

A Meeting of the Meridian City Council was called to order at 6:01 p.m., Tuesday, March 23, 2021, by Mayor Robert Simison.

Members Present: Robert Simison, Joe Borton, Luke Cavener, Jessica Perreault, Brad Hoaglun and Liz Strader.

Members Absent: Treg Bernt.

Also present: Chris Johnson, Bill Nary, Joe Dodson, Keith Watts, Todd Lavoie, Sandra Ramirez, Jenna Fletcher, Crystal Campbell, Lacy Ooi, Mark Ford, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglun	<input type="checkbox"/> Treg Bernt
<input checked="" type="checkbox"/> Jessica Perreault	<input checked="" type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: All right. We will go ahead and call the meeting to order. For the record it is Tuesday, March 23rd. It's 6:01 p.m. We will begin this evening's meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Our next item is the Pledge of Allegiance. If you would all rise and, please, join Councilman Hoaglun in the Pledge of Allegiance.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Our next item on the agenda is the community invocation, which will be delivered by Troy Drake with Calvary Chapel. It looks like he is there, so, Pastor Drake, you are recognized. Thank you for being here. For those that are here if you would like to join us in the invocation or take this as a moment of silence and reflection.

Drake: Mr. Mayor, ladies and gentlemen, would you join me in a word. Dear Lord, I was reminded sitting here that Ecclesiastes says you are God in heaven and here I am on earth and so I will let my words be few and, God, just a few things here for this evening. Lord, first of all, I just thank you that we have this -- this city and that it's run by such a great group of people and I just pray for everything that goes on in this building, whether it's the -- the employees or the elected representatives, Lord, that you would give them a lot of discernment and wisdom on how to conduct the city business. Lord, we are praying

for safety for our community tonight and every night. Lord, we are thankful for the first responders and those who protect the safety of our citizens and we are just praying that people would pursue peace here in Meridian and that the needs would be met for the hungry and those who are frightened and -- and so, God, we -- we know that you care about every detail. You said that you care if a sparrow falls to the ground and so certainly you care about each person in Meridian, as well as all the businesses conducted here, and so, Lord, we just honor you and give you this night and once again, God, I just pray for Meridian, that there would be continued peace and safety and goodwill towards each other here in this city and, Lord, bless the Council Members here tonight, in Jesus' name. Amen. Thanks for the opportunity.

ADOPTION OF AGENDA

Hoaglun: Mr. Mayor?

Simison: Our next item is adoption of the agenda. Councilman Hoaglun.

Hoaglun: Yes. I would move that we adopt the agenda as published.

Cavener: Sorry. Second.

Simison: I have a motion and a second to adopt the agenda as published. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it. The motion is agreed to and the agenda is adopted.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the March 9, 2021 City Council Work Session**
- 2. Approve Minutes of the March 9, 2021 City Council Regular Meeting**
- 3. Idaho Fitness Factory Water Main Easement No. 1**
- 4. Final Plat for Ascent Subdivision (FP-2020-0018) by Schultz Development, LLC, Generally Located on the North Side of W. Franklin Rd., East of N. Black Rd.**
- 5. Final Plat for Oaks North Subdivision No. 9 (FP-2021-0010) by Toll Southwest, LLC, Generally Located at 6180 W. McMillan Rd.**
- 6. Final Plat for Pine 43 No. 4 (FP-2021-0006) by Kimley Horn, Located at 2255 E. Fairview Ave.**
- 7. Final Order for Lupine Cove (FP-2020-0017) by Matt Schultz of Schultz**

Development, Located at 4000 N. McDermott Rd.

- 8. Final Order for Sagewood West Subdivision (FP-2021-0005) by Civil Innovations, PLLC, Located at 1335 W. Overland Rd.**
- 9. Final Order for Sky Mesa Commons No. 5 (FP-2020-0021) by J-U-B Engineers, Inc., Generally Located West of S. Eagle Rd., Midway Between E. Taconic Dr. and E. Lake Hazel Rd.**
- 10. Findings of Fact, Conclusions of Law for Aviator Subdivision (H-2020-0111) by The Land Group, Inc., Located Near the Northeast Corner of N. Black Cat Rd. and W. Franklin Rd.**
- 11. Findings of Fact, Conclusions of Law for Chewie Subdivision (H-2020-0120) by Kent Brown Planning, Located at 2490 W. Franklin Road and the Lot Directly North**
- 12. Development Agreement Between the City of Meridian and Baron Ten Mile, LLC (Owner/Developer) for Mile High Pines Subdivision (H-2020-0099), Located in the Southwest Corner of N. Ten Mile Rd. and W. Pine Ave.**
- 13. Development Agreement Between the City of Meridian and Dennis Creek (Owner) and Hayden Homes Idaho, LLC (Developer) for Tetherow Crossing Subdivision (H-2020-0112), Located Northeast of N. Linder Rd. and W. Ustick Rd.**
- 14. Development Agreement Between the City of Meridian and Oaks Build to Rent, LLC, a Delaware LLC (Owner/Developer) for Oakwind Estates (H-2020-0093) Located at the Northeast Corner of N. McDermott Rd. and W. McMillan Rd.**
- 15. Approval of Sole Source Purchase of Fire Department Garments to Include Honeywell Morning Pride Tail Pant and Coats from Municipal Emergency Services (MES) for the Not-to-Exceed Amount of \$60,170.15**
- 16. Cooperative Agreement Between City of Meridian and Valley Regional Transit for Fiscal Year 2021 Public Transportation Financial Contribution**
- 18. Resolution No. 21-2263: A Resolution of the Mayor and City Council of the City of Meridian to Amend the City of Meridian Standard Operating Policy and Procedure Manual by Adding a New Policy 5.7 -Vacation Leave Accrual Rollover Program and Amending Policy 5.5 – Director**

Benefits Program; and Providing an Effective Date

Simison: Next up is our Consent Agenda.

Cavener: Mr. Hoaglund?

Hoaglund: Yes, Councilman Cavener.

Cavener: I would ask that we pull Item No. 17 off the Consent Agenda for just a quick conversation and with that change I move that we approve the Consent Agenda as published.

Hoaglund: Mr. Mayor, I would second the motion as amended.

Simison: I have a motion and a second to approve the Consent Agenda with No. 17 removed. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the motion is agreed to and the items are passed.

MOTION CARRIED: FIVE AYES. ONE ABSENT

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

17. Finance Department: Annual Fund Balance Transfer Proposal

Simison: The one item moved was Item 17, the Finance Department annual fund balance transfer proposal. Councilman Cavener, would you like to be recognized?

Cavener: Thank you, Mr. Mayor. And I don't anticipate this is going to be a lengthy conversation. Appreciate the memo that was provided to Council. Just noting that the million dollars that's being moved to the public safety fund, I'm not opposed to that in any way, I just was curious if those dollars are intended to be earmarked for any particular future project or just moved over to the fund to be considered as maybe part of our budget process in the future.

Simison: I will ask our CFO if he would like to respond or if you would like me to respond.

Lavoie: Mr. Mayor, I'm happy to address the memo if you want me to.

Simison: Go ahead.

Lavoie: Thank you, Mr. Mayor. Councilman Cavener, the one million dollars that I'm recommending to transfer the General Fund to the Public Safety Fund, as per stated in the memo, is for the future replacements of public safety vehicles. In an analysis of the next five to ten years of public safety vehicle replacements we have over nine million dollars of vehicle needs and apparatus needs. My philosophy is that during the good years you save away for the later years if there are bad years. We had a strong year last

year and I think it's -- it would be prudent of us to help out the future Council's decisions and future years as apparatus and vehicle replacements for public safety are in need over the next ten years and that's what the one million dollars would be -- the quote, unquote, as you call earmarked. Again it goes to a fund that will be committed to those purposes only. But that's what the one million dollar recommendation from my desk to your desk is.

Simison: And if I could just add onto that. It does not prevent these funds from being reallocated for other purposes in the future should the need arise. There is always that ability to re -- to change them to another fund or other purpose if necessary.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate that and I appreciate Mr. Lavoie's explanation. I think it's very prudent and thoughtful and agree with the philosophy. We have got a good opportunity to put some dollars away for what we know is going to be a pending need and appreciate staff's recommendation on that.

Simison: Any other questions on this topic? If not, do I have a motion?

Hoaglun: Mr. Mayor, I move --

Simison: Councilman Hoaglun.

Hoaglun: I move approval of the annual fund balance transfer proposal from the Finance Department as presented in Item 17.

Cavener: Second the motion.

Simison: I have a motion and second to approve Item 17, the Finance Department annual fund balance transfer proposals. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PROCLAMATIONS [Action Item]

19. Procurement Month

Simison: Next item up is Proclamations. Under 19 item is Procurement Month. I will turn this over to Mr. Hoaglun.

Hoaglun: Mr. Mayor, since everyone's other than six feet from me I will just dispense with this to read a proclamation. When you use the word procurement several times you have

to enunciate clearly on that, so I think that will help. Well, I appreciate the opportunity, Mr. Mayor, to do this proclamation on your behalf. You will be signing it, I understand, so -- but I think it's important when people hear public procurement they might -- you know, their eyes kind of glaze over, but when you think about procurement and the importance to -- to a city, to a state, public entities, you know, it's very important when it comes to the transparency, to the fairness and really to the efficiency of the taxpayers that -- that you have people involved. It is a professional organization that they are part of and they are very up to date and they make sure rules are adhered to and we have that transparency, fairness, and saving taxpayer dollars where ever possible. So, it's my pleasure to read the proclamation from the Office of the Mayor. Whereas the public procurement profession plays a significant role in the efficiency and effectiveness of both government and business and whereas in addition to the purchase of goods and services procurement adds value to the organization by performing such functions as executing, implementing, and administering contracts, developing strategic procurement strategies, and cultivating working relationships with suppliers and other departments within the organization and whereas Idaho government procurement professionals dedicate themselves to providing the best value for every taxpayer dollar and continue to expand their knowledge, skills, and abilities and whereas the Idaho Public Purchasing Association through its members is committed to providing high caliber strategic, logistical and operational support of all agencies associated with the chapter and whereas the IPPA recognizes, supports and practices of public procurement values and guiding principles of accountability, ethics, impartiality, professionalism, service and transparency established by the Institute for Public Procurement. Therefore, Mayor Robert E. Simison does hereby proclaim March '21 as Procurement Month in the City of Meridian and urges the residents of our community to join the Idaho Public Purchasing Association in recognizing the role of the purchasing and materials management profession within business, industry, and government.

Simison: Thank you, Councilman Hoaglun. Appreciate you doing that. I would ask Mr. Watts if he has any comments that he would like to add.

Watts: Sure. I would like to say thank you, Mr. Mayor and Council Members, for acknowledging the procurement profession. I would like to thank the procurement officers as the unsung heroes behind the scenes of most of the exciting adventures that the city undertakes. You know, we -- we purchase the engineering services for projects, for construction projects, purchase the construction services for projects like the wastewater plant expansion, the new fire station, the police station. So, it's kind of nice to have you guys acknowledge the work that we do behind the scenes. To the general public we are definitely behind the scenes. They don't see our faces. They don't know what is involved. But I know you guys do and I just want to say thank you for acknowledging that and Sandra and I will do our best to continue to keep us in the eyes of our citizens and our vendors in a good light and we strive to be transparent, ethical, fair in all of our doings. So, I just want to say thank you again and see if Sandra has anything to say well.

Ramirez: Yes. So, Mr. Mayor and Members of the Council, I personally just want to say thank you for your support for what Keith and I do. It's such a pleasure and an honor to

just be a member of the community and do my best ethically for our citizens. So, thank you. On behalf of Keith and I it's a pleasure working for all of you.

Simison: Thank you both. We appreciate your kind words. You know, but this -- this is supposed to be in recognition of what you all are doing. So, thanks for your work. Councilman Borton, did you have some comments?

Borton: Yeah. Mr. Mayor, thank you. I might have mentioned this to Keith. Sandra, I don't -- I haven't had a chance to share it with you, but you may already know this, but we hear from around the state when folks talk about procurement and how municipalities can properly run their finances that what is Meridian doing. Your team over there is recognized throughout the state, if not the west coast, as the best of the best. There is just no question in the legislature in session -- I know we have talked about this, Keith, with your work down there and year after year. Everybody knows Meridian is the place. Meridian is tip of the spear in knowing how to properly run procurement, bidding, every facet of what you do. So, that's just really impressive. It makes us all feel really great and proud of your accomplishments. So, this proclamation is certainly well deserved, so thank you both and the whole team.

Watts: Thank you, Councilman Borton.

Simison: Again appreciate all you guys do and now I will let you get back to the rest of your evening and you know we would have loved to do this at 4:30, but appreciate you making yourself available at 6:00 for this purpose.

Watts: Thank you, Mr. Mayor.

Ramirez: Have a good evening.

PUBLIC FORUM – Future Meeting Topics

Simison: Thank you. Next item on the agenda is the public forum. Mr. Clerk, do we have anybody signed up under this item?

Johnson: Mr. Mayor, we did not. Thank you.

ACTION ITEMS

- 20. Public Hearing for Summer 2021 Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date**

Simison: Okay. Then with that we will move into our Action Items. First item up is a public hearing for Summer 2021 fee schedule of the Meridian Parks and Recreation Department. I will open this public hearing with staff comments.

Fletcher: Thank you, Mr. Mayor, Members of Council. In front of you in Exhibit A you see our fee schedule for summer 2021. These will go into effect if passed on April 9th.

Simison: Thank you. Council, any questions for staff? Okay. Seeing no questions, this is a public hearing. Mr. Clerk, did we have anybody sign up to testify on this item?

Johnson: Mr. Mayor, I do not believe so, but I am checking now. There is nobody signed up.

Simison: Okay. Is there anybody in this room that would like to come forward or if you are on the Zoom call if you can use the raise your hand feature and we will bring you in for any comments you would like to make. We do have several attendees. Seeing no one raising their hand to provide testimony, Council, do I have a motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we close the public hearing on the summer 2021 fee schedule.

Hoaglun: Mr. Mayor, second the motion.

Simison: I have a motion and a second to close the public hearing for the fee schedule. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

21. Resolution No. 21-2264: A Resolution Adopting the Summer 2021 Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date

Simison: Next item is Resolution No. 21-2264 regarding that same schedule. Council, what is your pleasure?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move that we approve Resolution No. 21-2264 adopting the summer 2021 fee schedule.

Hoaglun: Mr. Mayor, second the motion.

Simison: I have a motion and a second to adopt Resolution No. 21-2264. Is there any discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I know that they are required to bring this fee schedule to us before publishing our rec guide, but just as a side note I really appreciate seeing what different classes and programs the city is offering. Really excited to see rock climbing be introduced. I think that's going to be something that is going to be really supported by our community and love how our Parks Department is always looking for new and innovative programs to serve our community. So job well done.

Fletcher: Thank you.

Simison: Council, any further comments or questions? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Thank you, Jenna. Have a good night.

Fletcher: Thank you.

**22. Public Hearing for Community Development Block Grant (CDBG)
Program: Substantial Amendment to Program Year 2019 Action Plan**

Simison: Next item on our agenda is a public hearing for Community Development Block Grant Program substantial amendment to program year 2019 Action Plan. Open this public hearing with staff comments.

Campbell: Thank you, Mr. Mayor, Members of Council. I do have a brief presentation to share with you tonight. It's just a quick overview of what the changes are to our action plan and, then, moving into the public hearing. So, we are here to amend this plan right now. The purpose -- the purpose for the amendment is to accept the additional Cares Act funds and we also want to use a small amount for administrative activities, so that we can provide some outreach and identify at year end what the gaps are and services that we are providing and what other funding sources haven't been able to cover yet. We also are using this amendment to increase the funding for public services. So, to make these changes -- or to accept funding we have to make changes to our action plan and a quick overview of those changes. Basically any area where we talked about our process for community involvement, we updated that to include these pieces. We also included the additional funding in all the appropriate areas and we updated the funding allocated to public services and including -- included funding from the Cares Act for admin. So, at the time you received your packet, then, we only had three public comments. The first one

was really nice feedback, so that it was a well thought out plan. We also received a comment recommending that we don't accept the funding, that this is part of the bigger issue and that we are becoming too dependent on the government. Our overview and our actual action plan has the full comments that were included, as well as my response, but if you want to stop me for any questions on any of these, please, feel free to do so. And, then, we also had a pretty good discussion at our last presentation just regarding our ability to spend the funds, because it was a little bit difficult this first year to spend all of the funds that we have allocated so far. Since this was sent out to you we also received one more e-mail and there were kind of four areas that were addressed in this e-mail. The first one there was some confusion about the origin of the funding and why we were including it in a PY-19 action plan when the Cares Act funds came out in 2020. So, I kind of explained that to this person. There was also some concerns that there was funding left over and that we haven't spent it and they had thought that we were holding back on the funding and not putting all the funding out there to spend, so -- so, I just kind of explained to them that we were trying to spend it, it just wasn't able to get out the door, but it was allocated. They also had some great ideas around incentives for people receiving vaccines that I will forward on to any -- any partners that we end up having that do mobile vaccine clinics or anything like that and they also talked a little bit about their frustrations about the mask requirements not being enforced in Meridian. So, those were all of the public comments that I have received up to this point and that final one that will be included in the finalized plan that you guys will see. So, moving forward, our next steps. Tonight is our public hearing and, then, we will close the public comment period. On April 6th I will provide you with the finalized action plan and a resolution for you to adopt it and, then, right after that I will be able to submit it to HUD. And with that I will stand for questions.

Simison: Thank you, Crystal. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Crystal. You know, I read through the comments and I think it's important that we are not just looking to spend money; right? So, if we identify a need and we are unable to deploy those funds ultimately what happens to the Cares Act funding?

Campbell: If we are not able to spend it within the six year requirement, then, it will just go back to the federal government. So, it's not like it will just be dissolved within the city budget or anything. We either use it or it's sent back.

Strader: Thank you.

Simison: Council, any further questions or comments? Okay. This is a public hearing. Mr. Clerk, did we have anybody sign up to testify on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody in the audience who would like to come forward and provide testimony or anybody online? If you are online if you can use the raise your hand function on Zoom we can bring you in for any comments. I'm not in the room, so I don't see anybody coming up and no one on Zoom is raising their hand. So, with that, Council, do I have a motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move that we close the public hearing on the Community Development Block Grant programs substantial amendment to program year 2019.

Borton: Second.

Simison: I have a motion and a second to close the public hearing. Is there any discussion on the motion? If not, all in favor signify by saying aye.

Hoaglun: Mr. Mayor?

Simison: Opposed nay.

Cavener: Mr. Mayor, I haven't voted yet, because I think Council Member Hoaglun at least had a question.

Hoaglun: I had a question, Mr. Mayor. I was trying to get my microphone unmuted. I just wanted to double check with Crystal. Is -- is comment -- are comments still accepted until April 6th? Did I understand you saying that? Or we will vote on April 6th? We are just closing the public hearing and, then, we will do the final vote on April 6.

Campbell: Correct.

Hoaglun: Okay. That's what I want to clarify. Thank you. Sorry about that. I'm an aye, Mr. Mayor.

Simison: Okay.

Cavener: As am I, Mr. Mayor.

Simison: Okay. Well, the ayes have it. The public hearing is closed. We will see this back in two weeks for further action, so -- okay. Thank you, Crystal.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

23. Public Hearing for Cornerstone Dental (H-2021-0009) by 12.15 Design, Located at 3250 N. Leslie Way

- A. Request: Development Agreement Modification to amend the first addendum of the Champion Park Addition Development Agreement (Inst. #106048480) to remove the provision requiring all future uses to obtain a Conditional Use Permit.

Simison: All right. Moving on. Next item up is the public hearing for Cornerstone Dental, H-2021-0009. We will open this public hearing with staff comments and I will turn it over to Joe.

Dodson: Thank you, Mr. Mayor. I'm just getting my presentation going. Can everybody see it? Awesome. As noted, the first item tonight is for Cornerstone Dental. The site consists of .79 acres of land currently zoned C-N, located at 3250 Northwest Leslie Way, which is approximately a quarter mile west of the Eagle-Ustick intersection. It was annexed in 2002 and, then, later rezoned in 2005. The applicant is proposing to amend the first addendum of the Champion Park Addition Development Agreement to remove an existing provision of the original agreement, which is part of the addendum. The existing provision of the original DA is still valid, because it is attached to the amended one as an exhibit. The existing provision requires that all future commercial uses obtain a CUP, a conditional use permit. The subject site is the last remaining undeveloped commercial property within this subdivision. The property is zoned C-N, which is neighborhood business district, and the proposed use is a new two tenant commercial building, with the main user being a dentist office. The proposed use of a dental office is a principally permitted use under current development code within the C-N zoning district. The existing DA provision specifically points out limiting hours of operation as the reasoning for requiring a CUP. Current development code within the C-N zoning district already limits the hours of -- to 6:00 a.m. to 10:00 p.m. Staff finds that the already limited hours within the zoning district in conjunction with the location of the site to be sufficient for future development and provide adequate evidence to remove the existing provision. In addition to the request for the DA modification, the applicant is requesting a Council waiver to reduce the required landscape buffer along the eastern property line from 20 feet to 15 feet to match the existing buffer that is already existing along the east boundary and adjacent to the existing office building to the south. The property to the east of the site is a multi-family development and there are approximately two structures directly abutting the site. The reason for the waiver request is to accommodate a wide enough drive aisle that allows two-way traffic and can also meet the Fire Department access radii. Furthermore, there is only a portion of the required buffer that is actually adjacent to the noted drive aisle that truly requires the reduced buffer, which is really just this section here. The applicant is showing more than the required 20 foot buffer width to be landscaped beyond this area. There was no Commission action, because this is a development agreement modification, so it came straight to Council, but staff does recommend approval of this DA modification with the findings and conditions noted in the staff report and I will stand for questions.

Simison: Thank you, Joe. Joe, one question I had -- and maybe this is for legal -- is by removing this if there is any redevelopment on the property does that remove that activity for the entire property in the future?

Dodson: Mr. Mayor, in relation to requiring a CUP for any new conditional -- or any commercial use, yes.

Simison: I was just curious if that would be common practice in the -- for a situation like this or is a redevelopment likely going to require some sort of future Council action should they choose to do it?

Dodson: Mr. Mayor, future Council action would likely be uncommon, just because it's already zoned, so we would rely on the underlying zoning to take care of everything and probably do everything through a CZC, change of use, or administrative level changes, unless it is a use within these zones, which are C-N for this property and C-G on the southern property, which they do share the parking lot. Unless those -- there is a conditional use within those zones, which from staff's perspective we are -- we are fine with that. We don't see the redevelopment requiring any major action.

Simison: I will leave that to Council for -- to chew on -- on that value from that standpoint. Council, any questions for staff?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Joe, just for clarification staff's also supportive of the waiver for the buffer?

Dodson: Councilman Cavener, that is correct.

Strader: Mr. Mayor?

Simison: Councilman Strader.

Strader: Thanks, Joe. Just wanted to check and make sure that a conditional use permit would still be required for a different type of use. Top of mind would be a nightclub, but -- you know, that's not a great example, but I just want to make sure that that doesn't stop the need for a future conditional use permit for something that's not permitted specifically under this zoning.

Dodson: Council Woman Strader, thank you for that -- that comment. But, yes, according to whatever zone it is, if there is a conditional use permit required, then, yes. It doesn't prohibit conditional use permits period, but just removing the provision that any future use would require a CUP. So, for example, the dental office that is proposed here, it's a principally permitted use, but because of the provision they would be required to do a

CUP or modify the development agreement to just remove that need, since this is going to be the last undeveloped site in the subdivision.

Strader: Thank you.

Nary: Mr. Mayor? Mr. Mayor?

Simison: Mr. Nary.

Nary: Yeah. Mr. Mayor, Members of the Council, maybe to provide some additional context. It was very common for the city when we annexed these parcels in back in that time period that we required it when there was no development plan for the entire center at the time. So, that was a fairly common practice. It's not a very common practice now, because most times the Council wants a development plan for the -- the commercial area so you have an idea what's going to be there and, then, only a CUP is required for the types of uses that require a CUP. So, Joe was correct, it would still be required for certain types -- certain types of drive throughs where they are located in and certain types of things like that, but this was common then, but as Joe said, this is the last piece left in this particular one and that's why it was probably like that to begin with.

Simison: Thank you. And that's probably the question I should have asked is why this would have been done in the first place. Council, any further questions? Okay. This is a public -- well, I will -- the next step is our applicant and we will recognize the applicant. Is it going to be Jessica or -- I don't know if they are in the room or on the phone. Okay.

Cavener: She's coming up, Mr. Mayor.

Simison: Okay. Thank you. And you are recognized for 15 minutes.

Johnson: He's bringing up your presentation and you will be able to control through once it's shared.

Simison: If you can start with your name and address when you are ready, that would be great.

Petty: Basically I'm just here to kind of backup what Joe said. We are just asking for the landscape buffer to be reduced to the 15 feet. Could you go to the next slide?

Hoaglun: Jessica?

Petty: Yeah.

Hoaglun: Introduce yourself. Your name and address.

Petty: Oh, yes. I'm sorry. I'm Jessica Petty. I am an architect with 12.15 Design and so I worked on the site plan and the building for Dr. Tuft's building here in Meridian.

Hoaglund: Thank you.

Petty: Can you go one more? There we go. So, this -- this right here shows the overlay of the existing site with our proposed site. So, here you can see -- I guess I can't -- but it -- it shows how the landscape buffer -- we are just asking to continue this across, just to create a straight line as to help with traffic flow, as well as mainly getting the fire trucks in and out of that and, then, to -- yeah, to keep our parking count the number that works for the uses of our building.

Simison: Council -- is that all, Jessica?

Petty: Yes. That's it. Thank you.

Simison: Council, any questions for the applicant? Okay. Thank you very much. This is a public hearing. Do we have anyone signed up to testify on this item, Mr. Clerk?

Johnson: Mr. Mayor, nobody signed up in advance or in the room in advance.

Simison: Okay. If there is anybody that would like to provide testimony in the room, please, come forward to the podium at this time or if you are online or you would like to provide testimony, please, use the raise your hand feature and we will bring you in. Seeing nobody wishing to provide testimony, would the applicant like any final comments? I'm hearing a no shaking of heads. With that, Council, do we have a motion to close the public hearing?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move that we close the public hearing on Item 23, development agreement modification H-2021-0009.

Borton: Second.

Simison: I have a motion and a second to close the public hearing. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move approval of Item 23, Development Agreement Modification for Cornerstone Dental, H-2021-0009, as presented by staff, including the public testimony from the applicant.

Borton: Second.

Simison: I have a motion and a second. Is there any discussion on the motion? If not, clerk will call the roll.

Roll call: Bernt, absent; Borton, yea; Cavener, yea; Hoaglund, yea; Strader, yea; Perreault, yea.

Simison: All ayes. Motion carries and the item is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

24. Public Hearing for Ambles Run Subdivision (H-2020-0124) by HomeFound Group, Located ¼ Mile East of N. Locust Grove Rd. and ½ Mile South of Chinden Blvd. Continued to April 20, 2021

- A. Request: Annexation and Zoning of 2.88 acres of land with an R-2 zoning district.
- B. Request: A preliminary plat consisting of 6 single-family residential lots.

Simison: Thank you, Jessica, for being here and good luck on the project. Next item up is a public hearing for Ambles Run Subdivision, H-2020-0124. I will open this public hearing with staff comments and turn it over to Joe.

Dodson: Thank you, Mr. Mayor. It's the Joe show tonight, so I will be doing all the projects here. The subject property tonight for this application, Ambles Run Subdivision, consists of 2.8 acres of land located on Lot 26, Block 1, of the county subdivision Dunwoody Subdivision. It's approximately a quarter mile east of Locust Grove and a half mile south of Chinden Boulevard. It is at the terminus of Chopin Avenue, which is within the Vienna Woods Subdivision directly to the south. To the north is county residential and an open space lot within the Dunwoody Subdivision. To the east is county residential and one of the homes in the Dunwoody Subdivision. To the south, as noted, the Vienna Woods Subdivision, R-4 zoning, and detached single family residential and to the west is an additional county residential lot. There is no history with this property with the city and, therefore, they are requesting annexation and zoning and a preliminary plat. As noted the applicant is requesting the annexation of land with a request for the R-2 zoning district and a preliminary plat consisting of six single family residential lots. The property lies within the low density residential future land use designation, which allows single family dwellings at a gross density of less than three units per acre. The proposed project meets both the allowed use and density requirements of the requested zoning and future land

use. The proposed density should function as a transitional density from the Vienna Woods Subdivision to the existing Dunwoody Subdivision. Staff finds the proposed density as -- as presented is appropriate, in addition to meeting our Comprehensive Plan. Access into the site is proposed via extending Chopin Avenue as noted from the south. That is the only available point of access into the site. The applicant is proposing to provide parkways with street trees along both sides of the Chopin Avenue extension. Due to the size of the subject site being less than five acres there is no minimum open space requirement. However, staff is recommending the applicant revise the landscape plans to show a ten foot parkway, instead of eight foot, to increase the available open space of the project and have wider planter beds that usually provide for healthier trees and you can actually provide larger trees. Creating open space at this level is not required by code, but staff believes it helps the project meet the spirit of the code and allows for even more of an identity for this small subdivision. In addition to the wider parkways staff originally recommended a revision to the road layout to provide a stub to the western boundary. Staff was hopeful that ACHD would allow a reduced street section for this stub, but ACHD did not allow this. Following decision -- discussions with ACHD and the applicant staff discussed with the Commission that removal of the recommended layout revision is acceptable. Commission agreed and modified the recommendation of approval by removing the requirement to provide this stub street. A submitted landscape plan also shows a raised berm with relatively full landscaping along the rear of the building lots. This landscaping on private lots is not regulated by code and, therefore, staff does not recommend adding any provisions regarding this landscaping. The applicant intends to maintain this berm and landscaped area through the HOA and subsequent CC&Rs that the city does not regulate. Staff believes this is the appropriate way to regulate and maintain the proposal landscaping on the private building lots. The Commission did recommend approval of the subject applications as noted with the modification of not requiring the stub street to the left -- or to the west. At the Commission hearing there was a number of public testimony. There was only one item of written testimony for the Commission hearing. Key issues of the public testimony was regarding this lot and the Dunwoody Subdivision. First, that the lot in question was never properly split from the HOA and does not meet their CC&Rs. That the proposed project does not comply with the existing HOA CC&Rs and their lot size requirement and a question of if it is a -- an issue for the city to be involved in. The legality of the property split of Lots 20 and five -- and 25 to six -- I'm sorry -- Lots 25 and 26 to create the property currently requesting annexation and preliminary plat and the potential working with the future development of adjacent properties to the west and the north to limit some of the CC&R issues discussed to include some revisions of the layout. The Commission discussed all these points in depth and as I noted they recommended to recommend approval and to strike any conditions regarding the western stub street. As noted in the Commission hearing and previous decisions by legal counsel and everything that the CC&Rs issues are a private matter and not a city matter and that they should be discussed in the civil realm and not within the public hearing realm. After that, since the Commission hearing, there were two pieces of public testimony submitted. One being from the Dunwoody HOA treasurer, which was a rebuttal to the e-mail shown by the applicant. She states that the e-mail was misleading and that Pioneer Title was not involved in the sale of the property in question and, then, Mona Tippetts, who was also noted in an e-mail regarding the Lot 26, and she

disputes that the Lot 26 was legally split from the HOA and directly rebuts the e-mail shown by the applicant as well. After that I will stand for questions.

Simison: Thank you, Joe. Council, any questions for staff?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. Joe, apologies if this was covered in the staff report, but I missed this piece about the berm and the landscape on the borders. Can you talk me through it a little bit? I mean it's going to be maintained by the HOA through the CC&Rs, but, again, as I'm looking at it it's essentially these potential lots' backyards. Can you help me understand what the strategy is or how that's going to be achieved?

Dodson: Councilman Cavener, that's a great question and that is why -- well, let me back up. Yes, it is on the private lots on the -- in their backyards. Because of that as you know, whereas in code the city doesn't regulate that. You -- whatever trees are on your property are on your property. So, the city does not want to put provisions in there that are going to require maintenance of it or put an easement or anything like that when it's on somebody's private property. So, that's -- I discussed with the applicant that they intend to regulate that through their CC&Rs, so that should be with their HOA and their CC&Rs and if they end up changing it and removing it that's on them. Staff doesn't find that this is necessary. This was one way that they were working with the adjacent landowners to try to buffer and screen the properties considering it's three properties against one, which is amenable, but, again, city code does not regulate private property landscaping, so we don't want to get involved in that.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I just -- we are not recording this, they put it on their own plan to demonstrate what they intend to do, but it's not a response to the type of requirement that we have got.

Dodson: Councilman Cavener, that is correct.

Cavener: Got it. Thank you, Joe.

Dodson: You are welcome.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Joe, so can you walk through -- so, we have an application for annexation and zoning and a preliminary plat. If the applicant isn't successful in coming to some sort of arrangement -- negotiation with -- with the homeowners association for the lot sizes and/or, you know, there is -- there is some scenario that comes to be that this doesn't ultimately work out, what happens with the -- essentially can the -- does the applicant have an obligation to come -- withdraw that plan or can they just wait for a couple of years and it runs out or -- like how will this work with this -- it just seems like there is a lot of -- and like you said, Council doesn't have any interest in -- in anything to do with the CC&Rs whatsoever. But my question is is -- it seems like there are a lot of things that are -- that are outside of our involvement that the applicant is banking on to make this successful. So, what ultimately happens if we -- two things. One, if we were to approve the annexation and zoning, but not the preliminary plat until there were more -- there was more definitive circumstances or if we were to approve the preliminary plat, but nothing -- you know, nothing ultimately comes to be with it. Would this just expire essentially?

Dodson: Council Woman Perreault, I will probably default to Mr. Nary on a lot of that. I don't want to misspeak. But, in short, the -- the city approving the preliminary plat as noted has nothing to do with the existing Dunwoody CC&Rs, because once they are annexed into the city they are now bound by our city code and our zoning code, not the old CC&Rs. That doesn't mean the old CC&Rs go away for the existing subdivision, but just for this property. If the plat is approved and the applicant gets sued, that is outside of the city's control. That is not our purview, but -- and that's why I have noted repeatedly that that's a civil issue. The plat could sit there for two years and if they are part of that legal issue is that the plat never gets recorded, then, yeah, it would -- it would die and it would be done. They could also ask for a time extension and keep working this out. But, again, a lot of that is a civil issue and the city should not be involved.

Perreault: Mr. Mayor, follow up?

Simison: Council Woman Perreault.

Perreault: I looked all through the file and I couldn't find a bigger picture map of where -- of how this fits into all the surrounding property. Is -- you know, what's in the northwest, to the west. There was some mention of it in the staff report, but I didn't really see anything that -- that showed me just the parcels directly around it and how this fits in. But that being said, is that -- are the -- are the properties -- the parcels to the north, to the west, are those county subdivisions then? Because you are saying that when -- if it were to get annexed in the City of Meridian, then, the CC&Rs will no longer apply, is that because the -- the parcel is now in the county?

Dodson: Council Woman Perreault, that is --

Perreault: I mean in the city?

Dodson: Yes, ma'am. That is correct. The exist -- as you can see on this map here all of the white means that it's rural urban transition, which is part of the county. So, directly

to the east and surrounding it, basically, these are all the Dunwoody Subdivision. This is an open space lot that they did a lot line adjustment years ago to reduce the acreage of it. But, nonetheless, it's still a legal lot within the subdivision. Once it gets annexed, then, yes, those existing CC&Rs, from the city's perspective, do not regulate development. It's our zoning code and our ordinances that regulate the development. So, yes, to your answer it is county and, then, it would be part of the city, so that's why the CC&Rs would not apply.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a question for Mr. Nary. Since this is -- I understand that we are not involved in a civil matter, but I want to understand if -- if we do not believe -- if -- if it is not clear that the basis of the lot split was legal, is the burden of proof on the applicant to show the city that they have a legal basis for annexation and approval or who -- how does that play out legally?

Nary: So, Mr. Mayor, Members of the Council, Council Member Strader, that's a great question. So, to apply to even do this they do have to have planning reviewed as well and make a determination that it is a legal lot that can be developed in the city and we do occasionally run into situations where people bring forward a lot that was illegally split in the county and we will refer them back to the county to fix that problem prior to them being able to even file the application. So, it has been reviewed by Planning to this point and Planning believes that it is a legal lot split and is valid. Certainly that's a good question to the applicant if you have that concern. Secondly, if you look at the -- the drawing that's up to -- the one that's to the left of the aerial is the -- a city zoning map and you will notice that the first two lots that are adjacent to Locust Grove that are R-2s are in the city and they were part of the Dunwoody Sub. So, we have annexed portions of this sub prior to today for reasons that, you know, were requested back then. So, this is not that unusual. The fact there is a dispute is a little bit unusual and they haven't been able to work that out. But, certainly, Joe is correct, if we have -- you have the absolute right to annex this and consider it if you wish. You can grant the request for the preliminary plat. The risk is on the property owner. If the Dunwoody Sub believes that they either can't split it off the way they have, that they believe the lot split was illegal or they believe development under city standards would violate their CC&Rs and they believe the property owner is still bound by them, that is a civil dispute between them and not the city. It is, as Joe stated, potential that it may hold up the development and if it holds it up long enough the plat could expire. I think to answer Council Member Perreault's earlier question, could they bring something else differently back. Well, again, if they want to develop it based on this layout they will have to show a development plan substantially compliant with what they have submitted. So, they can't come back with two or one when that's not what's been approved without the Council re-addressing it, so -- because it wouldn't be in substantial compliance. What happens often as you know -- well, I'm sure that in a lot of development the lot sizes change slightly, you know, 18,000 square feet becomes 17 or 16, one becomes 19. So, that kind of stuff happens a lot and those are the things that make it

substantially compliant. But to answer your question, Planning believes it's a legal lot. Certainly that's a fair question to ask the applicant if you have that concern. If you believe as a Council that you don't want to be in -- and you want this all resolved cleanly and that the Dunwoody Sub is not objecting to it, you are certainly welcome to not annex it. You are not obligated to annex it either. So, I think that's really, again, a question for the applicant.

Strader: Thank you.

Dodson: Council Woman Strader and Council, just to continue on that, I may have misspoken in previous meetings, as well as in my staff report, that the lot split, meaning Lot 26 and 25, was an issue. It is my understanding that Lot 26 has existed and there was a lot line adjustment to move the lot line, but that there was no split of it. The split is referring to it being removed from the Dunwoody HOA and meeting those standards. That is my understanding of it. There was a record of survey done. I don't remember the year. 2005 I want to say. It might be -- I might just be making that up. But that is a legal document showing the lot lines being moved from existing lots. That these -- this lot and a lot directly north were open space lots of the Dunwoody Subdivision. That is my understanding. But, again, I do believe that the applicant will speak to that as well.

Simison: Council, any further questions for staff? Okay. I will ask the applicant to, please, unmute themselves and if they can state their name and address for the record they will be recognized for 15 minutes.

Miller: Hi, there. My name is Michael Miller and I am at 6300 Tierra Lane, Boise, Idaho. Can you guys hear me okay?

Simison: Yes.

Miller: Okay. Great. May I share my screen with you? Thank you.

Dodson: You should be able to share now, Michael.

Miller: Okay. Thank you. There we go. Okay. Can you see my screen? Okay. Okay. Thank you, Mr. Mayor and Council Members, for this opportunity to present our project to request annexation and the zoning district of R-2 for six detached single family residential lots. As Joe stated and pointed out, this parcel right here is between the Dunwoody Subdivision and the Vienna Woods Subdivision to the south. This gives a little bit clearer a map of where we are. This is the Dunwoody Subdivision along this winding road. These pieces to the north and to the west are unplatted. They are rural urban transition and these neighbors do have a plan to develop as well. Like Joe said, this parcel right here is an outparcel of the Dunwoody Subdivision. Originally when the subdivision was first platted each of these residential lots, as you can see, came with an open space lot behind it and so the largest open space -- space lots, not including Lot 16 over here, but our -- our -- is our property here, Lot 26 and Lot 28. So, these open space lots right here were intended to stay with the subdivision for a period of 20 years and once that period expired

they would be able to be subdivided and the subdivision in the CC&Rs should be as follows: That Lot 26 and Lot 28, they may be subdivided under the following conditions: One. That it is in accordance with the jurisdiction of the governmental entity at the time and that those lots be one acre and, obviously, our lots are not one acre, but we did have a lot line adjustment in 2005, the one that Joe was referring to. Both of these lots -- open space lots, Lot 26 and Lot 28, were adjusted and .12 acres was taken from Lot 26 and given to Lot 25 and when we spoke with Title about this -- because the issue did come up, the issue about the separation of the lots came up with the title company at the time of the purchase and sale of Lot 25, which now is held by Dale Hope -- title to Lot 25 is held by Dale Hope and Lot 26 still remains with us. During that sale, the separation of those lots when it came to question and the lot line adjustment was considered by the title company an actual subdivision of that piece. It was -- it satisfied these two pieces. It was subdivided into 2.8 acres, which is an acre and that is now a residential lot. You know, when that sale took place in 2019 we actually didn't have a plan for the land. It's just open space right here. We actually offered to sell the land back to the homeowner here, Dale Hope, and offered him to buy it. He declined. We went to the county to just see what we could do. The county won't provide services, as you know, because the property in question is less than five acres and so they won't allow you to have a well and septic. So, in order for any potential homes on the parcel here to be developed we need services from you guys and so our initial plan actually was to have eight -- sorry if this is making you dizzy. Our initial plan had eight lots, because the contiguous zoning next to us was Vienna Woods, which was R-4. So, we came up with eight -- eight lots. We went to Dunwoody first and said this is our plan. They said, you know, we don't like it. I presented with them an option to de-annex the land to clear up any complications with the CC&Rs. They took the annexation to vote. They voted no, but they never included us in that vote. They haven't included our piece of land or our -- us as property owners in a vote for over two years. Now that we are going forward with development they are pushing back. They asked that we change our zoning request and decrease our lot sizes -- or increase our lot sizes and decreasing our density and we complied. We changed our zoning request to R-2. These are about half acre lots as you can see and Joe explained the plan really well. You know, it's a small -- small piece of land. We want it to be a good transition between the two neighborhoods. We have intended a three foot berm with 96 pieces of vegetation on each side to provide a privacy buffer. The fence here will be cedar fence. The lots will be big. We are open and appreciative of staff's recommendation for the eight foot walkway to be extended to ten. Excuse me. Parkway. And so we will be happy to change that in our plan to help meet some of those open space requirements. And these are kind of an idea of what we have. They are single level homes, at least on the eastern side as close to Dunwoody and we will be happy to put that into the development agreement. They are going to be on big lots, nice single level homes, at least 2,100 square feet. We believe there is a good market for this in Meridian. I think there was only 16 new construction homes sold above .4 acres in 2020. Some of these are actually award winning designs and so the potential for some really beautiful homes is there on our parcel. The -- oh, and an interesting piece is that there was about 1,200 that were less than .4 acres. So, I think that there is a market for what we are trying to do. We also are very aware of the Dunwoody -- you know, they -- that we -- we have tried to work with them. We have spoken with them on many occasions. We decreased our lot sizes. The

legality of our lot split is really not for this platform. I'm happy to answer any questions about it to address any -- any, you know, potential concerns, but, you know, the burden of proof is on them. We legally split that lot. It's now a residential lot. It needs to get services to be developed and that's -- that's our stance. That's Title's stance. If the Dunwoody would like to, you know, pursue those concerns further we are still open to that. You know. And, then, the other potential that the Commission recommended is that we work with the neighboring developers and this is sort of an idea of what we have for the entire piece. Our piece still being these six lots. But they will get access from Dunwoody up here and we will exit through Chopin here. And this is sort of the possible future plan. This is a rough draft. This is not -- I'm not speaking for them, but this is what we have had in conversations with them. Another point I would like to make is that this parcel, although it was part of Dunwoody at one point, it has no access through Dunwoody. All of the traffic will flow down Locust Grove through Strauss and up to Chopin ending in a temporary cul-de-sac here until these guys develop. So, there will be very little impact on the Dunwoody Subdivision. And with that if -- oh, I would also like to point out that Lot 16 was a part of Dunwoody as well and Lot 5. So, there is precedent for these lots being separated from the sub -- from Dunwoody and annexed into Meridian and zoned, splitting into various different size lots and I think with that I will stand for questions. Thank you very much for your time.

Simison: Thank you, Michael. Council, any questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Mr. Miller. This was a much -- much more helpful than what I -- what I was able to review in the file. I appreciate seeing what the anticipated look is of the surrounding properties possibly and my question, then, is -- I understand that -- that you have had conversations with the surrounding property owners and that you are further along in your process than they are and did not want to hold up your application until they got to the point that they were bringing theirs forward and if you can't answer this and they are here in the meeting that would be really helpful that they can answer it for us. But could you give us an estimate of the time frame for these other potential applications and is -- are there different -- different groups that are coming with applications for each of these parcels or is there all another collective developer that will be working with the other three? So, kind of just give us an idea of how your timeline would match up with theirs.

Miller: Yes. Thank you for the opportunity. They are working together. These -- each of these homeowners. There is three different parcels. They will be working together. We met with them to discuss working together, but the cost benefit of withdrawing was significant with marginal changes in our plan. But this is sort of the cohesive plan that we came up with recently. If we had -- we have drawn, they are ready to submit right now. They have already pre-app'd. Their intention is to move in right behind us. Our piece right here is integral in any future development, because all of this stubbing comes from

Vienna Woods right here and so for them to get access to these utilities we would have to come in first. So, we are continuing to move in first, but they are ready to go right behind us as well. Does that answer your question?

Perreault: Yes, it does. Thank you.

Miller: Thank you.

Cavener: Mr. Mayor?

Simison: Was that Councilman Cavener?

Cavener: It was. Thank you, Mr. Mayor. Mr. Miller, if I recall, one of the recommendations coming from the Planning and Zoning Commission was that you reengage with the neighbors of the Dunwoody Subdivision.

Miller Yes.

Cavener: Just if you can summarize what engagement looked like post Planning and Zoning Commission and what -- maybe summarize the synopsis of the conversation.

Miller: We sent e-mails and we didn't get a response. You know, it's difficult -- we -- I grew up on this piece of land here. This is -- this is our home. You know, we watched the Vienna Woods come up and, then, later when David Dean decided to do Three Quarters Ranch. So, we understand the sensitivity of the Dunwoody Subdivision to preserving the feel of their -- their neighborhood and growth is happening at a really quick rate and so, you know, it's difficult I think for some people, but we went to them first and we have continued to try to communicate with them. We changed our plan based on their request. After Commission the communication just died off and so --

Cavener: Okay.

Miller: -- we did reach out, but we didn't have much success there. I apologize.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would like to get, Mr. Miller, your reaction to the piece of public testimony from Ms. Tippetts, the former HOA president, at least in my mind it kind of calls into question whether the lot split legally happened. We like to support our HOAs in general that are in Meridian. You guys are part of an HOA. I mean can you give me some reaction to that piece of public testimony that was recently received?

Miller: Yeah. So, you know, I -- like I said, I don't want to -- I wouldn't -- I'm happy to answer all of these questions and go from there. Their concerns about the legality of the

split -- it's -- it's difficult because we -- the burden is on them. We stand legally owning that land. There was a conversation -- this is a piece of e-mail prior to the e-mail that she's rebutting. It was in concern with the title company. They said that the Dunwoody Subdivision said you can't split your lot, you know, and now the title company had come to my mother at the time and said apparently there are no issues with the CC&R and so she said that we need to put everything on hold and she will get in contact with the lawyer. It's -- it's indicated in the CC&Rs that Lot 26 and Lot 28 can be subdivided and so if -- you know, if that's possible, then, the lot line adjustment which is a -- we did divide the land would satisfy that covenant and after that the e-mail came back from the title company that apparently Sandy Anderson and Mona Tippetts reviewed the CC&Rs and realize that you are in compliance and so now my reaction is, you know, I -- I haven't had a face-to-face conversation with her. At this point it comes like a he said she said and if they feel like they deserve civil remedies that, you know, we will happily -- happily meet them there. We don't want that. But, you know, we haven't had an opportunity to discuss the -- what happened two years ago with this separation of the lots and so on. Does that -- does that help answer your question?

Strader: Yeah. I appreciate your reaction, I guess. Part of what I'm trying to struggle with is, you know, the city planning staff needs to make a determination. I -- what I heard from our legal team is that our city staff needs to make a determination that you have a standing to be annexed into the city.

Miller: Sure. Yeah. We do legally own the land. The lot split was recorded with the county. The CC&Rs provide that it can be subdivided. There is several pieces that, you know, support where we are coming from. A single statement by the old HOA president it's -- you know, I appreciate that you have concerns about it, but we do stand confident in our position.

Simison: Mr. Miller, with that -- and I don't want to get into, you know, CC&Rs. You know, I don't know how much value they are. But as you -- you kind of mentioned the CC&Rs say you can develop at one acre lots.

Miller: Uh-huh.

Simison: But you are not doing that. Did you have -- is there something I'm missing or do you have a viewpoint on -- are you compliant with that element?

Miller: Yes, sir. So, the subdivision -- subdividing of one acre lots was satisfied by the lot line adjustment subdividing that parcel into two, because this is originally three acres, and so now it's 2.88 and because it was subdivided it's considered a residential lot and we are looking to further subdivide and that there is nothing in here that says anything about further subdivision, so --

Simison: I guess that gets to the heart of my -- my question. Do you feel like you are in the spirit of your CC&Rs by subdividing down to the level you are or legally do you think

you are in compliance with the CC&RS because you are subdividing further levels the CC&Rs don't contemplate it?

Miller: We do feel legally and personally that we are doing a service to Dunwoody. The other lot owner to the north here, Monte, has spoken with the Dunwoody. He has support from them and his lots here are not one acre lots either and his plan here is to do four there as well. Similar in size. A little bit larger, but all the same the spirit still remains the same.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: My understanding from what Joe presented that once this gets annexed it won't be subject to the Dunwoody CC&Rs anymore. Can we get clarification on that?

Nary: So, Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, Council Member Perreault, the city doesn't enforce CC&Rs. The action of dispute between the HOA and their belief that the CC&Rs are still applicable to them versus the property owners who feel once they are annexed into the city they don't apply to them, that's a civil issue between them. That has nothing to do with us. So, it doesn't apply for our purposes, because we don't enforce those. Again, if the HOA thinks it does, then, that's what courts are for. That's not what public hearings are for.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I just -- thank you, Mr. Mayor. I just wanted to clarify that the legality of Lot 26 being in existence is not in question by staff. Planning staff has determined that it is a legal lot. I have seen no evidence that Lot 26 was split from Lot 25 and created in a new lot. So, I just want to make that clear. The only split that has become an issue in the public hearing has been the split from the HOA, not a legal lot split. It was -- it was an existing lot. I just want to make that clear.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Joe, if you could rewind that comment for one second. I guess my question to Planning staff is in light of the testimony from Ms. Tippetts, does that change your opinion

about the legal basis for annexation or do you believe this is still a correct basis for annexation?

Dodson: Council Woman Strader, my reading of that is still in relation to it being split from the HOA. I -- I don't know if she was meaning that a lot split that, again, I have seen no record of. I have only seen -- I mean it's even in the CC&Rs of the HOA. That Lot 26, which is this lot, and the 28, the lot to the north, were existing. So, I don't see how there could be a dispute that these -- this is a -- is not a legal lot. So, Planning staff does still feel that it is eligible for annexation.

Strader: Thanks.

Simison: Council, any further questions for the applicant? Okay. This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we do. We have some in person, some online, and starting with in person. First I have Jeff Wilding.

Simison: As you come forward and as you are online if you can state your name and address for the record prior to your testimony that would be appreciated.

Wilding: Thank you, Mr. Mayor and City Council. My name is Jeff Wilding. I live at 1842 East Dunwoody Court and I am the HOA president. A couple things I want to address really quickly and I get it, CC&Rs aren't part of the City Council process. I think that's well established through the -- through the discussion tonight and so we actually have retained some legal counsel and she is going to speak as well. There are a couple of things I want to address, though. When we talk -- when -- when it was -- it was mentioned that the lot line was moved, the purpose that that lot line was moved is that the owner of Lot 25-26 built a shop over the lot line, so we had to move the lot line and he included that in his Lot 25. That's what happened with that split. He talked to the neighbor above and that neighbor above said, you know what, I will go with you and so that was all legally done. That does not separate Lot 25 from Lot 26 in ownership. That's what we are talking about. And so recently when the Hopes bought Lot 25 they did not purchase Lot 26. That would have required an HOA vote to approve that split of lot and that was never sought. The e-mail that you saw from Mr. Miller from the title company was from Pioneer Title. Pioneer Title did not close title on that sale and it's because when they started questioning it it was quickly moved to Title One and so Title One is the one that closed on that sale. So, we got some smoke and mirrors going here. Those e-mails that were allegedly provided by Sandy Anderson and Mona Tippetts, again, it says apparently Sandy and Mona said this is okay. Sandy and Mona don't have the authority to do that. It has to go to the HOA. And that was never brought before the HOA at the time. So, again, we understand that -- that this is -- is not a -- a public matter that -- I mean this is a civil matter for us and we -- we are going to take action in that piece. Our intent here -- listen, we want the Millers to be able to establish and develop their land. That's why they bought it. We get that. It's very very clear in the CC&Rs that those should be one acre lots. We also want to -- and I think you will hear from -- from Ms. Pickens Manweiler that just because you annex

into the city the CC&Rs don't go away. We want them in our neighborhood. They will have access to our tennis court and that's about the only amenity we have in that. The e-mail that -- I believe, Councilman Cavener, you asked about any communication -- or somebody asked about. I did receive an e-mail from the applicant and I didn't respond, because it was -- it was not nice. It wasn't an e-mail that I should have responded to. And so my -- our position as a representative of the Dunwoody Subdivision is that we hold to our CC&Rs. There is -- there is space there to build beautiful homes that are just like the ones in Dunwoody. We welcome those people that come into Dunwoody HOA and we would love to be able to do that and so I will yield the rest of my time to -- to Terri Pickens Manweiler, who is, I believe, online.

Simison: And, Mr. Clerk, I believe this is ten minutes representing an HOA.

Johnson: Mr. Mayor, he indicated he had an attorney representing the HOA, so I was holding that time for the attorney.

Simison: Well, let's just put it all into ten under this. So, seven minutes left. Roughly. Or six.

Wilding: Thank you.

Perreault: Mr. Mayor, may I ask him a question before he walks away?

Simison: Can we -- let's stop the time. Go ahead.

Perreault: Sorry about that. Could you speak to the -- the -- the fact that there are surrounding parcels that are also planning on -- on subdividing into smaller than one acre lots, please?

Wilding: Thank you. The parcel to the north is -- is Monte Moore. Monte -- and I know that it was stated that -- that the Dunwoody HOA has approved the four lots. Monte hasn't even come to us with the plan. He showed me personally a preliminary plan. What I told him is how could I approve smaller than one acre lots for you if I'm not approving small -- small -- if we are not as the HOA approving smaller than one acre lots for the Miller project. So, I -- there -- it hasn't been approved by the HOA. The two lots that are, then, to the west of those are not part of Dunwoody Subdivision. So, they -- we don't have anything to do with that. We have no governance over that. Does that make sense? And does that answer your question?

Perreault: Yes. Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yes. I, Mr. Wilding, got a question for you as well. You know, we are hearing a lot about the CC&Rs and lot lines and everything, which, you know, trying to clear through the clutter. I want to get -- try to get to the heart of the matter. Is it just the fact that if these were one acre lots through this it would kind of resolve the issue?

Wilding: Sold.

Hoaglun: Okay. That's what I wanted to find out.

Wilding: Sold. No argument whatsoever.

Hoaglun: Okay. Great. Thank you.

Strader: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Since we are asking some questions of Mr. Wilding I did have a question. I just want to make sure that I'm understanding, Mr. Wilding, the summary of your testimony. It's your belief, then, that staff has erred when -- when identifying that this as an annexable parcel of land?

Wilding: I'm not saying that -- I don't think it's -- I think it can be annexed --

Cavener: Okay.

Wilding: -- but what I -- but what I'm saying is because it's annexed CC&Rs don't go away.

Cavener: Perfect.

Wilding: That's all -- that's the -- what I wanted to make that --

Cavener: Thanks for serving on an HOA board. It's a labor of love. I hope you get double your pay.

Wilding: I keep getting told that. Thank you.

Simison: So, we will -- we will turn six minutes over to Terri Pickens to continue the conversation on behalf of the HOA.

Pickens-Manweiler: Thank you, Mr. Mayor and Council Members. My name is Terri Pickens-Manweiler. I live at three -- my address is 398 South 9th Street, Suite 240, Boise, Idaho. And I'm an attorney at Pickens Law. I represent the Dunwoody Homeowners Association. I do want to clear up a few things that have been said today that -- in addition to what I provided in my letter of March 11th that is part of the Council record. First and

foremost, there is just a gross misunderstanding about what the staff member Joe keeps saying about the CC&Rs go away. They absolutely do not go away. I appreciate that this -- in his opinion and through the planning development that it's a legal lot. It is legal. It's Lot 26 of the Dunwoody Subdivision. It can't be taken out of the Dunwoody Subdivision without unanimous consent of the Dunwoody Subdivision homeowners and they tried that. They took that to vote with the homeowners and they declined -- unanimously declined. So, the CC&Rs are a recorded instrument. They bind the property. It doesn't matter who has jurisdiction over the property, whether it be Ada county or the City of Meridian, the CC&Rs are a recorded instrument in perpetuity with the property. So, they don't go away. So, with -- with all due respect, those CC&Rs are important in what we are talking about today. The reason it is so important is because there is a provision in the subdivision CC&Rs that specifically say that any subdividing of Lot 25 and 26 -- or 26 and 28 must be in no less than one acre lots and I appreciate the applicant suggesting that it already is more than one acre. He's misunderstanding the CC&Rs. It specifically says that each of the resulting lots, plural. So, whatever lots they are providing in their proposed additional subdivision in the Dunwoody homeowners subdivision can be no less than one acre. So, with a 2.8 acre lot that means they can have two residences on that property. Two lots. And those lots are still part of the Dunwoody Subdivision. They are not part of some random other subdivision. It's not Ambles Run Subdivision. It's Dunwoody Subdivision. The annexation and calling it Ambles Run does not make it so. That -- this was resolved with a plat that was done with Ada county and recorded and approved. You can't undo what the county has already approved just by annexing it into the City of Meridian. What's done is done. What's recorded is recorded. And if the applicant wants to seek a variance with the homeowners association, they can certainly seek a variance. They have not done that. In fact, any attempt to talk to the homeowners association up to this point has been nonexistent. The homeowners association has notified them that splitting the property between Lots 25 and Lots 26 in ownership did create a problem for the homeowners association, because the -- Mr. Miller seems to think that by splitting his lot he gets a second vote. He doesn't get a second vote on the HOA until he is legally split from the Lot 25. So, while I appreciate him saying that he hasn't had a say for two years, it's because he split his property without the consent of the HOA. So, you know, it all goes back to just communication and showing up at a homeowner's association meeting and trying to work this out. Instead he's trying to come through the public forum to ram through a plat that will end up in court. You know, what I -- what I understand with the City of Meridian, I do understand you can annex it and you don't -- it doesn't really matter what is encumbering the property. What does matter is that if you approve a plat and you go to issue a building permit, the City of Meridian does become involved, because what's going to happen is a lawsuit's going to be filed, an injunction is going to be sought against the City of Meridian from issuing that building permit. So, it does become an issue. If the plat sits there and expires, then, it sits there and expires, because the homeowner can't get this resolved with the rest of the Dunwoody Homeowners Association. But what an exercise in futility, because if the plat is approved with six subdivisions -- subdivided lots and they call it Ambles Run, a lawsuit will be filed and, you know, it may take two years to get through the process. The plat may expire. But what if it doesn't expire and, then, the plat is no good and, then, they have to come back and do the whole thing all over again. So, it just

seems to me that while the city may benefit from annexing it in, so the services can be provided to that portion of the Dunwoody Subdivision, it certainly doesn't make sense to call it the Ambles Run Subdivision and approve a six parcel plat when under no circumstances is the HOA going to agree to that. They have already been asked about that and they unanimously declined. So, with respect to the -- the status of the HOA, the Idaho Supreme Court has weighed in and said that subdivision homeowners associations have the ultimate authority to make a determination about what is built within their CC&Rs and that isn't -- that isn't just a little authority, it's ultimate authority. Unlimited authority for the HOA to make that determination. The City of Meridian can certainly approve a plat, but they can't issue building permits when those are going to be tied up in court. The -- the homeowners association is an organization that is recognized under law as an organization that gets to mandate what happens on that property because of the recording of the CC&Rs. So, with all due respect to staff, I appreciate that he thinks that the CC&Rs are just going to magically go away when annexed, they are not and if the -- if the six parcel plat is approved it will end up in court. I mean that's just the sad truth and I don't want to sound terse about that, but, you know, we have tried to work with the homeowner. We have told them that they are in violation for splitting and trying to do this and, you know, there are better ways than trying to ram it through a public process and, then, try to get a judge to ratify it later when in this particular case the Idaho Supreme Court has weighed in and said the HOA has the ultimate authority, not the homeowner. Not the property owner. So, with that I'm happy to stand for questions. I think I have addressed the major points. Like Mr. --

Simison: Terri, you lost your volume.

Pickens-Manweiler: I don't know how I got muted. I wasn't even touching my computer. Oh. The -- if the subdivision were proposed for two acres -- two one acre lots, we wouldn't be having this discussion. I wouldn't be objecting. The homeowners association would be right in line. But that's not the -- the status of the application. So, with that the homeowners association must object to the application and asked that it not be approved because it's not -- it's not in compliance and it will be challenged. Thank you.

Simison: Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question to Ms. Pickens. Just -- I like to say I get to the heart of the matter, but, you know, I got to keep things simple. Simple mind. Simple ideas. Simple things. So, I'm trying to understand when we talk about properly split -- we can say legally split, whatnot. It sounds like from the city perspective there are documents and records and filings, whatever, somewhere that shows two separate lots and -- and I guess that's a question for Joe to respond. So, I guess part one of my question -- Joe, is that how the city looked at it? There are two legal lots sitting there; is that correct?

Dodson: Councilman Hoaglund, that is correct. Yes. That there are two legal lots -- and maybe Ms. Pickens could -- I don't know if it's a wording thing, but maybe the split that she's referring to is the ownership split, which, again, has come up repeatedly, that that's the key issue, not necessarily the physical land split, because that was already an existing lot.

Hoaglund: Right. Okay. Yeah. That's what I'm getting at, Ms. Pickens, is then -- then your part is were they properly split according to the HOA CC&Rs and that process that you have in place to allow that to be split and be part of the Dunwoody Subdivision. Right now you are just recognizing one lot; is that correct?

Pickens-Manweiler: So, actually, Councilman Hoaglund, thank you for the question. No. We are actually recognizing two lots. There are two lots, 25 and 26.

Hoaglund: Okay.

Pickens-Manweiler: The challenge that we have with the lot itself, Lot 26, is that the ownership was not supposed to separate for it to be additionally subdivided without HOA approval. So, it is a separate lot. We are not challenging the legality of Lot 26. We are challenging whether or not Mr. Miller and his family are the -- are homeowners association voting members because they split their lot. They don't get two votes and that's what they are trying to do.

Hoaglund: Okay.

Pickens-Manweiler: They have to come before the HOA and get approval for the property division for the property owners.

Hoaglund: Thank you for that clarification.

Pickens-Manweiler: There is meant to be an open space lot.

Hoaglund: Okay. Thank you. Appreciate that.

Perkin-Manweiler: Yes.

Simison: Council, any further questions? Okay. Thank you very much. Mr. Clerk, I will turn it over to you for our next person to testify.

Johnson: Thank you, Mr. Mayor. Next is Dale Hope. Mr. Hope is yielding. So, we have Marissa Price and I will bring her into the meeting from online.

Simison: If there is anybody else online that would like to provide testimony and you have not signed up, you can use the raise your hand feature, so we can bring you in at the appropriate time.

Price: Can you hear me?

Simison: We can. If you would state your name and address for the record, please.

Price: Thank you. My name is Marissa Price. I'm at 2296 North 20th Street in Boise and I just want to speak I guess briefly to the fact that, you know, we really understand, Michael Miller and I -- I'm sort of copilot on this project, but he's really taking the lead -- that any project like this doesn't happen in a vacuum and it is really something that is -- that comes to fruition because of a -- sort of a process of collaboration and we really have worked as diligently as we understand how to do to bring together the parties that are affected to a common understanding about what the future land uses of this -- of this parcel. Now, obviously, we have some -- some hot new takes on this, but I do think that we are all more acutely aware at this point, 12 months into the global pandemic, that there are often shifts in circumstances that are unforeseen and that we have to sort of adapt to -- in their wake and when the CC&Rs were initially drafted -- I don't know that it was initially considered that we would have this sort of jurisdictional overlap potentially with a parcel that doesn't have services from the land from which it was initially connected and needs to be serviced by another entity, such as the City of Meridian, and those -- it was our understanding initially in talking with Meridian that -- that -- that a parcel under five acres could not be divided into one acre parcels and so -- so, our parcels being 3.3 acres could not be divided into one acre lots when we approached Meridian initially. So, that's why we have -- you know, we initially approached with R-4 to do eight lots and, then, revised our plan downward to make a better transition we think between Dunwoody and Vienna Woods Subdivisions and we understand that there is a civil process for the unwinding of these particular details, but I just want to underscore that from our point of view we, you know, have tried to be good neighbors and when we, you know, left the planning and zoning process and -- and were taking a beat to reach back out to this -- to the HOA and also to the property developers around us, while we didn't ultimately alter our plan because the -- the details were relatively nominal, we did have a chance to strengthen those relationships with the property owners around us and we feel like at least in that regard we fostered a spirit of working forward, you know, together with a common aim of progressing and improving the land. We feel like our modest plot offers a solid diversity of development for Meridian as a whole and meets a need in our marketplace, as well as provides both good transition and conformity between Vienna Woods and Dunwoody Subdivision. We have worked to be good neighbors and to be forward focused and to proceed in a spirit of collaboration and cooperation and we believe -- and we believe that precedent, you know, stands that the future of this land is with Meridian and that the future of the adjacent parcels is with Meridian as the past of some of those additional parcel is also now with Meridian and we respectfully submit, I suppose, that, you know, you proceed and accept our parcel and we can resolve any other matters elsewhere.

Simison: Council, any questions? Okay. Thank you very much.

Price: Thank you.

Johnson: Mr. Mayor, next we have Dick Price.

Simison: Mr. Price, if you can unmute yourself and state your name and address for the record.

D.Price: Can you hear me?

Simison: Yes, we can.

D.Price: Okay. I have lost my -- anyway, I'm one of the owners of the parcel. We bought that property I think in 19 -- and, you know when we bought it I understand the one acre deal for that lot development, but you could look back 30 years ago, I think the population of Meridian was probably 35,000. But now when we try to develop it there really isn't a market for a one acre lot. The cities as they grow they need to have their density, so people can, you know, move in. So, we thought half acre lots, which are really almost a rarity still, are a very good fit. We visited with the homeowners. I talked to Dale. I sent him an e-mail. You know, I -- he spent a lot of money on his home. I love Dale. He is a great guy. His daughter is my next door neighbor. I want to be -- the subdivision to be a good neighbor to him, because he will be the most impacted by it. So, we want only single level homes or single levels with a bonus room. We want -- we want him to look out his backyard to see privacy and not see homes. So, anyway, that's all I had to say.

Simison: Thank you. Council, any questions? Thank you very much. Mr. Clerk, do we have anybody else signed up to provide testimony?

Johnson: There is nobody signed up or raising their hand online. I'm looking in the room if there is anyone else. Oh, we do have one more hand online. Next we have Tucker Johnson. I'm bringing him into the meeting now.

T.Johnson: Good evening, Members of the Council. My name is Tucker Johnson. Address is 372 South Eagle Road in Eagle. I am working with the adjacent three landowners, the two five acre parcels to the west and Monte Moore, the lot -- the parcel of Mr. Moore and as was indicated by -- or a question was raised by someone on the -- on the Council, I think it was Council Member Perreault, we are -- and Michael referred to this earlier. We are prepared to submit an application forthrightly after this -- this hearing tonight and, then, whatever is resolved. The concept that was -- that was on your -- displayed on your screen earlier is the conceptual draft or what we have. The -- the heart of the matter is -- is how it can be resolved between the Millers, Monte Moore, and the -- the Dunwoody CC&Rs. So, we are -- we will take our cue based upon what happens. If -- if there is legal -- legal matters there we may not be able to submit anything until we can come to a meeting of the minds, which I think we -- there is an opportunity to, but if there is a question relative to that pending application it is something we have been working on for months, if not -- actually, almost a year now. But these issues and nuances relative to Dunwoody and so forth and Miller's desire for, you know, this or that has been part of the whole mix and so we are -- we are getting close, but we just have to wait to see what the resolution is here tonight, the direction that is identified.

Simison: Mr. Price, you're -- you're muted -- or you're not muted anymore. Council, any questions for Mr. Johnson? Okay. Thank you very much. Is there anybody else in the room that it looks like they want to provide testimony?

Johnson: Mr. Mayor, nobody in the room. Just watching online for one last moment. I believe we have gotten everybody.

Simison: Okay. Then I will turn this over to the applicant for ten minutes for final comments.

Miller: Thank you, Mr. Mayor. And thank you, Council Members. Yeah. I mean there has been a lot of talk about it. The HOA hasn't pursued any legal remedy until between the Planning and Zoning Commission and this hearing this evening. The separation -- the legal separation of ownership happened in 2019. The title companies, both Pioneer and Title One, were in contact with the HOA at that time about separating -- it had to be clear. They had to get provision from the title -- from the HOA to transfer title and, you know, they have had two years to dispute the legality of the separation of our lots and now it's coming up here as we come to try to develop. Ultimately we really just want to put six beautiful homes there. If we need to further that discussion we are open to that as well. The matter about voting in the HOA, I don't -- I'm not sure that the separating of our lots means that we don't get a vote in the HOA. So, if we are a part of the HOA, then, we become voting members of the HOA or we don't. Again, those issues are outside of this realm, I believe. What we have before you tonight is six single level detached family homes on about half acre lots. If you feel that we need to further that conversation we are open to that as well. We appreciate your time. It's been a long public hearing on this matter. So, thank you.

Simison: Council, any final questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. Question, Mr. Miller. The reason for not having four houses on -- on those, as opposed to six, is it just the -- the development cost and those types of things? What -- making compromise to four? I know you have -- you have gone down from eight --

Miller: Right.

Hoaglun: -- to -- to four. Can you give me a reason?

Miller: A reason as we wouldn't -- why we wouldn't go down farther?

Hoaglun: Yes.

Miller: You know, the -- the eight -- the eight lots was -- we were assuming that our best option to annex into Meridian was R-4 zoning and so that -- that's just where we started. They ask that we decrease it, so we went down by two more lots. You know, we felt like that was a good amount. They are half acre lots. There has only been like 16 of those in new construction last year. If the Council feels that maybe we should decrease the lots on the eastern border and if the HOA is amenable to that -- to two lots, that's something we are open to. We don't -- we are not ramming anything through here. It's just a piece of land, the highest and best use is residential development. It's a legal lot. It's open for annexation. It just needs services and we want to put some beautiful homes up there and we want, honestly, for those homeowners to come into a situation where everybody is happy. That's where we stand.

Hoaglund: Thank you.

Miller: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a question for staff. For Joe. Joe, is there anything that prohibits the city from annexing in two lots on this property that are a little over an acre each? Is there anything that would stop the applicant from moving forward on that basis?

Nary: Mr. Mayor? Mr. Mayor?

Simison: Is someone trying to say something?

Nary: It was me.

Simison: Okay. Mr. Nary.

Nary: So, Council Member -- Mr. Mayor, Members of the Council, Council Member Strader, you don't have an application for a two lot subdivision before you, so you can't approve that. You can not approve the plat that's before you and annex the property with the direction of what you would like to see. So, you can do that. But you can't approve it with two lots, since you don't have any application with two lots on it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I understand. I guess what I was trying to respond to the -- one of the folks testifying stated that the sole reason that an application wasn't brought before us in compliance with the CC&Rs -- wasn't brought was at the direction of -- my interpretation of what they were saying was that Planning staff had directed them that there needed to

be a certain amount of density. I just want to have Planning staff confirm or let us know if they are giving direction that there needs to be a certain minimum density to be annexed into the City of Meridian.

Dodson: Council Woman Strader, thank you. I don't know where that came from. It was not from my mouth, at least from what I remember. I have only been at the city for 15 months, so maybe some discussions happened prior to that, but, no, there is not a minimum density. More than zero. That's about it. I think it has to be under three, which they are, but -- no. Whether it's eight, ten, whatever meets the density the city is going to review that. Six seems like a nice middle ground there. But that's -- other than that there is no minimum.

Strader: Thank you.

Hoaglun: Mr. Mayor, question for -- continuing with Joe.

Simison: Councilman Hoaglun.

Hoaglun: Yeah. Joe, question. You know, they are -- they are requesting an R-2 zoning and as we know the number doesn't correspond to that means two houses, you know, this is -- this allows a range of housing and it could be two. In this case they are asking for six, which is well within the range and I was trying to think does it go up to eight or R-2? What -- I just can't remember.

Dodson: The zoning?

Hoaglun: Yes. For that particular zoning.

Dodson: The minimum lot size is 12,000 square feet.

Hoaglun: Twelve thousand. Okay.

Dodson: It's there above.

Hoaglun: So, I guess what I'm getting at, if we allow an R-2 zoning date and they come forward with six single family residential lots within that approved zone, I can't think of a reason to say, no, you are not in compliance. Is that correct?

Dodson: Councilman Hoaglun, from the city's perspective, yes, and that's the big issue here, but -- and I apologize for misspeaking for the lawyer that spoke on behalf of the HOA. The CC&Rs do not go away, but it is not a city issue to discuss those CC&Rs and whether they comply or not. That should not be part of this decision in the realm of whether or not R-2 zoning and City of Meridian zoning is the determining factor. But, again, that -- if that's how the HOA feels and there is some law that's well above my pay grade, that's for the civil side of it, not the city side. So, that's what I mean by they go away. In the realm of the perspective of the city we will not and do not regulate CC&Rs.

So, we are not taking that into account when it comes to reviewing the project. It will get annexed in and they will get developed per the zoning code.

Hoaglund: Thank you, Joe. That was I guess the point where I was going with this is the fact that if we annex and approve the zoning of R-2 there is within the city's authority to say, yes, you can build X amount of houses within that -- that zone. So, I -- you know, unless there is agreements and different things that we enter into that are done, it just kind of puts us in a difficult position, because we don't enforce the HOA, the CC&Rs, and that's not our -- our matter. I guess the best thing is if everyone would come to an agreement somehow to -- to make it work for everybody and I know the next hearing that we have up, those folks would love to have half acre lots behind their house, so -- and I completely understand on rural property at one time and we now own an acre and the subdivision came in and we have smaller lots and they aren't even half acre, but it was nice when we have two houses behind us, instead of three, but -- you know. So, I completely understand that -- that feeling of, hey, we want to have that match here. But at the same time we have been having a lot of this issue out in our more rural parts as development comes in and trying to make the best decisions possible of, okay, make those single story to help mitigate and do these different things. So, yeah, these are -- these are never easy for anybody involved, so --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A clarifying question for the applicant. Everyone's in agreement that -- that Lot 26 is within the bounds of the CC&Rs; is that correct? The property of Lot 26 is encompassed by the legal description of the CC&Rs?

Miller: Yes. That's correct. We also -- the CC&Rs provide for a subdivision -- subdividing of that lot and we believe that the title's position is that that lot was subdivided into 2.8 acres, which satisfies the one acre subdividing of it.

Borton: Mr. Mayor, just a couple of follow-up questions. So --

Simison: Councilman Borton.

Borton: -- as far as the reference from Ms. Pickens-Manweiler's letter to Lot 26, Section 5.13 of the CC&Rs references Lot 26 of Block 1, as being a particular lot, which has parameters that govern its ability to be split. Is that part correct?

Miller: Yes, sir.

Borton: Okay. And that 5.13 parameter -- at least it reads that that Lot 26, which is the lot before us, could be subdivided if approved by the city and if the resulting lots from that subdivision are the one acre.

Miller: Okay.

Borton: Okay. So, here is the -- here is the question. If we went down the -- the court route, if -- the city certainly has the right to annex it and approve the plat and the city is not beholden to the CC&Rs as has been discussed, but how do you respond when -- and, again, this isn't directly the city's concern, but it was referenced when annexation, plats, approved, you go to pull the permits, the -- the HOA files a suit, asks for injunction and says you have real property that, for better or for worse, you have elected to impose upon yourself additional limitations on its ability to develop and one of those additional limitations is much more narrow than what the city would allow and that is one acre or bigger lots. For better or for worse, that's a private contract that your property is subject to, which is outside of our purview. So, in light of that private contract, they, then, prevent the city from pulling a -- issuing a building permit. While it would be lawful for us to annex and approve a plat, you very well may be stopped from building anything smaller than a one acre lot, which, then, very well may lead you to a plat modification application in several weeks.

Miller: Right.

Borton: So, to cut to the chase, what would you -- how do you respond to that seemingly insurmountable problem to your plat?

Miller: So, the section that provides that Lot 26 could be subdivided, we believe that that subdivision has been satisfied, that it used to be three acres --

Borton: Right.

Miller: -- it is now 2.88 and this is what we got in -- you know, from the legal team at Title. So, the provision for subdivision has been satisfied. The lot is larger than one acre. It's 2.88 acres. And that we would be subdividing it further. But to answer your question that -- probably what you are getting at is we -- we don't want to go to a legal position with -- against the HOA. We would prefer to work something together. As you can see from the other development plan, the other neighbor has a plan for less than one acre lots. There is precedence for it. We are not -- you know, we are doing half acre lots. We think that that's a good fit. Go ahead. Sorry.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I'm just trying to understand where -- where I think this could go. I don't disagree with the appeal of what you are doing, I just -- I share that concern that we will never get a chance to get it built, because you may be enjoined from doing so. If the -- the division you described was the single division, which satisfied that condition, the concern is -- for example, you applied and wanted 20 lots on this parcel or 30 lots, you know, would you

still be able to make the claim that the prior division was the single division that had to be satisfied and now that you have done that you want to put 40 lots on it.

Miller: So, I mean that -- we wouldn't do that. Maybe. But, ultimately, we do feel confident that that position that -- the covenant about the subdivision has been satisfied, but we want to provide a good transition between Vienna Woods and Dunwoody. I mean, again, we were there when Vienna Woods was built up around us and they asked -- and we asked Vienna Woods that they do half acre lots and so the current HOA asked us that we do one acre lots and we are complying with that as well. You know, the actual stickler -- the one acre lot restriction in the CC&Rs, it was -- it's there, it's legal, it's written, it was written 30 years ago. We believe that the half acre lot is a good meeting ground at today's -- in today's -- and where we are today with development.

Borton: Okay.

Miller: Yeah.

Borton: Okay. Thank you.

Miller: Yeah. No. Thank you.

Borton: You bet. I don't have any other questions.

Simison: Council, any other questions? Okay. Thank you very much, Mr. Miller. Council, I guess you are going to want to leave the public hearing open for a few minutes and that there will likely be communications with several people as we move forward.

Borton: Mr. Mayor?

Simison: I have -- Mr. Borton.

Borton: Go ahead.

Simison: No. I was going to say I have a lot of comments and viewpoints on this one, but I'm going to let you all talk it out first. So, go ahead, Mr. Borton.

Borton: Mr. Mayor. It is -- at least it -- it starts at first blush as a relatively -- relatively, you know, straightforward small parcel, in-fill, R-2 development, that it just checks the box in a small in-fill project that -- that seems to be appropriate to proceed. The elephant in the room is the one I focused on at the end is whether or not if an annexation and this plat gets -- were to get approved, whether or not this plat ever gets a building permit is not something that we comment on and address and direct, understandably so, but it is out there. So, the applicant is well aware of that risk and well aware of the conflicting interpretations of what the CC&Rs may or may not limit. Again, that's outside of our bounds. So, putting that aside, the -- the zoning and the plat itself, it seems appropriate. It does seem to fit. I don't -- I don't have any overwhelming concerns, other than the real

potential for litigation to try and resolve this conflict and the private contractual limitations on its use.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, I look at this maybe slightly differently. I think we have a little more latitude with, you know, looking at an annexation and to me it's not serving the city's interest to approve a development that there was a question about the legal basis of annexation or where there would be pending litigation and potentially we could become a party to it. I also think there is an issue -- not the looming issue, but there is an issue with kind of stepping over an HOA when the common sense reading of the CC&Rs is a one acre is developable. You can subdivide to one acre. Seemed really straightforward and I -- I have concerns about stepping over an HOA in their role there. So, I'm unlikely to approve this application tonight for those two reasons. I don't think it makes sense to do it. I think this development is great. I hope they can come to an understanding with the HOA. I think anything we do to approve this one is sort of just aiding and abetting something that needs to be resolved outside of this forum.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I guess I'm taking maybe a different, but bigger picture view of this, and that is do we want this parcel to be a part of the city. Do we want to provide service to this parcel. You know, is this -- is this good for our community in that sense and I don't -- you know, I have concerns more about do we obligate ourselves to provide services to this parcel when there is a possibility it will sit vacant with no activity on it and, you know, my preference, of course, with annexation is that service be provided to that -- that property within -- specific to water and sewer within the time frame that the applicant intends, but in this situation the timeline is very nebulous, because we don't know what we will work out with the surrounding parties. I don't think that there is a monetary concern there for the city. That's not what I'm trying to communicate. I just -- I guess I'm wondering the point of annexing it right now if we anticipate there will be challenges with even getting the -- you know, in addition to approving the plat with -- with even the possibility that -- that it's going to move forward. So, I just saw Councilman Borton give a little smile, so I'm curious now if he has some additional thoughts to what I shared or -- or what. So, that's -- my thought is, you know, it -- it just seems like to me this isn't the time yet. I'm not in opposition to it in terms of -- I thought the design was fine. I feel like they met what they needed to meet as far as our requirements were concerned. I appreciate that they are working with the -- very much appreciate they are working with the surrounding property owners that are -- that are still in the county to the west. That's something that we are always encouraging our residents and applicants to do is to work together to create cohesive development and I appreciate that very very much, so my -- my decision -- I am still curious to hear what other Council Members have to say, still chewing on it a bit.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Council Member Borton hit the nail on the head and that's that in-fills are -- are never easy, even when you think, again a less than three acre R-2 project, again, seems like a no brainer. I appreciate the -- the testimony from the public tonight. I really appreciate the deliberative comments from my previous Council Members. I'm inclined to be supportive of this project for a couple of reasons. One, I think it's -- the legal element is -- is not an issue I think that we need to involve ourselves with at this particular point and juncture. I worry a little bit about the claims of legal involvement with the city being weaponized in the future from other less neighborly members of the public like we have here tonight. I appreciate the dialogue tonight has been really respectful. The other piece is -- and I think Council Member Strader brought up a good question about the need -- or maybe it was Council Member Perreault, about the need for -- for these homes. I actually think that we do, I think that, you know, we talk a lot as a body about diverse housing and this is technically a diverse housing product. There is not a lot of it out there. It serves a need for our community in a highly desirable part of our community. Frankly, I think some of the questions that would always come before us about what they are doing to mitigate the impacts of an annexation around their neighbors they did proactively. I think, again, limiting one section of it to single family, those are things that I think that in the past we have asked of applicants to help mitigate the impacts of growth. So, I tend to be supportive of it. Although I'm -- I appreciate Council Member Borton's analysis. I'm not quite sure if building permits will ever get to the point of being issued, but I think in terms of being supportive of an annexation, the preliminary plat, I see no reason to be in opposition.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. This is -- I'm trying to get to the heart of the matter, as I mentioned earlier, was, okay let's -- what are the -- what are the basis of fact here. The lots are legal. What's before us is appropriate. Completely understand the difference of how we are looking at it from a legal perspective of can they be annexed, can they be zoned, versus are they under the CC&Rs and I get that and that is yet to be resolved and Councilman Cavener said something that -- that I agree with from the standpoint that R-2 -- boy, we -- we -- we just don't see many R-2 applications coming before us. It's just -- the cost of land, the cost of development -- I see the National Home Builders Association said the cost of housing just by lumber alone in the last six months has gone up by 24,000 dollars. It's just one of those economic things that we are facing. We are in an area of high demand, high growth. We are looking for ways to meet the housing needs of people in a way that's affordable. So, any other -- this is like, wow, R-2, this is fantastic. But I understand the arguments from the -- the HOA and the folks who live there, that they -- their preference is they want -- they want acre lots and that was what was agreed to. I -- I -- and I'm holding out hope that if we approve this and it moves forward, it's R-2, there can be, as I,

you know, discussed with our -- our development officer earlier, the fact that there is a range within R-2. There are things that can be worked out that it doesn't have to be what it is. Those things can be modified and -- and I just -- I hate putting people in the position that, yeah, go to court and resolve this. Now, that's not being good neighbors. Somehow, some way I would like to see this resolved in a way that the city can -- can make that happen with a new plat that comes out and everyone's in agreement. I do think in some ways the -- the homeowner has tried to mitigate some of the things with single story, a berm, doing some of those things, but at the same time I also know if this domino goes, the next ones are likely to follow it in that manner. So, hopefully, the discussions -- there would be avoidance of going to court to resolve those issues, but working it out in a way that everyone that follows can agree with and things get worked out. But I -- I -- with a couple of my Council Members I agree, this is -- this is something that fits the city. A half acre lot is great and -- and it's -- it's -- certainly won't have trouble selling and -- but it does give me pause that there is opposition to that and it's understandable. I'm not disparaging that in the least. It's -- it's legitimate. So, it's just one of those things that, hopefully, we can see some things happen in the interim if this moves forward tonight. So, that's -- that's where I stand.

Simison: Well, unless someone abstains, I won't be voting tonight under the scenario, even though it looks like it will be a close vote either way, but always share my viewpoint for your further consideration, Council, and, you know, I -- I look at it from a -- from several different angles and I buy my ticket down to the most base level and -- and that's the -- when you buy your property you do your due diligence, no matter when you buy it. No matter -- no matter what you do from that standpoint and when I look at this from a standpoint of nothing gets more local than your HOA. Than your home. You know, we talk about federal, we talk about state, we talk about local. Well, there is layers underneath local government that takes it down to the HOA level that many of us belong to and when we purchase a home we agree and sign off onto those CC&Rs as part of our understanding, our diligence, our roles, our responsibilities from that standpoint and to be in a position, right or wrong, to ask the City Council to make an affirmative action, which we understand will likely trigger a lawsuit amongst homeowners, because, you know, I'm with Councilman Strader, a nonlegal reading of that language, it states that these should be one acre lots within that -- within that subdivision in my nonlegal opinion, that that's my reading of what I read, not that you can further subdivide it down to another level and for us to take an action that would affirmatively put neighbors against neighbor in a lawsuit that is clearly contemplated -- I think there is a difference between going through an action and understanding that you may have a lawsuit that's filed because of actions the city takes that may or may not be deemed as legal or other things that, you know, you're right, we can't be beholden to legal threats that we should or shouldn't do something, but at the same time should we do something that we clearly can see that there is a valid legal argument that we are basically going to put these neighbors into that situation in my opinion. So, I'm not in supportive of -- of this action at this time in this fashion. I think there is more work to be done. I'm concerned about the conversation that was shared about what activity occurred between Planning and Zoning and City Council. Was there any real conversation between people? Was there an e-mail sent that was -- that should be viewed as nonresponsive by the HOA in terms of how it was articulated? I don't know.

We didn't see -- didn't see it from that standpoint. But, you know, if we are going to be neighbors and live next to one another, you would like to think that there is other ways to solve these type of issues and so it -- it would be my viewpoint to not move this project forward at this time and have further dialogue amongst everybody to the point to find a resolution, because this does not appear to be the resolution that's going to win out long term for the residents or for the city, in my opinion. So, thanks for hearing me speak.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just to follow up on that and, you know, what I heard from the applicant when we were questioning him later after all the testimony -- and it sounds like to me there was room for compromise when he said, well, maybe two on the side of, you know, the development where Dunwoody is located. I mean to me that indicates there -- there is some ability to -- to have some further dialogue and -- and that would certainly be welcome. Now, I don't know if we push that dialogue by approving -- you know, it sounds like they both may be there or as you suggest and Councilman Cavener might wander into this and that's the, you know, do we continue and allow a little more dialogue to see can we come to something that works for everybody. Avoid costly litigation and have -- have a good -- good neighborly discussion, so --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate those comments, Council Member Hoaglund. I -- honestly, I think that's what was intended by the Planning and Zoning Commission and I can't speak to e-mails that were sent and how they were perceived, but we are -- we are a neighborly community where we try to work together as neighbors and try and come to a consensus. So, there has been good dialogue from my Council Members. Mr. Mayor, I appreciate your comments here tonight as well and I definitely give them a lot of heart and a lot of attention. I would be supportive of -- of continuing this for a couple of weeks and asking the applicant and the president of homeowners association, get breakfast, have a cup of coffee, be neighbors, talk through this. If -- if there is a way to come together and solve this as neighbors first before the courts, man, let's do that. If we can't, well, then, the Council can come back and render a decision, thumbs up or thumbs down, and you can all go forth. I think that's -- that's how we like to do things in Meridian. So, I'm supportive of that.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Like I mentioned, I do -- I do think that -- that, yeah, there definitely needs to be some time given to work some things out and I guess for me the piece that's been

missing is what -- really, truly, what the reasoning is that the HOA has for the objection. Is it just that they -- that they are wanting to hold true to their CC&Rs and they are just so staunchly stuck on that issue and, if so, are they regulating all the rest of the C -- I mean is -- are they going to the letter of the law in every element of their CC&R document. I'm -- I'm a real estate broker. I read these CC&Rs all the time. It's -- to me I -- I'm guessing -- and I should -- I'm not speaking for them, but I'm guessing based on my years of experience that -- that this HOA isn't regulating every single member of their -- of their neighborhood on every letter of that -- of that set of covenants. So, I'm -- I just -- I guess I'm struggling with understanding what it is specifically that they are trying to prevent or trying to -- I'm not saying that they don't have a right to -- to enforce their CC&Rs. What I'm trying to get at is what is -- what is the concern -- the primary concern that they have? Is it they think it's too dense? They are concerned about traffic? They are concerned -- I mean I guess I'm still not a hundred percent clear on what it is that they have the primary concern about that they would not be willing to have this conversation with Mr. Miller. So, if -- you know, maybe I just completely missed that and, you know, I thought I was listening the whole time, but I guess I'm just really still not understanding why -- what is so important about this that they are willing to take legal action and spend those funds, that -- that they think is going to be so -- so -- like so -- what's the word? Detrimental to their community.

Simison: Yeah. The HOA president's statement was lot -- lot size, which equals density, if there was over one acre they wouldn't be in this situation. That's what I heard. I'm not going to say that they won't be further open to other things, but that -- am I the only one that heard that or did they hear something different? But that's what I heard.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If this matter is -- is continued to a date certain to allow these conversations to occur or conclude, I would ask that the applicant provide the applicant's legal analysis on how that Section 5.13 of the CC&Rs has either been previously satisfied or no -- or doesn't limit their ability to develop as presented by the HOA. Ms. Pickens-Manweiler made the HOA's perspective very clear and it would be very helpful to understand the source of the applicant's confidence that the one acre private contract limitation in the CC&Rs will not come back and bite them should something get approved. That would be very helpful for an ultimate decision if this gets continued.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: What a great suggestion, Councilman Borton. I couldn't agree more. You know, to the feeling like the city could be heading into a situation that might not end in our best interest. Maybe to hear the opposing legal view that there is a basis or not. I -- I'm okay with a continuance, if that's where we are going. I would love it if they -- you know, I know that's what Planning and Zoning tried. It feels like people didn't take that step, but

certainly encouraging everybody to try to compromise and -- well, let's see what happens. It's happened before. We have seen some magical outcomes when neighbors have talked to neighbors and worked it out. So, let's -- fingers crossed that that will happen here. Thanks.

Simison: And I would also like to say, Mr. Borton, I appreciate what you said -- for this reason as well. If those other parcels are looking at coming in behind this parcel, we are potentially wasting other people's money and time if this does not have any real future moving forward through the courts in the near future if a yes is given. So, I would hate to -- our action further delay and cost other people money as well.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question for the applicant. Mr. Miller, what is your schedule like on April the 20th?

Miller: Thank you for the question. If you would give me a second to look at my calendar. That will be a one year anniversary for me, but I am available.

Cavener: Nothing says date night and I like a City Council meeting.

Miller: Yeah. I'm -- I'm completely available for that date. Thank you so much.

Cavener: Mr. Miller, would you prefer the 27th?

Miller: I would prefer the 20th.

Cavener: The 27th.

Miller: Well, you know -- I'm trying to get out of it. No. I'm -- the 20th is very good. Thank you so much.

Cavener: Mr. Mayor, follow-up question.

Simison: Councilman Cavener.

Cavener: Mr. Miller, you heard the -- the commentary from my fellow Council Members, specifically Mr. Borton. Is all that clear to you and any concerns on your part?

Miller: No concerns. We appreciate the opportunity to further this conversation. Thank you for your time tonight.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Motion, if I may. I move that we continue Item 24, the public hearing for Ambles Run Subdivision, H-2020-0124, to April 20th to allow the applicant to meet with the president of the homeowners association to discuss concerns and potential mitigation and to allow the applicant to provide a legal analysis or legal basis for the subdivision and for their proposed project.

Hoaglund: Mr. Mayor, I second the motion.

Simison: I have a motion and a second. Is there any discussion on the motion? If not, all in favor signify by -- or do we need a voice vote for that, Mr. Nary? Or roll call vote?

Nary: Voice vote is fine.

Simison: Okay. All in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hoaglund: Mr. Mayor --

Simison: Thank you very much. Council, shall we take a 15 minute break and reconvene at 8:30?

Hoaglund: Yes, please.

Simison: Okay. We will take a 15 minute recess and start up at 8:30.

(Recess: 8:16 p.m. to 8:31 p.m.)

25. Public Hearing for Compass Pointe Subdivision (H-2020-0100) by A-Team Land Consultants, Located at the Southwest Corner of E. Victory Rd. and S. Locust Grove Rd.

- A. Annexation and Zoning of 7.69 acres of land with a request for the R-15 zoning district.
- B. A Preliminary Plat consisting of 38 residential building lots and 10 common lots on approximately 4.69 acres of land in the R-15 zoning district.

Simison: Okay. Council, are you ready to come back in? Excellent. Then we will move on to our next item on the agenda, which is a public -- just want to make sure I got the right one. Public hearing for Compass Pointe Subdivision, H-2020-0100. We will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor, Members of the Council. The subject site before you consists of --

Hoaglund: Joe? Mr. Mayor? I'm sorry to interrupt real quick. Just for the record, Jessica -- Council Woman Perreault has -- has had to leave the meeting, so she's no longer with us, so I wanted to get that on the record, so -- thank you, Joe.

Simison: Thank you, Councilman Hoaglund.

Dodson: Thank you. The subject site before you consists of 7.69 acres of land, currently zoned RUT, rural urban transition, within the county. It is located at the southwest corner of Victory and Locust Grove intersection. There is county residential to the north that I believe did receive approval or is in the process of receiving approval as noted in the plan development map on the far right for a lower density subdivision and there is single family residential and R-8 zoning in all other directions. The project was heard -- this project was heard by the Planning and Zoning Commission on December 3rd. The Commission recommended denial of the project to the Meridian City Council. Following this recommendation the applicant made a request to the Council to be remanded back to P&Z with a revised plat and open space pursuant to the comments within the staff report and by the Commissioners. City Council agreed with those requests and remanded the project back. The main changes made by the applicant following this recommendation of denial are related to the number of residential units proposed, the road layout, the amount of usable open space, and the applicant is no longer requesting a PUD, a planned unit development. Therefore, the applications before you are for annexation and zoning of 7.69 acres of land, with a request for the R-15 zoning district, a preliminary plat consisting of 37 residential building lots and ten common lots on approximately 4.69 acres of land and, then, a request for private streets throughout the development and alternative compliance to connect a private street directly to an arterial street. Private streets and alternative compliance are handled at the administrative level. The proposed uses are all single family residential, but in multiple forms. Attached townhomes, which are triplexes and attached duplexes, and there are detached single family homes. Approximately four. The project is proposed with a gross density of 4.94 dwelling units per acre and a net density of 9.8, which is lower than the previous proposal. The applicant is proposing to construct private streets that are 24 feet wide, with five foot attached sidewalk on at least one side of the street throughout the project. In most cases on both sides of the street. The north end of the main street within the development, which is shown as Compass Lane on the landscape plans, the applicant is proposing an emergency only access out to Locust -- or, sorry, out to Victory Road. This access is required if more than 30 homes are to be constructed. The proposed access for this development is to South Locust Grove and lines up with East Coastline Street on the east side of Locust Grove, which is the access into Tradewinds and the future Teakwood Subdivision further to the east. The access point into the development does not meet ACHD district policy, but they are modifying the policy to accommodate this access because this is the best place for the access, because it is the furthest point away from the Locust Grove-Victory intersection, period, for this obtuse triangle or acute triangle. I don't remember fourth grade. This is largely because of the site constraints that do exist for the parcel. The site is a triangle

shape as noted, bordered on two sides by arterials and on one side by the Ten Mile Creek. There is no opportunity for public road connectivity or any road connectivity to any adjacent site. Therefore, ACHD recommended and prefers private streets. The city requires that private streets are to be used in either a MEW or a gated community. A MEW would be a vista or paseo if you are from the west coast. This applicant has proposed a gate meeting these code requirements, which is approximately here just for reference. Sorry. I lost my place. They are proposing a gate meeting the code requirements. Staff did recommend removing the parking spaces that are shown before the gate to ensure there is an area for vehicles to turn around should they enter on this private street on accident. The applicant is showing that revision on these plans. The proposed private streets are not wide enough to accommodate any on-street parking, so the applicant is proposing to construct extra off-street parking spaces along the main street as seen on the plat. There are no multi-use pathways proposed or required for the development. However, the applicant is proposing five -- a five foot wide pathway on this side -- this project side of the creek and behind the proposed homes. This pathway connects to the private streets at the southern end of the project and through the common open space a lot located mid block. The pathway also continues north and connects to the required sidewalk along Victory Road. In addition, staff recommended an additional pedestrian connection to the sidewalk along Locust Grove from the revised layout, which is this pedestrian connection here and the five foot pathway I'm referring to is this one for reference. The applicant did submit revised plans showing compliance with this recommendation. There is no existing sidewalk along Victory or Locust Grove, with both arterial streets are scheduled to be widened as part of the ACHD roundabout project scheduled in 2021, 2022 according to ACHD. With the roundabout project the applicant is required to dedicate additional right of way for the intersection and future widening of Victory and Locust Grove. To be clear, the proposed plat does show the accommodated additional right of way. ACHD is requiring that the applicant enter into a road trust for the arterial sidewalk improvements, instead of constructing them, since they will be constructed with the roundabout project. A minimum of ten percent qualified open space is required for this project, because it is over five acres in size. With the size of the plat the applicant should supply at least .77 acres of qualified open space or approximately 33,500 square feet. The applicant is proposing 3.9 acres of open space, of which 3.4 is qual -- is shown as qualifying, which is vastly more than the minimum. However, some of the area listed as qualified does not meet UDC standards due to their size not being at least 5,000 square feet or being near the dimensions of 50 by 100. Once this area is removed the qualified open space is proposed as just under three acres. More importantly, the open space for this development is largely made up of the Ten Mile Creek, which includes approximately 2.1 acres and, then, the arterial street buffers, which are approximately 19,000 square feet. All of this area is qualifying, but the creek will be left natural as is required by code and it will be a buffer and more of a visual amenity than usable open space. Abutting the creek and generally mid block with a pathway in it, the applicant is proposing an open space lot that is approximately 5,700 square feet. This open space lot contains one of the amenities and a micro path that connects to the private street and to the pathway along the creek. This open space lot and micro path offers a clear connection to the attached sidewalks throughout the development and to the additional open space a lot more centrally located within the development. This 5,700

square foot open space lot is the most active and usable open space lot within the development. In general the applicant -- in general the applicant has increased the usable open space throughout the site following the Commission's recommendation of denial and other comments made by them and staff. With the reduction in unit count and additional centralized open space, staff finds the proposed open space not only in excess of code requirements, but also an improvement from previous layouts. The applicant submitted conceptual elevations for the proposed attached single family homes, both duplexes and the triplexes. The submitted elevation show all two story structures with the two car garages and finishing materials of wood and stone. In addition, the elevations show modern architecture designs with shed roofs, second story patios with glass railings, and stone accents that go from grade to the full height of the homes. Attached single family homes require design review prior to submitting for building permit and at that point staff will ensure full compliance with the architectural standards manual. Commission did recommend approval of the subject applications following the remand. There was a number of public testimony provided at the hearing. The key issues -- the key issues were the density of the project and the additional traffic that would be added to the adjacent intersection. Streets. There was discussion on whether the project complies with the Comprehensive Plan and in that it is a different type of residential than the surrounding neighborhood and that the proposed density is high density residential when adjacent neighborhoods are not. This was a sticking point where I had to do a zoning 101 conference with the hearing just to discuss that the zoning is not tied to the density ratio. So, the density is not tied to the zoning, it's tied to the future land use. And it is, in fact, in compliance with the density requirements within the Comprehensive Plan for the medium density residential designation. The Commission discussed all these issues, as well as the density with the revised plat following the loss of 11 total lots, showing this latest revision and they reviewed the changes that have occurred following. The only outstanding issues for Council are some conditions of approval regarding the plat and the landscape plan were not revised. However, those issues can be handled at the final plat stage. They are minuscule and administrative points largely. There were two pieces of testimony provided following the Commission hearing. One from a Kristen Thompson. She opposes the project based on the density and that it does not match the surrounding development and I believe a neighbor to the west, but a Ms. Patricia Johnson, who had concerns over the existing trees that are within the irrigation easement and abutting the Ten Mile Creek and noting overall safety concerns of within the creek should any changes occur to the site regarding landscaping. Following that I will stand for any questions by Council.

Simison: Thank you, Joe. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Joe, do you know the distance from the entrance to the neighborhood to -- like the center point of that proposed roundabout? And if you don't -- I don't expect you to

know off the top of your head, but maybe to get that piece of information either for you, potentially for the applicant, potentially later.

Dodson: Councilman Cavener, I do not have that off the top of my head. The applicant might know. He -- he took the underlying CAD drawing from ACHD in order to design the plat, so he would probably have that answer for you.

Cavener: Okay. Thank you.

Hoaglund: And Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And, Joe, along those same lines, I was just curious in looking at your -- your PowerPoint you had up there, when -- when you talked about the widening of both Locust Grove and Victory happening '21, '22 and where their entrance and exit would be it didn't -- it -- it was narrow at that time, but showing the roundabout. Is that part of that expansion or is it just the roundabout?

Dodson: Councilman Hoaglund, that's a great question and that was brought up in the previous Commission hearing as well. So, to -- I clarified with ACHD that the roundabout project will go all the way to the end of their property, which includes the little bridge over the creek and all of that area is supposed to be widened, which will greatly help with pedestrian safety in that area.

Hoaglund: Okay. Thank you.

Simison: Council, any further questions? Okay. Then I will ask the applicant to, please, come forward and state their name and address and be recognized for 15 minutes.

Arnold: Mayor, Members of the City Council, for the record my name is Steve Arnold with A-Team Land Consultants. Business address is 1785 Whisper Cove, Boise. 83709. And just to preface my -- my presentation, I did have computer issues earlier with my internet going down. If for any reason it does go down again I will call in and, Joe, I e-mailed you a copy of my presentation. So, with that said I will share my screen. Joe pretty much explained the site layout. I -- I will add to that. I do have some renderings of the type of buildings. One of the reasons that we are doing the buildings that we are is we are trying to get some diversity of housing types out in the area. So, Joe kind of went over all of this. I will go over kind of our old layout. This is what the City Planning and Zoning Commission denied and one of the reasons there was the massing along here was more than they liked. They also didn't like this long straight street and these two dead end roads. So, we ended up modifying the -- something like this with what I call is a lollipop, instead of two dead-end streets. This just gives you kind of an idea of the view. This is looking from Locust Grove north at our entrance. As you can see along here there is some bending of the roads and we did break up some -- a lot of the facade and the walls along there. This is from the north looking south. Again, just another -- different angle

that you can see that the -- the undulation of the roadway. This would be a view looking at our central park here, looking north and west and, then, this is a view from that park looking at the other little pocket park on the east side of the road and, again, you can see kind of the buildings and the different masses that we are proposing to -- to help break out a lot of the general massing along the road that we previously had when the Commission denied. I don't know -- and maybe, Joe, you can answer this -- do we need to go back into the changes in the draft DA that we -- we had approved at Planning and Zoning Commission? If we don't I will just move along.

Dodson: Steve, no. If Council makes a recommendation -- or when they make a recommendation it will include those changes.

Arnold: Okay. So, I will just go simply through the modifications that we did from the time we were denied by the Planning and Zoning to the time they approved it. So, we went from 48 building lots down to 37 and as, again, Joe noted, our density went from 6.24 lots per acre down to 4.81 and, then, we -- by doing so we also complied with the setbacks. Before we were asking for some relief of the setbacks, so -- which in turn eliminated the need for the PUD. We increased also the housing variety. We decreased the number of triplexes. Increase in single family and townhomes in there to get a greater mix and, then, we had some -- in the previous layout some odd shaped lots, which also, then, created some odd shaped housing and we eliminated that completely. And, again, as Joseph noted, we went from roughly 3.2 acres of open space to 3.7, a 35 to 44 percent increase. With the increase of open space we also added the addition of a dog park. I don't know that that was brought up in the -- the discussion, but up north along here we have created an additional park. It's just, I believe, under 6,000 square feet. So, the roadways, again, we eliminated the two dead ends. Created a lollipop, which eliminated the need for a fire turnaround. And, again, as noted we -- we put some S turns in the north-south lane to help break up massing and also create some different undulations with the building. We added the gated entry and we added pedestrian crossings along with a turnaround. So, there -- we did -- at staff's recommendation we eliminated some off-street parking right south of the gate and -- and provided that, so that cars entering weren't -- by mistake they can at least turn around fairly easily. I put this together just to give you an idea. The -- this property currently utilizes all of the city services, you know, school, police, fire, emergency services, et cetera, and this just kind of gives you an idea that -- what this site and its development will generate for the fees and taxes. Roughly the one time fees up front will be in that 560,000 range and, then, the taxes annually will be the -- roughly the 157 and all these numbers here are the current levy rates that are within the city. Basically -- and I will keep my end short, but we are asking for approval of the project, because we have complied with all of city code. We have met the comp plan and we have made all the staff recommendations. You know, we have been working with Joe on this for about ten months, that we have had a lot of his time and we appreciate all of the city's comments and input. We have also taken in all the neighborhood concerns about the density and have greatly reduced it. We took all of the Commission's recommendations or reasons for our previous denial and have made those changes and now we do have their approval. We -- I don't think I have ever worked on such a small subdivision that we have provided as much open space as we did, but it -- we do have quite a bit. Not to mention the -- the

amenities that we are putting within those open spaces. I think we have exceeded any kind of requirement for the city. You know, we are -- we are in this for the long haul. We are -- the developer is also the builder. So, it's -- you know, his reason for doing a nice project is not just to blow and go through the lots, but he is going to be building these things, so, you know, it would behoove him to, you know, spend the money up front and get higher returns on his homes that he builds, you know, and, then, us, we are continued to commitment to providing quality neighborhoods. I have done quite a bit of work with Meridian and I don't think that there is any one subdivision that can be I guess downplayed or that I regret doing. I think we have done good work within the city. The housing type, you know, I can go into the real estate market here, which is crazy stupid. We also market subdivisions. We are fully aware of the demand and our pricing, as brought up earlier, you know, lumber prices are through the roof. So, I think we are -- we are providing a product type that is in demand and will help out some of the housing demands. The site is in-fill. I mean, you know, it's currently using the city services. You know, by developing it we are going to be able to bring in some fees and funds that will help finance those. Annexing the property, frankly, will financially help pay existing service in the immediate area. Based on that we are asking for your approval and I appreciate your time and I will stand for any questions.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Mr. Hoaglun.

Cavener: It was Mr. Cavener.

Simison: Councilman Cavener.

Cavener: Sorry, Mr. Mayor. Thanks, Mr. Mayor. Steve, thanks for your presentation. I will ask you the same question I asked staff. What's the distance between the entrance to your proposed neighborhood and that roundabout?

Arnold: If I can share another screen -- if I can figure that out I will get you that answer. I lost it.

Johnson: Sorry. I stopped that one. If you could start a new.

Arnold: Oh. Got you. Do you see this?

Cavener: Uh-huh.

Arnold: Okay. I will measure it. I don't fully know right off the top of my head. So, if you go -- 765 feet.

Cavener: Okay. Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Cavener.

Hoaglun: It's Councilman Hoaglun.

Simison: Well, you guys -- I can't see your faces.

Hoaglun: Oh for two.

Simison: This at home is for the birds, I'm just going to be honest with you. Councilman Hoaglun.

Hoaglun: Mr. Arnold, question about the timing of your project. If this were to be approved what -- when is your start date, when do you plan on finishing up all those plans that you have?

Arnold: Mr. Mayor, Councilman Hoaglun, following -- assuming we get approval, we would immediately turn around and start engineering drawings. Typically it takes between two to four months from the time you start to the time that you complete. We will be coordinating with ACHD -- I believe they start the roundabout this summer. I anticipate a, oh, five to six month construction window and our proposal is to build -- build the entire thing in one phase.

Hoaglun: So, Mr. Mayor, follow up?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Arnold, the homes would be up for sale January of next year. What -- what -- what is that time frame and when is the completion of the roundabout scheduled?

Arnold: The -- the completion of the roundabout I believe is in November, December. I don't think it's a very large project for ACHD. But I do believe it was going to be completed either at or around the time that we would start construction. But the -- the -- if the question is will the -- when the housing starts will the roundabout be done and, yes, I fully envision that.

Hoaglun: Okay. Thank you.

Simison: Council, any further questions for the applicant? Okay. Thank you. Mr. Clerk, do we have anybody signed up to provide testimony on this item?

Johnson: Mr. Mayor, in sign-ups no one indicated they wished to testify, but there are people present and I will call up Mr. John Buckner.

Simison: Okay. And if there is anybody who is on the Zoom call and you would like to provide testimony, please, use the raise your hand feature and we can bring you in for -- to testify.

Buckner: Thank you. I'm sorry.

Simison: State your name and address for the record, please.

Buckner: John Buckner. I live on 3877 South Picasso Avenue in Meridian. I'm right down the street from this intersection. I want to thank the Council, Mayor Simison, for the opportunity to speak. I want to say that I love Meridian and I'm for development, I'm for growth, I'm just for growth that makes sense and that really isn't inappropriate. For example, sticking an R-15 zone right in the middle of an area that consists primarily of R-8s and R-4s just really doesn't make sense. I would like to see a revised plan with no more than an R-8 and a reduction of a minimum of about ten units to the design and just to add onto what Planner Dodson said, there were about 50 entries in the website, just to let you know, voicing contest of the plan. The application does not comply with many of the city's standards or the Comprehensive Plan, besides those that were gone over. For example, the subdivision design and improvement standards, UDC 11-3C-6 requires that off-street parking is provided. The application did not comply with these standards according to this staff report. The private roads and available spaces don't accommodate this requirement. The staff recommended the developer require -- and bylaws the garages be forbidden use as storage, which Commissioner Seal in a previous hearing already said is a very likelihood, so that whatever space is available in the parking spaces and on the pads is probably not going to be efficiently used and cars are going to be spilling over causing congestion and potential safety hazards for the neighborhood. Also the -- it doesn't comply with many action items of the Comprehensive Plan. For example, 5.01.00, which requires a sustain entrance promote -- sustain, enhance, promote and protect elements and contribute to the livelihood and quality of life for the residents. Adding 37 units is about two cars each. That's about 74 units. The density is really going to make things not -- not a high quality of life for the existing residents or even new ones for that matter. According to the December staff report there were 30 crashes in the past year within one mile of the intersection. I have had the opportunity to witness two of them after the fact. So, jamming in 74 vehicles in this area is not really going to help that situation. Also according to 5.01.02E, the Comprehensive Plan requires to support and protect the identity of existing residential neighborhoods. As you have seen in the photos and also on this plan, the houses take a drastic deviation from the identity and the character of the rest of the neighborhood, which does not really comply with that. The homes are very townhome and modern styled, not like the homes that already pose some diversity. For example, I live in Green Valley, which is right across the street from Tuscany. A very beautiful development to Steve Arnold's credit. However, there is much diversity in that neighborhood without going to the drastic effect of making our nice committee to look like an urban city, a very modern city, and I don't think that's a necessary step in order to add diversity to our city. Anyway, I would like to thank you for the opportunity and please consider what we -- how we feel, because you do represent us. Thank you.

Simison: Council, any questions?

Johnson: Mr. Mayor, nobody -- excuse me. Nobody online. Looking in the room. Anyone else? Okay. I believe everyone has testified, Mr. Mayor.

Simison: Would the applicant like to make any final comments?

Arnold: Yes, I would. Can I also share my screen again and I will -- I will just go through some of his highlights. I guess Joe could probably do this better than me, but given the R-15 discussion about zoning, you know, we are not going in R-15 so that we can bump the density up and if we did the R-10 I -- there is not an R-10, but the R-8, the dimensional standards don't work for the product type that we are trying to do. So, that's the only reason we are going for R-15 is not density, but dimensional standards. It was brought up that the garages not be used for storage. We fully intend to do that through our CC&Rs. I know the city through previous hearing, you -- you guys don't enforce CC&Rs, nor do most other cities, but that's something that we also want and we are -- we have done it in other subdivisions that we have worked in and it's worked. So, our plan is to do it in this one. But regardless of the -- the -- the parking, we are -- there is a place on Lot 1, Block 4, that we are adding additional parking on. Our concern is also parking. We don't want to have parking be an issue. The garage -- so, assuming -- we will put those in the CC&Rs. Also -- we also have two parking stalls outside of the garage and some of these units are two bed, two and a half bath. So, we are exceeding parking quite a bit. There was a statement about additional traffic and accidents. I -- the traffic out there, as the intersection currently sits, is a problem. ACHD recognized that in their analysis, but they also recognize that it is a short term issue and by the time that our traffic hits the road we will have a fully improved intersection with a roundabout that has significant less accident rates than a stop controlled -- or a stoplight control signal. So, that problem all goes away. I chose the modern design out there, because I didn't see anything out in that area and our plan is to market the subdivision. So, I think it would be a product type that would meet a demand that's not in the area. If it's the direction of the Council that you want us to do a different design type, we can certainly do that. And as Joe stated, this project goes through a design review. So, this is not the last time that the city will see this. You know. And, again, we are not tied in any way to the specific design. I just personally thought it would be a good fit out there. But we will do whatever the city wants us to do on that. And that's all the follow up I had. So, I will stand for questions.

Simison: Thank you. Council, any additional questions?

Hoaglund: Mr. Mayor?

Simison: You're going to have to --

Hoaglund: Councilman Hoaglund here.

Simison: Councilman Hoaglund.

Hoaglun: Just to kind of ask Mr. Arnold a question about -- are you aware that in the past we have had some annexations if they are above five acres that we have continued them to a date certain beyond the -- what we think would be the end of the legislative session due to some of the legislation that's been proposed regarding property taxes and the impact it would have to our city budgets? I don't know if you are aware of that or not.

Arnold: Mayor, Councilman Hoaglun, yeah, I was given that heads up by the -- the staff. Joe gave us a heads up and he wasn't sure and at the time I asked, you know, do we ask for a continuation and just not, you know, I guess present it tonight and it was recommended that we do that. One of my reasons for putting together that financial analysis was that, you know, as it currently sits I think that the city's better off, you know, annexing this property than not, although I'm not that familiar with the legislature. I did see some dates in there that -- that it was going to affect properties annexed after July of 2021 and I didn't fully understand that. So, I have been made aware that this was a concern by the city.

Hoaglun: Mr. Mayor, follow up.

Simison: Councilman Hoaglun.

Hoaglun: Yeah. And you are correct. And one particular piece of legislation that we were following did -- did lose in the state senate by one vote. However, the session is not over. It's been made very clear by certain members of the house that it is a top priority for them to -- to reduce city budgets, which for a growing community like Meridian impacts our ability to pay for services that growth requires and I guess that's a question for Council at this point in time. Do we want to have a further discussion about this now that we have gone through the testimony or do we wish to pause and -- and move it to a date certain until after the legislature adjourns. This is 7.69 acres. Kind of somewhat qualifies for in-fill, but I would think based on our previous conversation that we had kind of decided anything about five acres due to the impacts we would wait until we know -- we have some certainty about what the legislature is going to do. So, what's the desire of the Council when it comes to that?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I'm glad you brought that up, Councilman Hoaglun. I think it's most prudent to stay the course. I think our cautious continuances to see what the financial landscape is is still the right way to go for the exact reasons we stated earlier and I think that applies to this project. Just defers a decision until we have got the legislation and the session completed.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think consistency in how we treat applications is really important right now, so that we are not creating an atmosphere of winners and losers. We are treating each one -- sticking to our guidelines that we laid out. I do want to state that I think some of the changes that the applicant made I really applaud and think some of these changes have been really positive overall for the project. I think it's headed in the right direction. But I do agree that probably continuing this until after the legislature hopefully is done and we will all breathe a sigh of relief and we will be able to go about our business at that point.

Cavener: Mr. Mayor, this is Council Member Cavener.

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. I agree with my fellow Council Members. I will be real frank, I have got some real concerns about this project and will welcome the opportunity to address those with the -- with the applicant at a later point in time. I would just maybe urge the Council as we think about this -- I know we have been continuing them with the hope of having those continuances begin in -- in mid to late April. With -- with the legislature taking a two week pause, it sounds like that they are not going to be wrapped up for the end of the year until probably the end of April. So, as we contemplate when we want to continue this project to, I think it's important that we don't schedule it so quickly that we, then, are kind of recontinuing it at a later point in time. So, we might want to be looking towards maybe a Council meeting in mid to late May.

Hoaglun: Mr. Mayor, Councilman Hoaglun here.

Simison: Councilman Hoaglun.

Hoaglun: Yeah. And that is something we are looking at. They would like to get wrapped up within two weeks after going back in, but as you know that oftentimes is not achieved. But I think if -- if -- looking at the schedule and consulting with the city clerk, April 27th is -- is a possibility that they could be done and we do have an opening there without having stacks of hearings that night. Mr. Arnold, is that something that's workable for you?

Arnold: Say again. The time was late April?

Hoaglun: April 27th.

Arnold: It is doable for my schedule. I can make that work. And one of my thoughts is if this new legislature only affects properties greater than five acres, we can -- I mean the -- the -- the channel or the Ten Mile Creek there, we could split that off and we could just annex the development ground, because we don't need that property to develop.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. Mr. Mayor and Mr. Arnold, yeah, you probably misunderstood my -- my five acre comment, because that was more of what we decided if the parcel is five acres or greater that's requesting annexation we would give pause. We were trying to find -- do we do everything that's requesting an annexation and we determined there are some really true in-fill developments that -- the two acre or three acre parcels are in-fill, but above five acres it was just our cutoff for determining, okay, what are we going to pause on, what will we continue to hear, and the five acres is what we kind of came to a consensus on. So, yeah, it doesn't matter. You are requesting annexation for that whole site of 7.69 acres. So, that kind of falls into that, unfortunately, for -- for you. And we really don't know. They could put an emergency clause on future legislation that starts when it becomes law, if it becomes law. So, we just have to be prudent. You know, we are a fiscally conservative community in how we spend money and we would rather save and pay for it and not borrow and we think that's the best way to go. So, we just want to make sure we know the impacts to our budgets before we approve development that we aren't able to fully realize revenue from to pay for the impact. So, nothing -- nothing about your project that -- that is -- is unworthy, but, you know, certainly we are just doing this with a number of other projects as well. So, hopefully you understand.

Arnold: Mayor and Councilman Hoaglun, yes, I do. I do have a follow-up question for Councilman Cavener. You said you had some concerns with the property. Is there something that we should be looking at trying to do before our next meeting?

Cavener: Mr. Mayor, Council Member Cavener.

Simison: Councilman Cavener.

Cavener: Thanks, Steve. Appreciate the question. I mean I think for me there -- there is a host of concerns. My biggest concern is the amount of units on that particular piece of land and particularly how it's got one entrance and one exit and its close proximity to -- to Locust Grove. Now, some of my concerns, too, are about the parking that's -- that's not made -- made available. I mean it was one of my questions. You said that you have got a -- a spot where you are going to be putting additional parking. I would be curious how many spots that is and if you would show us where that is. I mean those can be conversations at a later point in time or we can discuss that this evening. I have got some kind of head scratches about the -- the architectural design of it. That's not a piece that I necessarily get into. You know the market better than I and if somebody's interested in buying something that looks like that I'm all for it, but, you know, we heard from some of the members of the public and it was definitely shared at the Planning and Zoning Commission the amount of units that you are trying to put in kind of -- again, I recognize it's a challenging in-fill spot, but if your only concerns about the dimensional standards, you could achieve that with fewer units as well. So, those are some of my overall concerns why I'm not quite sold that this is the best use of that particular land in that particular part of our community.

Hoaglun: So, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Unless we have anymore comments about this to -- to prepare for a continuance, I would move that we continue the public hearing for H-2020-0100 to April 27th.

Cavener: Second.

Simison: I have a motion and a second to continue this item. Is there any discussion on the motion? I will just make a quick comment on -- on the -- on the motion and on this part on this parcel. I do think it's a good thing for this parcel's features to be decided as this roundabout is put in. I think the timing is appropriate for a whole host of reasons. So, hopefully, there is a solution out there that can be come to, either the next meeting or future, because this is always -- this is going to be a huge challenge long term. But I also applaud Council's continued discretion as we wait for the resolution on property tax legislation. So, with that, I have a motion and a second. Any further discussion? All those in favor signify by saying aye. Those opposed nay. The ayes have it and the motion is agreed to and we will pick this up again at the end of April.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Thank you, Mr. Arnold. Appreciate it.

Borton: Thanks, Steve.

ORDINANCES [Action Item]

26. Second and Third Reading of Ordinance No. 21-1916: An Ordinance Adding a New Section to Meridian City Code, Section 7-2-2(B)(8), Regarding Prohibited Parking in Front of Mailboxes; Adopting a Savings Clause; and Providing an Effective Date

Simison: Okay. Next up we have moved on to Item 6 under ordinances, which is the second and third reading of Ordinance No. 21-1916. I will ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance adding a new section to Meridian City Code, Section 7-2-2(b)(8), regarding prohibited parking in front of mailboxes; adopting a savings clause; and providing an effective date.

Simison: Thank you. Council, any discussion or do I have a motion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Move that we approve Ordinance No. 21-1916.

Strader: Second the motion.

Simison: I have a motion and second to approve Ordinance No. 21-1916. Is there any discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I was under the impression we were going to have a public hearing on this. I thought that was the discussion -- that was the discussion last week is that we were adding a public hearing to this item.

Simison: I don't think that was decided in the conversation. I think it was part of the conversation about whether or not we would or wouldn't. I recall Council -- at least Council President Bernt indicating that he felt like that we were not going to have anybody and that was my position as well. But no public hearing was added on this item.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: And that was my impression as well. I knew -- we had the discussion and I thought it ended up that we would not have a public hearing, so --

Cavener: Mr. Mayor, my recollection was -- was different. I appreciate your feedback. Mr. Hoaglun's feedback. It is what it is. But I was under the impression that we were going to have a public hearing, so I appreciate the feedback.

Nary: Mr. Mayor? Mr. Mayor?

Simison: Yes.

Nary: It's Bill. Mr. Mayor, Members of the Council, so a public hearing doesn't have to be separately noticed for a reading. So, you can simply call the question in the room. There are people still here. So, I don't know if they are here for this ordinance, but you don't need to notice it separately if that's your concern.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Then I guess I will speak to at least my -- my surprises. I had heard from members of our community who did want to testify in this. It's clear there are people that

are in the room. Again, I don't want to set an inappropriate precedent. I'm happy to support whatever the body wants to do. I don't think that I could be supportive of this ordinance without a public hearing personally. That's just my personal view. But I will leave it up to the body to decide how we want to move forward.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The reason I was comfortable moving forward is this is the fourth time it's been on a public agenda and an opportunity for folks to comment both in the meetings and catching us offline over the course of the last four months, so I'm comfortable moving forward. I just feel like we have had complete ample opportunity for anybody who wants to participate, share their information, to do so and many have. Some -- so, prepared to make a decision.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I was prepared to make a decision and vote on it, but if what Mr. Nary is saying is that you could just open it right now for folks that may have had a different impression and let them testify at this time, in case they were confused, I would support that, if that is possible now. I don't want to hold this up longer than tonight, but if someone -- it sounds like there was some miscommunication. I'm more on board with getting everybody on board. If we can open it up right now for anybody that may have been under a different, impression had comments, I'm -- I support that at this time, if that's possible.

Simison: Is there anybody in the room or online that would like to provide comments on this item?

Hoaglun: Yes, Mr. Mayor, it looks like we have someone.

Simison: Okay. If they would like to come forward and make comments for three minutes.

Butterworth: Mr. Mayor and Council Members, my name is Thad Butterworth. I reside at 478 East Lake Creek Street in Meridian.

Hoaglun: I'm sorry, what was the name again? I missed that.

Butterworth: Thad Butterworth.

Hoaglun: Okay. Thank you.

Butterworth: Yes. I would urge you to vote no on this ordinance and there is one main reason and that reason is that this ordinance is taking the self governance away from

people where they could just be responsible citizens and do what they need to do, have discussions with neighbors and work things out. I will just say I have had issues like this where neighbors have blocked mailboxes before and a simple conversation was all it took to resolve the issue. It did not require laws. It did not require more fines. It did not require handing over more power to the government. This -- we really have to be careful in this time to not continue to have overreaching government mandates. Quite frankly, we have enough already that even a businessman like me is having to do all sorts of things to make my business work just because of the overreaching mandates, some of them having been passed by this Council. So, we really need to be careful about adding more laws and more ordinances when most of our people are responsible anyways and, quite frankly, the Postmasters General have tools that they can use that are at their disposal that they can use to deal with these sorts of issues if you have consistent -- someone is consistently violating the laws that are already on the books. It is already illegal to interfere with the delivery of mail. I'm sure you are all aware of that. Adding this parking ordinance is only going to create more problems. You are also now talking about micromanaging people, so anytime you start to micromanage people there are always unintended consequences. I will tell you a couple of them I'm concerned about right now. One is parking. You know, are -- we are already facing some major parking issues in this city and if we pass this ordinance we are going to increase those issues. You are also talking about putting more burden on law enforcement to go around and write these tickets and everything else, when, quite frankly, most of this can be solved between neighbors and it has been for quite a while and I have seen it, like I said, even personally in my life. I really would urge the City Council to not pass this ordinance. There is no reason for it. It can be handled in much better ways and you are just adding more government overreach in a time when we are already concerned about how much there is. Thank you.

Simison: Thank you. Council, any questions?

Butterworth: Yes.

Simison: Thank you.

Butterworth: Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Code enforcement is in the room and if she would like to speak it -- because I think she's talked before about how they are planning on going about with the enforcement. Certainly understand Thad's comments, you know, we don't want to have a government overreach, we want people to resolve the problems first, but there are times you get people who don't want to follow laws and could care less about their neighbors. So, for those rare occasions, fortunately, in Meridian we do need I think some enforcement tools and that's what this would give us. So, if we could have code

enforcement come up and talk about how you plan on going about dealing with people in these situations.

Ooi: I'm Lacy Ooi. Code Enforcement Supervisor. We address most of our parking complaints on a complaint basis and it's also an educational system. So, our goal would be to educate someone of the violation and if they were within a close proximity of, you know, eight feet, as opposed to ten feet, that would be issuing a warning or contacting them. Our goal would be to get the vehicles to move, but without the code being on the books we don't have the ability to ask for that. So, it would just be a way of giving us a tool to be able to educate people on that and I would say a good majority of our job is dealt with in the areas of neighbors that don't talk to neighbors.

Simison: Thank you. Council, any questions or comments for Lacy? Okay. Thank you, Lacy. Is there anybody else that like to provide comments on this item? If there is anybody online that would like to provide comments you can use the raise your hand feature. Seeing nothing else, Council, what's your pleasure?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think Thad brings up a lot of valid comments about the ordinance and the role of government and I think that's some of the balance and consideration that this ordinance imposes upon us. Kind of the pros and cons of doing so and understanding that code enforcement is looking at this with a focus on education and trying to facilitate compliance, not to be heavy handed. Certainly we will have internal data to see how much communication we have. How this tool utilizes improving independent decision making of our citizens. I think it can be a net positive, but we will certainly keep an eye on it. So, with that education, constructive focus, I still recommend that we proceed forward with the ordinance.

Cavener: Mr. Mayor, Council Member Cavener.

Simison: Councilman Cavener.

Cavener: First to Council, my apologies for misunderstanding our meeting last week. Apologies for throwing a wrinkle in kind of a procedural piece. I really appreciate I think what's trying to be intended here and appreciate Council Member Borton for bringing this forward. Again, you guys know my sheer joy about local government that we wrestle on these little things are big things to us. You know, Council Member Borton pointed out we have been talking about this it seems like for a -- for a number of months and along the way I voiced my concern about I think that the -- the length of distance is too high and my overall concerns about this being weaponized amongst neighbors who aren't able to get along. I think Council Member Borton did a really good job of making the -- the life safety case about we don't want to stop the postal service from being able to deliver crucial medications to the public or the people who are ordering them. I did a little bit of research

just for everyone's benefit. The vast majority of life saving medications that typically come directly from a pharmacy or direct from the manufacturer are shipped via FedEx or UPS, so they are delivered to the doorstep. In addition, Amazon, which is, you know, building a facility here in Meridian that does pills, also has an agreement with the postal service to deliver those to sign for them at the doorstep. So, I have kind of weighed the -- the life safety benefit with the common sense benefit and I -- I just have come to the crux that I think ten feet on both sides of the -- of the postal box or the mailbox is just too high for me. You know, I think I would be supportive of something that's much smaller. It sounds like that doesn't work for the Postal Service. So, I appreciate the good conversations about this. I just haven't been able to get to the threshold that I can be supportive of the ordinance.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I support the ordinance. I appreciate Mr. Butterworth's comments as well. However, I don't believe that the existence of an ordinance absolves all of us from using common sense and being good neighbors. This is a tool and I'm confident that the code enforcement team will use education and that they will use the tool wisely and if it's not being used wisely we will certainly revisit, but at the end of the day to me the -- you know, the -- the risk of not having this tool I think is greater and the impacts potentially to people are greater. I think it's -- you know, let's say that 20 percent of the medications come through the Postal Service. That still a pretty important thing for somebody; right? And I -- I don't think that the inconvenience of someone really weighs against that, them moving their car if our enforcement team tells them to and they don't want to listen. So, that's where I'm falling on it. At first I thought ten feet each direction seemed a lot, but given the fact that the vehicle itself is 14 feet and that we are going to be leading with education, that's -- that's where I fall is in support.

Simison: Council, any further conversation or a motion?

Johnson: Mr. Mayor, there is a motion and a second, if it still stands.

Simison: Okay. If the motion and the second still stands, any further dialogue? If not, Clerk will call the roll.

Roll call: Bernt, absent; Borton, yea; Cavener, nay; Hoaglund, yea; Strader, yea; Perreault, absent.

Simison: Three ayes. One nay. The ordinance is approved and passed.

MOTION CARRIED: THREE AYES. ONE NAY, TWO ABSENT.

27. Ordinance No. 21-1923: An Ordinance Repealing Meridian City Code Section 7-1-14, Regarding Handheld Devices, and Providing an Effective Date

Simison: Next item on the agenda is Ordinance No. 21-1923. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance repealing Meridian City Code Section 7-1-14 regarding handheld devices and providing an effective date.

Simison: Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Sorry -- sorry, Mr. Mayor. Just for your benefit, nobody in the room is raising their hand to want to hear it read in full, so I'm happy to make a motion if that's okay.

Nary: Mr. Cavener, could I put something on record first for a moment?

Cavener: Sure.

Nary: So, Mr. Mayor, Members of the Council, I just wanted to put on the record so that it's clear from the public's perspective. We passed this ordinance in November of 2019. We did a public education process and enforcement. We began enforcing it in January of 2020 and enforced it throughout 2020. The Idaho legislature passed a similar ordinance prohibiting handheld devices during the legislative session last year. It went into effect in July and they did the education program until the end of the year and began enforcing it in January. I checked with our prosecuting agency. There is no more citations left under this ordinance. So, it is repetitive and that was the basis for why the repeal was there. Since we hadn't talked about it previously I just wanted to make sure it was clear on the record. We weren't taking something away, we were simply not duplicating what's already being done by the state.

Simison: Thank you, Mr. Nary.

Simison: Mr. Cavener.

Cavener: Thank you, Mr. Mayor. I move we approve Ordinance No. 21-1923 with suspension of rules.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve Ordinance No. 21-1920 with suspension of the rules. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the ordinance is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

28. Ordinance No. 21-1925: An Ordinance Amending Title 1, Chapter 7, Section 10, of the Meridian City Code, Regarding the Procedure for a Request for Reconsideration of a Land Use Decision; and Providing an Effective Date

Simison: Next up is Item 28, which is Ordinance No. 21-1925. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. This is an ordinance amending Title 1, Chapter 7, Section 10, of the Meridian City Code, regarding the procedure for a request for reconsideration of a land use decision and providing an effective date.

Simison: Mr. Nary, would you like to make any comments, since we put this on the record?

Nary: Thank you, Mr. Mayor, Members of the Council. So, the basis of this was we had earlier a request for reconsideration that was delivered to the Planning Department, to a planner. The discussion at the time was all city service of any type of legal documentation goes to the clerk. So, the purpose of the ordinance was to direct people from the state code to the city code to give them the procedure they needed to follow to request this process and we wanted to make sure it didn't get lost, it didn't get misplaced, it didn't get misdirected. The Clerk's Office will know what to do. This is why it's just to clean up in my opinion, to just make sure it's clear. Everything goes to the clerk and, then, it will get disseminated from there.

Simison: Thank you. Council, do I have a motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener. Did I ask if anyone would like it read in its entirety? I think I did. Mr. Cavener.

Cavener: Thank you, Mr. Mayor. There is staff and Council left in chambers right now. So I move that we approve Ordinance No. 21-1925 with suspension rules.

Hoaglund: Second the motion, Mr. Mayor.

Simison: I have a motion and a second to approve Ordinance No. 21-1925 under suspension of the rules. Is there discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it. The ordinance is adopted.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Very briefly. Thank you to your office and to legal. This is something that came up and got remedied relatively quickly. It got on the faster track of amendments and improvements. So, thank you for making sure that happened. It didn't get lost in the mix, so --

- 29. Ordinance No. 21-1922: An Ordinance (H-2020-0115 – Schnebly Annexation) for Annexation of a Parcel of Land Being a Portion of the Southwest Quarter of the Southeast Quarter of Section 8, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, as Described in Attachment “A” and Annexing Certain Lands and Territory, 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 0.749 Acres of Land from RUT to R-2 (Low Density Residential) Zoning 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**

Simison: Yes. We are trying to get more efficient in how we move things forward to come up that are quick fixes. Next up is Ordinance No. 21-1922, ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to H-2020-0115, Schnebly Annexation, for annexation of a parcel of land being a portion of the Southwest Quarter of the Southeast Quarter of Section 8, Township 3 North, Range 1 East, Boise meridian, Ada county, Idaho, as described in Attachment “A” and annexing certain lands and territory, 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 0.749 acres of land from RUT to R-2, Low Density Residential Zoning 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.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? If not, do I have a motion?

Cavener: Mr. Mayor, Council Member Cavener.

Simison: Councilman Cavener.

Cavener: Move we approve Ordinance No. 21-1922 with suspension of rules.

Hoaglund: Second the motion, Mr. Mayor.

Simison: Have a motion and a second to approve Ordinance No. 21-192 under suspension of the rules. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the ordinance is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

- 30. Ordinance No. 21-1924: An Ordinance (H-2020-0099 – Mile High Pines) for Annexation of a Parcel Located in the NE ¼ of the SE ¼ of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho 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 17.46 Acres of Land from RUT to R-15 (Medium High Density Residential) (11.44 Acres) and C-C (Community Business District) (6.02 Acres) Zoning Districts 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**

Simison: Next up is Ordinance No. 21-1924. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mayor. It's an Ordinance H-2020 -- related to H-2020-0099, Mile High Pines for annexation of a parcel located in the NE ¼ of the SE ¼ of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada county, Idaho, 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 17.46 acres of land from RUT to R-15 (Medium High Density Residential) (11.44 Acres) and C-C (Community Business District) (6.02 Acres) Zoning Districts 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.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like the ordinance read in its entirety?

Cavener: Mr. Mayor, Council Member Cavener.

Simison: Councilman Cavener.

Cavener: Nobody's raising their hand, so I move we approve Ordinance No. 21-1924 with suspension of rules.

Hoaglun: Second the motion, Mr. Mayor.

Simison: I have a motion and a second to approve Ordinance No. 21-1924 under suspension of the rules. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it. The motion is agreed to and the ordinance is passed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics this evening?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not a future meeting topic. I just -- I want to reiterate my apologies to you, Mr. Mayor and Members of the Council, for -- for misunderstanding our meeting last week and while the person who told me they were going to come and testify didn't, I appreciate you accommodating the members of the public and them that sat through our meeting to hear it out and, again, sincere apologies for not tracking the agenda properly.

Simison: I understand why there was confusion. It's not always a clear yes or no, but it's -- the will of the Council appeared to be in that direction, as well as myself. So, with that do I have a motion to adjourn?

Hoaglun: Mr. Mayor, move to adjourn.

Cavener: Second.

Simison: Motion and a second to adjourn. All in favor signify by saying aye. Opposed nay. The ayes have it. We are adjourned.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON
ATTEST:

_____/_____/_____
DATE APPROVED

CHRIS JOHNSON - CITY CLERK