excess of ten percent or a large waterway and irrigation facility. Council may decide to approve the proposed block length or require the applicant to revise the plan to comply with the maximum block length standards

listed in the UDC. Lastly, the applicant requests Council approval of a step up in density from low density residential, which is three units or less per acre, to medium density residential, which is three to eight units per acre as allowed in the Comprehensive Plan. No written testimony has been received since the Commission hearing. Staff is recommending approval, as did the Commission, per the staff report with the aforementioned changes. Staff will stand for any questions.

De Weerd: Council, any questions for staff? Good evening. If you will, please, state your name and address for the record.

Tate: Good evening, Mayor and Council. Mark Tate. 1087 West River Street, Boise, Idaho. 83702. I'm with M3 Companies and I just wanted to say we are happy to be here in front of you. We have been working in the valley for almost a decade now and this is actually our first project in Meridian, so we are looking forward to many more and I think this will show you kind of what kind of project we would like to bring to the city. We typically do higher end projects, move up housing, highly amenitized projects and this project here is will be no different. Forty acres in size and this slide here gives you an idea of where it's located. To the west of the project you have got Brighton Century Farms development. The Hillsdale Elementary School and YMCA is just to the northwest of the site and to the east of the site is the Rockhampton Subdivision. The area just to the north and to the northwest of the YMCA, elementary school site, I believe was rezoned to a mixed use density and zoning from a low density residential use. So, we feel that density of right round three units per acre is appropriate for this site. Thanks. The property has a couple of unique features, as Sonya mentioned in her staff report. There is a slope that runs diagonally through the property. The northwest corner is where the residents currently reside on the property and, then, you can notice there is a drain ditch through the middle of the property. There is a photo of that there, as well as a slope that runs through the property. The drain extends from Rockhampton and exits the property to the west. Rockhampton actually left the drain open as well. We feel these can be a very nice feature for a community when done well, landscaped properly, they become a nice passive open space feature. The Cunningham Lateral is a little bit larger. We would be looking to pipe that and it's -- it's also uniquely at the top of a ridge line, so we wouldn't want any sort of issues that arise from the ditch not being tiled there. Sonya also mentioned in our discussion with the irrigation district, Boise Project Board of Control, that they indicated that they would not like the pathway in their easement. We have done that before in other irrigation districts and they have had no problem with it. They have actually supported it, especially when they are built to a size that can accommodate an access vehicle, so it was a really strange thing when they came back and said we don't want anything but landscaping in the easement. That's why we are making a -- or a request to you now to modify the conditions of approval to remove the requirement for that pathway. However, as Sonya alluded to, we do plan to continue those discussions, as we think it's kind of a nice feature to have, particularly at the top

of a ridge line up there, a unique community feature. Skipped one slide. Maybe not. Okay. This is the layout that we submitted originally. You can see that it doesn't include the changes that we made to the streets. Sonya I think described those pretty accurately. The entry to the community was reconfigured. This original design has the entry road T'ing into the park where it really becomes the focal point as you enter the community. We did push that intersection back, making a cul-de-sac in that area -- we are way out of order. So, this is just a couple of images of what we have done in another community with the irrigation ditch going back to the discussion about leaving the drain open. This is actually the Foxtail Estates community located on Chinden Boulevard right next to the Fred Meyer there that's right across the street from Meridian. This slide shows the changes that we did make to the road right of way. It does change the park layout a little bit. I think -- you know, it's a good and bad thing. We liked our old entry better, but I think that this configuration of Auckland is better for the community. It's not such a straight thoroughfare in the design. Sonya did point out that we do have a pinch point in the road between the neighboring community, breaking up that block length. We have another intersection here where the road T's into Hillsdale Park Drive where there would be another stop sign, so that's as good as you can get as far as traffic mitigation goes and traffic calming. We were also required P&Z and we agreed to add one additional traffic calming device in the stretch roughly located there. We would anticipate doing like a small landscaped island in that location. We think that with those modifications that the block length issue really goes away and we are in the unique circumstance here where we have got a hillside to the north of us and a drain ditch to the south of us essentially forcing the creation of this long, straight road and so Eagle -- or, sorry, Meridian City Code does allow for block lengths up to 1,200 feet. Given those conditions we fall strictly within those provisions with the hillside, with the drain ditch. They also allow for block length modification when pedestrian crossings are used. We do have one of those on the property line between our property and the Rockhampton property here, so this just breaks down the length of each of those legs of the block length. This does show the Rockhampton segment there. It's 535 feet. Before you get to the neck down at the property line there is another 570 feet. Together that still falls under the 1,200 foot maximum. Then after the T intersection we have got another 560 feet and I just made a couple squiggles there. That indicates that there is a hillside, if you were wondering what that was. This, again, is our previous layout of the entry, I didn't have a colored version done, but I wanted to point some of the amenities that the community includes. We do have a tot lot in the park and this park includes a hillside, which we will be grading and turning into kind of a fun feature for kids to play on in the winter, sledding -- I'm envisioning a lot of grass stains, that sort of thing. It should be a really memorable -- a nice thing to have in there. And, then, at the top of the park right on the top of the ridge line we will have the community pool, a community restroom, it will have views down over the park, actually out to the Owyhees. You can see the Owyhees from that ridge, so it's a really really nice area. We have all of those things. We have the creek that's going to be landscaped and I

would like to point out that the project has roughly 18 percent open space, which is far above the minimum of ten percent required by the City of Meridian, roughly seven acres of open space and we just wanted to point out that fact. My request to you -- Sonya mentioned the modifications to the conditions. In her requested change in lieu of the pathway she requested that we make -- we add an additional amenity. What I'm requesting of you is that the project actually already goes above and beyond the minimum two amenities for a 40 acre project. We have the swimming pool. We have the restroom. We have the tot lot. I believe Meridian code allows for 20,000 square feet of landscaping to be counted as an additional amenity. I would just point out we have 140,000 additional square feet of landscaping. That includes passive landscaping, such as the creek and landscaping along that, plus active landscaping with the park and community facilities there. And so I would just respectfully ask the Mayor and Council to include the provision to remove those conditions -- I believe it is condition 1.1.3G, 1.1.3H, that has to do with the pathway and basically just leave it at that and know that we will continue to work with the irrigation district to try to allow that pathway in the community. And with that I would stand for any questions.

De Weerd: Council, any questions?

Bird: I have none.

De Weerd: Okay. Thank you. Okay. This is a public hearing on Item 9-I. Is there anyone that would like to provide testimony? Okay. Council, any additional questions for staff or the applicant? Hearing none -- to close the public hearing.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: I move we close the public hearing on H-2016-0030.

Bird: Second.

De Weerd: On that I agree. I have a motion and a second to close the public hearing. All those in favor say aye. All ayes. Motion carries.

**MOTION CARRIED: ALL AYES.**

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Councilman Cavener is requesting I make a motion. I hope he seconds it.

Milam: He's moving that you make a motion.

Palmer: So, stop me if I mess this up, because --

Bird: You won't mess it up.

Palmer: -- there is some technicalities in there that I'm going to complicate. Madam Mayor, I move we approve H-2016-0030 as presented by the applicant. Period. Is that appropriate?

De Weerd: If you get a second it is.

Milam: As proposed by staff or --

Palmer: Without the -- I --

De Weerd: I think you're fine if you get a second.

Borton: Second.

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

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, the reason I made it that way is I -- in my long tenure here I have seen a lot of subdivision applications and this is one of the prettiest, with some of the most amenities I have seen and it seems like my colleagues here on the Council really like that kind of thing.

Milam: Madam Mayor?

De Weerd: And I love hearing pretty come out of your mouth. That's awesome. Ms. Milam.

Milam: As I was just about to stay, I just want to thank the applicant for bringing forward a nice development that -- I don't mind doing a step up, because you didn't max it out and you put in extra open space, extra amenities, those are things I love to see. So, thank you. Looking forward to seeing it.

De Weerd: Any further discussion? Okay. Madam Clerk.

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

De Weerd: All ayes. Motion carries. Twice in one meeting, Mr. Palmer.

MOTION CARRIED: ALL AYES.

**J. Public Hearing for TM Crossing (H-2016-0054) by SCS Brighton, LLC Located Northeast Corner of S. Ten Mile Road and I-84**

**1. Request: Modification to the Development Agreement to Include a Detailed Site Plan for Phase I and Allowance for up to Three (3) Building Permits to be Issued Prior to Recordation of the Final Plat**

De Weerd: Item 9-J, a public hearing for H-2016-0054. I will open this public hearing with staff comments.

Watters: Thank you, Madam Mayor, Council. The next application is a request for a development agreement modification. This site consists of 75 acres of land, zoned C-G, located at the northeast corner of Interstate 84 and South Ten Mile Roads. This property was annexed into the city in 2012 with a conceptual development plan and a preliminary plat. The Comprehensive Plan future land use map designation is commercial. The applicant is requesting a modification to the existing development agreement to include a detailed site plan for phase one and allowance for up to three building permits to be issued prior to recordation of the final plat. The existing development agreement requires the agreement to be modified to include a more detailed development plan that is consistent with the design elements of the Ten Mile interchange specific area plan prior to submittal of the first certificate of zoning compliance for this site. The conceptual development plan approved with the annexation included in the development agreement is as shown. The applicant's proposed plan for phase one is as shown on this site plan on this slide. A detailed plan for phase two will be submitted at a later date. It's kind of hard to see here, but this is the phase one in this outer boundary. This is phase two here and, then, also this little piece right here. The proposed plan depicts two fixed professional office building sites depicted as shaded areas on the plan, as well as conceptual office and retail building sites. The applicant requests that if future certificate of zoning compliance applications for the conceptual office and retail building sites in phase one are generally consistent with the proposed plan that they be approved without further modification of the development agreement. Staff agrees with this request. Staff has reviewed the proposed plan for conformance with the aforementioned design elements and found it to be in general conformance. Future development is required to comply with these design standards and elements of the Ten Mile Plan as required in a development agreement. Preliminary plat condition of approval number 2.8 in the findings, which are

attached to the development agreement requires the final plat for this subdivision to be recorded prior to applying for a building permit. The applicant could like to obtain up to three permits prior to the final plat being recorded. Because more than one building is allowed to be constructed on the commercially zoned property, subdivision of the property is not typically required in order to apply for building permits. However, in this case a preliminary plat condition of approval was included that required subdivision of the property prior to applying for building permits. The reason for -- the reason was probably for dedication of right of way, which will still need to be dedicated with the final plat, but does not necessarily need to be done prior to issuance of the three building permits requested by the applicant. There are no outstanding issues for City Council. Written testimony has been received from Mike Wardle in agreement with the staff report and staff is recommending approval per the staff report. As a side note, there was an issue that needed Council approval on the street name for this subdivision. There was a -- there is a Verbena Street that currently exists east of this site in alignment with this street right here. The applicant has requested that that not carry through into this development and that Navigator Street be approved instead. The street naming committee is in the process of finalizing the street names for this development and that does depict Navigator, but just as a -- as a -- in satisfying that requirement if Council could just act on that street name staff is in favor of that tonight. Staff will stand for any questions.

Little Roberts: Madam Mayor?

De Weerd: Mrs. Little Roberts.

Little Roberts: Sonya, just for clarification, do you know which three buildings they intend to go up first?

Watters: Madam Mayor, Councilman Little Roberts, it's the two in the shaded area here and I am not sure about the third one. The applicant can answer that for you. I think it's this one right here, but they can respond on that.

Little Roberts: Thank you.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Question for you, Sonya. Is this area incorporated or adjacent to the proposed or URD study area?

Watters: I am not positive.

De Weerd: This is part -- this is in it.

Cavener: Okay.

Watters: Thank you.

De Weerd: Any other questions for staff? Okay. Would the applicant like to make comment? Good evening.

Wardle: Good evening, Madam Mayor, Members of the Council. Mike Wardle, Brighton Corporation, 12601 West Explorer Drive in Boise. We are excited, because this area is going to go quickly. We actually intend to -- and this was noted in response to the question that certainly the first two will be the shaded buildings. Four story to the south and a two story to the north. Professional office buildings. The third building will be somewhere to the north of -- well, within that area to the -- between the two. Let's just put it that way. We are still working on specifics with regard to that. That -- the plat may be recorded by the time that occurs, but we still wanted the latitude. And, actually, when the preliminary plat was submitted and approved, the very first slide that Sonya had up actually showed that there were three parcels of record on the site. So, it's really not an issue and, frankly, we are simply complying with the requirement that we come back with more detail, noting that, in fact, we will be back probably soon with the phase two layout, because there is a lot of interest in that -- in that site and we expect that to happen quickly. Just would make one note. In the original hearings in 2012 Mr. Turnbull explained this -- this little street name issue -- the fear of the neighborhood in the Primrose Subdivision was that people coming in on Linder Road to Verbena thinking that they could get to a Verbena in this project would bring people into their neighborhood when it does not connect through and that was really one of their great concerns. So, it was a simple solution and it was actually noted in the original hearing record and we simply have -- trying to get that one nailed down permanently. So, if you have any questions be happy to answer.

De Weerd: Thank you, Mike.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, Mr. Wardle, should the urban renewal district not be created, would you plan on moving forward with this project?

Wardle: Madam Mayor, Council Member Palmer, this project is going forward. There are certainly some facilities and amenities that -- that would be -- that would benefit from the URD, but the project is going to move forward, we are just hoping that it's done in a collaborative basis because the city and the development aspect of it.

Palmer: Thank you.

Wardle: Mr. Turnbull might have some additional comments. I think you have another item on the agenda shortly relative to that.

De Weerd: Okay. Other questions?

Wardle: Thank you very much.

De Weerd: Thank you. This is a public hearing. I did have a sign up on this item. Chris Lanning. Oh. Is there anyone else who wishes to testify on this item?

Turnbull: Madam Mayor, Members of the Council, David Turnbull. 12601 West Explorer Drive in Boise. I will just add a couple of comments to address Council Member Palmer's question. Obviously we have generated a lot of interest in this project because of the city's efforts in putting together the URD. So, everything we have been doing for the last several months in bringing tenants to this site has been based on the intent of that moving forward on everybody's part. So, yes, we do have a lot of momentum, as Mr. Wardle said, but it's in large part because of that, making this project feasible. I will note that this project on the -- that fronts the freeway is our intended new headquarters. We plan on moving Brighton Corporation to the City of Meridian. We are in the final stages of designing a four story building, which I think has been something that staff and the city has always wanted to see out there, so we are excited to kick that off. We also have a couple of other tenants in tow that we will be putting in that building and, then, we are working, as Mr. Wardle said, with some additional tenants, some of which you may be aware of, some of which you probably aren't, but we are working as hard as we can to bring this long anticipated to a reality, so -- and the other comment I would make that I just mentioned to Sonya in kind of a tongue in cheek e-mail on the street naming of Verbena was that, you know, Brighton Corporation would like to be addressed off of Navigator, not Verbena. It just has a little bit of a cachet to it. So, we would appreciate your approval. Thank you. And I will stand for any questions.

De Weerd: Thank you. Council, any questions?

Bird: I have none.

De Weerd: Okay. Any other testimony? Okay. Council, seeing none --

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearing on H-2016-0054.

Borton: Second.

De Weerd: I have a motion and a second to close the public hearing on item 9-J. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Bird: Madam Mayor?

De Weerd: Mr. bird.

Bird: I move we approve H-2016-054, a modification to the development agreement to include a detailed site plan for phase one and an allowance of up to three building permits to be issued prior to recordation of the final plat.

Borton: Second.

De Weerd: I have a motion and a second to approve Item 9-J as stated. Any discussion?

Little Roberts: Madam Mayor?

De Weerd: Mrs. Little Roberts.

Little Roberts: Are we including the street name?

Bird: Yes. Street name stays Navigator.

Little Roberts: Thank you.

De Weerd: Thank you for that point. Madam Clerk.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**Item 10: Department Reports**

- A. Public Works: Budget Amendment for FY 2016 in the Amount of \$22,095.75 for the Installation of the Generator Load Bank Equipment**

De Weerd: Item 10-A is under Department Reports with Public Works. Clint.

Dolsby: Madam Mayor, Member of the Council, in FY-15 Public Works had a budget enhancement of 80,000 dollars approved to install permanent generator load banks at the wastewater resource recovery facility for the generators which would allow us to test the generators on a monthly basis as required to meet national testing requirements without shutting the plant down to test the generators. The budget for this project was allocated in FY-15, but a portion wasn't carried forward to FY-16, so due to this accidental oversight the funds totaling \$22,096.75 needs to be reinstated to complete the project. Also wanted to point out that we have bid this project out as well. With that I will stand for any questions.

De Weerd: Thank you, Clint. Any questions for staff?

Bird: I have none.

De Weerd: Okay.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve the budget amendment for FY-2016 in the amount of \$22,095.75, for the installation of generator load bank equipment.

Milam: Second.

De Weerd: I have a motion and a second to approve Item 9-A -- I mean 10-A. Sorry. Any discussion? Madam Clerk.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**B. Police Department: Budget Amendment with Tyler Technologies (New World) RMS Migration for the Not-to-Exceed Amount of \$57,700.00**

De Weerd: Item 10-B is under our Police Department.

Leslie: Madam Mayor, City Council, we have a budget amendment in front of you today for 57,700 dollars and this is for the migration of our current records management system from Boise over to our house and side, so it's actually Tyler Technologies, which recently purchased New World. New Word was our -- the company we currently use for our records management system and historically we did all of that with Ada County and Boise city and all of that hardware was housed at Boise city. They have chose a different path and so we are moving that in-house to continue utilizing that same software for our records management system for the time being. With that I would stand for any questions.

De Weerd: Thank you. Council, any questions?

Bird: I have none.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: Seeing none, I move that we approve the budget amendment with Tyler Technologies for RMS migration for the not to exceed amount of 57,700 dollars.

Little Roberts: Second.

Bird: Second.

De Weerd: I have a motion and a second to approve Item 10-B. Any discussion from Council? 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 11: Ordinances**

- A. Ordinance No. 16-1694: An Ordinance (Saint Ignatius School H-2016-0028) of the Mayor and City Council of the City of Meridian Annexation and Rezone for a parcel of land situated in a portion of Government Lot 1 of Section 30, Township 4 North, Range 1 East, Boise, Ada County, Idaho, as Described in Establishing and Determining the Land Use Classification of Said 10.71 acres of Land from RUT to C-C (Community Business**

**Commercial) Zoning District in the Meridian City Code.  
And Providing for a Summary of the Ordinance; and  
Providing for a Waiver of the Reading Rules; and  
Providing an Effective Date**

De Weerd: Item 9-A -- or 11-A -- boy, I want to stay on nine. But if you guys want to go -- 11-A is Ordinance 16-1694. Madam Clerk, will you, please, read this by title.

Jones: Thank you, Madam Mayor. An Ordinance H-2016-0028 Saint Ignatius School for annexation and rezone of a parcel of land situated in a portion of Government Lot 1 of Section 30, Township 4 North, Range 1 East, Boise, Ada County, Idaho, as described in Attachment A and annexing certain lands and territories situated in Ada County, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian, as requested by the City of Meridian, establishing and determining the land use zoning classification of said lands from RUT to C-C (Community Business District in the Meridian City Code. Providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder and the Idaho State Tax Commission as required by law and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

De Weerd: You have heard this ordinance read by title. Is there anyone who would like to hear it read in its entirety? It's very interesting.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I move that we approve Ordinance No. 16-1694 with suspension of rules.

Borton: Second.

De Weerd: I have a motion and a second to approve Item 11-A. Madam Clerk, will you call roll.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**B. First Reading of Ordinance No. 16-1695: An Ordinance  
Of The City Council Of The City Of Meridian, Approving  
The Urban Renewal Plan For The Ten Mile Road Urban**

**Renewal Project, Which Plan Includes Revenue Allocation Financing Provisions; Authorizing The City Clerk To Transmit A Copy Of This Ordinance And Other Required Information To The County And State Officials; And Providing An Effective Date.**

De Weerd: Item 11-B is ordinance 16-1695. This will be the first reading. Madam Clerk, will you, please, read this by title.

Jones: Thank you, Madam Mayor. An ordinance of the City Council of the City of Meridian, approving the Urban Renewal Plan for the Ten Mile Road Urban Renewal Project, which plan includes revenue allocation financing provisions; authorizing the City Clerk to transmit a copy of this ordinance and other required information to the county affected taxing entities and state officials, providing a summary of the ordinance and providing an effective date.

De Weerd: You have heard this first reading. Second reading will be on the next Council agenda.

**Item 12: Future Meeting Topics**

De Weerd: Council, anything for future meeting agendas?

Bird: I have none.

De Weerd: Hearing none I would entertain a motion to adjourn.

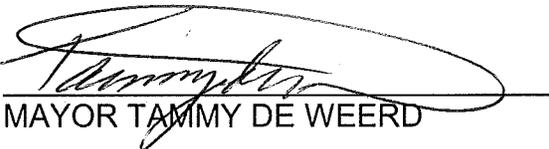
Bird: So moved.

Milam: Second.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:07 P.M.  
(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

  
MAYOR TAMMY DE WEERD

6 / 21 / 16  
DATE APPROVED

ATTEST:  
  
JACY JONES, CITY CLERK

