

A Meeting of the Meridian City Council was called to order at 6:01 p.m., Tuesday, October 20, 2020, by Mayor Robert Simison.

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

Members Absent: Luke Cavener.

Also present: Chris Johnson, Bill Nary, Joe Dodson, Alan Tiefenbach, Brian Caldwell, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Joe Borton
☒ Brad Hoaglun	☒ Treg Bernt
☒ Jessica Perreault	☐ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, I will call this meeting to order. For the record it is Tuesday, October 20th at 6:01 p.m. and we begin tonight's meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: If you would all like to, please, stand and join us in the Pledge of Allegiance.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next on the agenda we will be -- have the community invocation, which will be performed by Justin Jordan of Real Life Ministries. Thank you for being here and for those of you who would like to, if you would like to just take this as a moment of silence, as compared to participating in the community invocation, you are more than welcome to do so. Justin.

Jordan: Thank you, Mayor. Why don't spend some time praying. Lord, just come before you this evening recognizing, God, that we are blessed to live in the community that we live in and, Lord, as these Council Members join together to make decisions for our city we are reminded of Romans 13 that says that they have been put in the leadership position by you. We pray, God, that they would lead with integrity, lead with leadership and vision in the decisions that they make for the betterment of our community would -- it would actually allow our community to thrive, Lord. We thank you for their service. We thank you for their sacrifice and their willingness to make our community great. Lord, we pray for our community as we continue to grow and continue to see people come. May

we continue to be a light to the rest of our state and our nation, Lord. Thank you for these leaders and I pray for their life and blessing in the midst of the meeting tonight. We pray this in your son's name, amen.

Simison: Thank you.

Jordan: Thank you. Have a great night.

ADOPTION OF AGENDA

Simison: Next item is adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Oh. And for the -- for the record, Council Woman Strader has joined us. Councilman Bernt.

Bernt: Mr. Mayor, there are some changes to the agenda this evening. Item No. 6 will have an updated number changing from Resolution No. 20-2233 to -- I guess that's Consent, actually. So, we will just talk about that at Consent. But there is another change in Executive Session, which is No. 12. We are going to add 74-206(1)(f) to this evening's Executive Session.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I would second the adoption of the agenda as amended.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

CONSENT AGENDA [Action Item]

- 1. Compass East Parcel Water Main Easement No. 1**
- 2. Compass East Parcel Water Main Easement No. 2**
- 3. Acceptance Agreement for the Display of Artwork in Initial Point Gallery for November 2020 Between City of Meridian and Melissa Reche'**

- 4. Third Addendum to City Utilities Reimbursement Agreement by and Among the City of Meridian, the Ada County Highway District, and Costco Wholesale Corporation**
- 5. Services Contract Agreement Between the City of Meridian and American Cleaning Services for Janitorial Services for Fiscal Year 2021 Through Fiscal Year 2025**
- 6. Resolution No. 20-2233 Amended Resolution to No. 20-2237: 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 Amending Policy and Procedure 4.2 – Vacation Leave Benefits; Policy and Procedure 4.5 – Bereavement Leave; Policy and Procedure 4.11 – Paid Parental Leave (PPL); Policy and Procedure 5.4 – Education Reimbursement; and Policy and Procedure 5.5 – Director Benefit Program; and by Creating a New Policy and Procedure 5.6 – Retirement Match Program**
- 7. Resolution No. 20-2235: A Resolution to Amend the City of Meridian's Citywide Records Retention Schedule; and Providing an Effective Date**
- 8. AP Invoices for Payment - 10-14-21 - Special - \$844,940.28**
- 9. Invoices for Payment - 10-21-20 - \$2,492,606.78**

Simison: Next item is the Consent Agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Like I just said, Consent Agenda, Item No. 6 will have an updated number changing from 20-2233 to Resolution No. 20-2237. With that I move that we approve the Consent Agenda as -- as amended. For the Mayor to sign and for the Clerk to attest.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Second the motion.

Simison: I have a motion and a second to approve the Consent Agenda as amended. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it and the Consent Agenda is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Simison: There were no items moved from the Consent Agenda.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, did anybody sign up under public forum?

Johnson: Mr. Mayor, there were none.

ACTION ITEMS

- 10. Public Hearing Continued from September 15, 2020 for Jocelyn Park Subdivision (H-2020-0067) by Bonnie Layton, Located on the South Side of W. Victory Rd., Approximately ¼ Mile West of S. Meridian Rd.**
 - A. Request: A Preliminary Plat consisting of 67 single-family residential lots and 7 common lots in an existing R-8 zoning district.**

Simison: Okay. Then with that we will move into Action Items. First Action Item is a public hearing, which was continued from September 15th, 2020, for Jocelyn Park Subdivision, H-2020-0067. I will continue this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor. Good evening, Members of the Council. Again, this was continued from about a month ago. I was going to do a brief overview of the project again for our benefit and for the record and, then, I will hand it over to the applicant to get into a little bit more of the details that have come about since September 15th. And let me share my screen. The application before you consists of 12.67 acres of land zoned R-8 and is located at the south side of West Victory Road approximately a quarter mile west of South Meridian. The subject property was annexed in 2013 as part of the larger area known as Victory South. There is an existing development agreement associated with this annexation and property and a preliminary plat that was approved for this property in 2018 of the same plat. That plat is set to expire in December of this year. The proposed development has a gross density of 5.1 dwelling units per acre, meeting the density requirements for the future land use designation of medium density residential. Access for this development is proposed to be extension -- via extension of stub streets from adjacent subdivisions in the south and the northwest. The applicant is proposing to stub a street to the property located to the northeast of the site for future connectivity and it will have a temporary cul-de-sac on it as well as seen here. The applicant is proposing the new local streets as 33 foot street sections within 47 feet of right of way, which allows on-street parking where there are no driveways. A minimum of ten percent qualified open space is required. According to the open space exhibit, the applicant is proposing a total of 3.65 acres of open space. After removing the end cap lot in the south, which is this

one, and the open space lot here due to UDC requirements regarding the pond, the amount of qualified open space left is 2.46 acres, which is vastly more than the requirement of 1.3. The issue that was before City Council about a month ago was regarding the canal and the required sidewalk along the frontage. The location in relation to Victory Road brings up many concerns here. Code dictates that sidewalks are required when the property has frontage on public roads like that of Victory Road. ACHD has conditioned the applicant to construct a detached sidewalk at least 31 feet from centerline. This requirement would place the sidewalk within the irrigation district easement and into the toe of the slope if it was placed adjacent to Victory Road. The applicant filed an appeal with ACHD regarding this and that appeal was denied and ACHD is still requiring them to have a sidewalk. Since the last meeting I have received this revised plat and it shows a proposed alternative that staff finds meets the intent of the sidewalk requirements. It would be basically creating a sidewalk on the north part of this open space and connect back down to the new local street, use the sidewalks on that local street, go over one building a lot and, then, come out to Victory Road through the common lot in the adjacent subdivision. The applicant representative for Timberline to the west of Jocelyn Park has agreed to this as well and ACHD has also given their support of this. Other than that, I would like to hand it off to the applicant at this point and they can -- or I will stand for questions as well. Thank you.

Simison: Thank you, Joe. Council, any questions for staff at this point? Okay. Hearing none -- is the applicant's representative here with us? If you would come forward and state your name and address for the record, please.

Layton: Good evening, Mayor and Council. Bonnie Layton. I'm with WH Pacific. 690 South Industry Way, Suite 10, in Meridian, Idaho. 83642. And appreciate your time this evening to review this issue for our client. As you can see as -- as Joseph had said, we did approach ACHD to request a waiver, which they denied --

Simison: Can you speak a little closer -- pull up the mic so it's closer.

Layton: Sorry. Is that better? Okay. We had approached ACHD to request a waiver from the staff decision to place it in the location that was of concern for us. Instruction from the district was that we were to work with staff to come up with a couple of alternatives that would be -- that would still meet the standards of ACHD that we could bring back to you folks, along with the one that you see on the screen here that Joseph identified, the other alternative would be to use the sidewalk that's at the entrance and, Joseph, do you have the picture of the -- the plan with the entrance to Timberline? Do you happen to have that on your screen? I have got some hard copies that I could maybe hand out. I think that Matt had sent that. Okay. So, the other option would be to just use -- how do you want me to do this?

Johnson: We can bring it up on the screen over here. The first time we have used this feature in a while. I will go make copies.

Layton: Oh, I do have some here.

Simison: Mr. Clerk, we do have Council Members who can't see copies from here.

Layton: Can everybody -- are we ready to proceed? Can everybody kind of see -- what I wanted to show in this and just illustrate the image that Joseph has up on the screen, if you head farther to the west that's where you see the entrance into Timberline Subdivision, which in conversations with ACHD they are amenable to using the sidewalk at that entrance and, then, coming down, connecting -- connecting along the street on the north side, as opposed to going through the common lot. So, they are amenable to that as well. And, then, of course, what the plan would be is to pick up the sidewalk at our park in the common lot and head it north and, then, keep continuing to the east. In that second option we are using their infrastructure. It's a little bit cleaner of a scenario for them. But we have worked diligently with staff, both here at the city -- we appreciate their time and their help, as well as with ACHD to try to resolve this issue. So, with that I -- we ask for your approval tonight and I can stand for any questions that you may have. I believe this was the only outstanding item before you.

Simison: Thank you. Council, any questions? And for those that are remote do you feel like you have seen what has been proposed?

Perreault: Mr. Mayor?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm not sure that the visual was quite what -- what I need, but I think I understood verbally. It might be good if the applicant could -- or you guys could just describe that. I guess my -- well, my general question, though, is just what are we doing to the east and how are we getting people safely across the street. It kind of feels a little bit like a road to nowhere. I don't think the, you know, plot next door has a plan yet, so is there a plan for maybe a pedestrian bridge to go across this canal or a plan to the east or just give us a flavor for the bigger picture of how people will safely get around from a pedestrian perspective.

Layton: Mr. Mayor, Council Woman Strader, it was our understanding at least when we first came in that there was an application that's now been pulled that was to the east and that was one of our concerns to begin with just the access. There is actually no room as you head east adjacent to Victory Road and the canal, there is no room for a sidewalk. So, originally it was always planned that whatever pedestrian access there would be in the future it would develop on the south side of the canal on those eastern parcels. The parcel right next to us is an outparcel and wasn't part of that proposed development that had been withdrawn, but as we were instructed to try to put in whatever connection that we could do for future developments, so we did as we were instructed. For the time being, of course, though, people moving through the site would either go to the south and around or maybe there is a little sign that's -- I don't know, not a through pedestrian access. I'm not sure. But we are doing what's typically seen, I guess, and required of developers to

at least stub to the edge of our property. So, we have tried to -- tried to do that as requested.

Simison: Joe, from a staff perspective -- I mean, obviously, we don't want a sidewalk to nowhere. Is the intention of the Community Development Department to continue to extend the sidewalk along the parcels on this side of the canal and, then, propose a way for it to connect to Meridian Road? Is that what's envisioned?

Dodson: Mr. Mayor, Members of Council, that is correct. Yes. Because like the applicant has stated, there is no room on the west side or north side, depending on your frame of reference, from the canal and Victory Road. Without realigning and doing major reconstruction of that by ACHD there would be no room for a sidewalk there. So, it is the intention and would be the requirement if that other project had not been withdrawn to have that sidewalk on the south and east side of the canal. So, this -- eventually when this outparcel gets redeveloped and, then, the other two or three parcels to the northeast of that, this will continue through there. However, those applications deem it --

Simison: Onto Meridian Road. Does that answer your questions?

Dodson: Yes. Eventually to Meridian Road. Correct.

Strader: Mr. Mayor?

Simison: Yes, Council Woman Strader.

Strader: I think it's the only piece that I wasn't tracking was -- is there the ability or would it be appropriate to ensure there is some kind of crossing to the north? Is there a sidewalk there they could connect to or is that just not typically done in this type of instance?

Dodson: Council Woman Strader, that was sort of the -- the point of this continuance in the sense that they can't directly cross it here where we have -- you know, have determined it to be very unsafe. So, the existing crossing, I guess you could say, is at the Timberline entrance, which is why they were proposing to use some of their sidewalk and, then, connect back out to where Timberline will stub their sidewalk to, which is about right here. And, then, that -- you know, anybody would be able to continue west along the frontage and that's the thing that Bonnie was trying to show us. I took a blew -- a closer picture for us, so that we could see the parcel that is in question.

Strader: Mr. Mayor?

Layton: Mr. Mayor, Council -- Council Woman Strader, if I may. Joseph, could you scroll back to this -- thank you. To this image. So, initially, what we had spoke about was, you know, trying to, as an alternative, we had promoted crossing on -- at the entrance to the Timberline Subdivision and connecting up with the Ten Mile pathway on -- on that side. That was a proposal that was -- that was not in agreement with the city or the feedback that we received and so we worked to try to comply with requirements of both the city and

ACHD on this and came up with the development that -- that we are showing you tonight. There we go. That's it. So, thank you very much. So -- if this mouse gives me --

Simison: And speaking only for myself, but, you know, we do promote detached sidewalks. This is just a little bit more detached than we normally would do, but it is the same basic concept when it's all said and done and we normally would not require someone to provide access across the street, especially if they are building into a planned sidewalk network. If this is what is envisioned for the planned sidewalk network to be on the south side of the canal, then, that seems to meet the intentions of what we need, because no one has to walk on the street side to get to any specific location if it connects to Meridian Road, in my opinion.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for the applicant. Just wanted to check through a couple things. You have the turnaround and there was some concern -- I think the Commission talked about making sure it's wide enough -- big enough for fire trucks and whatnot. Does that turnaround that's designed now meet all city requirements?

Layton: Mr. Mayor, Council Member Hoaglund, yes, that would be the -- the case that we have designed it to meet those requirements.

Hoaglund: And follow up, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Two questions. One is the micro path and the other is that open space where that sidewalk is. The micro path I think they noted something that needs to be at least 15 feet wide. So, I don't think there was -- it didn't look like it met requirements, but that's something that staff will make sure it does. Is that what we are going to do on that? I guess that's more a question for Joe.

Dodson: Mr. Mayor --

Hoaglund: We don't need to make sure that's conditioned or anything like that?

Dodson: Councilman Hoagland, that is -- you are referring to the micro path in the -- I guess the eastern half; correct? That's the one that I was concerned about.

Hoaglund: Yes.

Dodson: I do have a condition already in there regarding that width, just to ensure that it's at least 15 feet wide through the whole thing. So, there is no need to I guess address that separately.

Hoaglund: Great. Thank you. And the last one was I was just curious about that open space between the street and the sidewalk, is that an area that the HOA will take care of? Is that lawn? What is -- what is that going to look like?

Layton: Yes, Councilman Hoaglund. This -- you are talking about the green area to the north. That's our public park with amenities that we have submitted as part of our application. That would be part of the HOA.

Hoaglund: Okay. Great. Thank you.

Layton: And if I may, in this exhibit just -- now that we have got the -- the entrance -- so, ACHD was amenable for us coming down this way through and, then, connecting up and connecting the sidewalk that way. The other option was, as Joseph had shown, to go through the common lot. Both versions meet their -- their intent of pedestrian connection.

Simison: Council, any additional questions for the applicant? Council Woman Perreault, I saw you move. We didn't hear your voice, just so you know. Nothing yet. One or the other remote with -- Councilman Strader, are you able to speak? Can we hear you? We seem to have lost the audio for our three remote Council Members. Just a second, please.

Perreault: There is no chat box on my side.

Simison: We are good now.

Perreault: You can hear me now?

Simison: Yes, we have got audio.

Perreault: Okay. So, that was not on my side then.

Simison: No.

Perreault: No wonder you weren't answering me. I addressed the Mayor about four times. Excuse me. So, I just -- I just have a couple more questions for the applicant. First of all, I'm wondering if it would be possible to put a side by side or to show what the original plan was for that section that's on the north side between the canal and the -- the street. I'm trying to remember what that looked like and if that is the same size -- if you just took a portion of the open space out in order to put that sidewalk in and are there any other differences with this revised plat, other than the -- other than the sidewalk. Are there any changes to the size of the lots, anything like that? I just wanted to clarify if -- if that sidewalk was the only change that was made to the revised plat.

Layton: Mr. Mayor, Council Woman Perreault, we made some minor revisions based on some preliminary Planning and Zoning comments, but, no, the only change that we have made is showing that sidewalk through the open space and -- and how that would connect

up. As Joseph mentioned we will exceed the required open space for this development. So, even taking into consideration that the sidewalk would maybe be counted as taking up some of that, we are still -- far exceed the open space requirement for this. Did I answer all of your questions, Council Woman?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Yes, you did. I wasn't -- I wasn't concerned as much about the entire open space. Obviously, based on the -- the staff presentation you have met it quite well. I just wasn't sure if it altered that area in any other capacity, other than just having the sidewalk go through or if you had -- had -- you know, had to adjust any of the -- the lot sizes or if you had to make any major modifications in order to get that sidewalk in that location is what I was -- what I was attempting to -- to ask. But I think we are good now. You have answered my questions. Thank you very much.

Layton: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a quick follow up for staff. Is there a -- I assume staff has a preference for the proposed pedestrian connection, but is there a major difference between the option that goes through the -- the common lot or existing -- connecting to that other sidewalk network that's further down? I'm not sure where the sidewalk ends, if there is a sidewalk on Victory on the adjacent property to the west.

Dodson: Mr. Mayor, Council Woman Strader, the difference is about four building lots and they are R-8, so it's going to be roughly 200'ish extra feet if they were to go and stay on the sidewalk along Cumberland. Staff's opinion would be to use the sidewalk here -- added sidewalk through the common lot just to make it a quick, you know, about a hundred foot transition to Victory Road. When Timberline is constructed the sidewalk will end about here where this pump -- irrigation pump thing is. So, it will -- it will connect right into there and that would be staff's preference.

Layton: Mr. Mayor and Council Woman Strader, in speaking with ACHD in terms of their preference and also speaking with the planner for the Timberline Sub, it's my understanding that ACHD had conveyed to them that using the existing infrastructure at the entrance would actually be better for ACHD. Otherwise, they are entering into some sort of agreement with the Timberline Sub, because that's their infrastructure for their sidewalk. So, it might be a little bit cleaner to do it at the entrance. But, again, what they had communicated to us is that either scenario would be acceptable. I think our preference would be to use the one at the entrance to keep that as clean as possible.

Simison: From a connectivity standpoint -- I mean would -- I assume Timberline has sidewalk that's required along their frontage and, then, it would come to a red stop. It would be just pretty much wasted sidewalk at that situation, in my opinion, you know, so I -- to me it's either don't have Timberline do it and rerouted it all the way through or connect it through there, instead of having a red sign that says you can't go any further. That just looks unfinished, quite frankly.

Hoaglund: Mr. Mayor, I was trying to recall when we talked about Timberline there was that discussion about where to cross Victory and was it going to be down there -- it was going to be closer to that -- where their entrance is and -- and there was some discussion -- was it right there, was it a little bit further to the west I think because of that curve and everything that takes place and making sure there was enough distance and sight lines.

Dodson: Mr. Mayor, if I may. Councilman Hoaglund, the -- one of the proposed options by the applicant was to actually install a real pedestrian crossing here, which there is not one, and that would be at the entrance of Timberland No. 2 and, then, use those sidewalks. They are -- Timberland is going to build a sidewalk and it will stop at, basically, the edge of the irrigation district easement. Because that sidewalk is there -- I mean it -- when we did a site visit we saw two kids walk to the end of this here and cross the street right there and jaywalk. So, we understand and know that there is that danger potential, which is part of the reason why the applicant does not want to construct a sidewalk along this curve for obvious reasons here. I do happen to agree with Mr. Mayor that if -- if we don't have the internal connection in the common lot as shown here, then, yes, that -- that sidewalk would just dead end there and would I think incentivize people to stop there and be like, well, I'm going across Victory now, because that's the only other place for a sidewalk. So, if we have this here at this juncture, at least they have another way to go here.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just to comment on it. Yeah. That -- that makes sense. If you have a sidewalk that dead ends and what -- that expectation. So, I mean if they want to come into the subdivision and take that sidewalk up they could, but this way if they just continue, not aware of what's in the subdivision, you take that and come up and meet that and continue on to -- although it's going to dead end, you know, further to the east, because that's depending on that property owner's -- what they do with that property and so there -- there is some validity to your idea, Mr. Mayor, I will grant you that.

Simison: Just one.

Layton: Mr. Mayor, Councilman Hoaglund, Joseph, if you could maybe put on the one that has all -- the full -- the Timberline entrance. I don't know if it's the camera again. And that was one of our concerns and so in thinking about where people are crossing to get to the north side and, you know, to the Mayor's point of maybe stopping at the -- if we were to

stop the sidewalk at the entrance to the Timberline Sub and not have them continue on and build that to the west, that entrance is a pretty good indication of where you are going to go, because there wouldn't be a sidewalk to continue you down and so if you are looking at the west you would know, okay, I'm not going to be able to continue on, it's going to be a landscaped strip, there is no sidewalk, so I better cross here if I want to keep going down, so -- heading to the east, so -- and, again, that would work with ACHD's -- either option.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I apologize, but I didn't really follow that line of thinking from the applicant. I don't know if it's because I'm more visual, but I'm not really tracking with what -- what it is that you are proposing. So, I'm understanding the Mayor's concerns about people crossing -- not -- not realizing that the sidewalk will go just to the south and -- and through this subdivision and eventually out to the east and -- and, you know, jumping over across Victory Road, but I have lost it from there. So, if you would talk about pedestrians walking to the west and connecting, then, across in the main entrance in Timberline up to the north pathway. Is that what -- this -- I mean. Sorry. Just go ahead and repeat what you are saying.

Layton: Mr. Mayor, Council Woman Perreault, just following up from what Joseph had described and what we had initially proposed and, then, hearing what Councilman Hoaglund had said about the Timberline Subdivision and there was some discussion about where they were going to cross up there to the -- further to the west and maybe I misunderstood Councilman Hoaglund, but in terms of this subdivision here -- so, initially what we had proposed last time was that there would be a pedestrian crossing here that would take you to the ten foot path and Timberline has a sidewalk that comes here and --

Perreault: I'm sorry, Mr. Mayor. When -- when you say here and there we have no way to tell where you are looking or where you are talking about, because there is no pointer or anything showing up on our screen. That's part of why I think I'm getting lost.

Layton: Okay. I'm sorry. I'm drawing on the image, but maybe you can't -- can you see the image?

Perreault: I can now, but it wasn't showing up before.

Layton: Okay.

Perreault: Thank you.

Layton: Sorry about that. I'm using the touchscreen to draw. So, initially we had proposed a crossing here and that's what Joseph was speaking about. Councilman

Hoaglund had said it sounded like there was some discussion about crossing when the Timberline Subdivision had come in. Maybe I misunderstood that. But initially we had proposed a crossing here and, then, people could go to the north and connect up with the -- the pathway on the north side of Victory. If I'm understanding the Mayor correctly, you know, building this sidewalk, obviously stopping it here, there -- that's a sidewalk to nowhere. So, one of the options is to connect it through the common lot, which ACHD is amenable with. The other option is what if we were to, you know, just -- this was just to be landscaped through here and the sidewalk. There wasn't a continuation this way that you came down through the subdivision, connected up and, then, went through our common lot. And maybe I misunderstood the Mayor, but that's --

Simison: That's -- that's accurate from my perspective. I would either recommend we have a stop at Timberline and go south or continue and go that direction and I don't know what ACHD's -- I know Justin is on the call. If Timberline has been approved for the sidewalk I assume --

Dodson: Yeah.

Simison: -- that -- you know, how that would even work if we did not want the sidewalk. I guess that was a question for Council. Do you want a sidewalk in front of the Timberline or not or would -- are you okay with the -- entering this Timberline Subdivision for pedestrian access and we -- if a HAWK signal is what is desired in this location -- I'm not saying it should be, because I don't know if it's a good place for one or not. But would you rather have them put the money that they might put in the sidewalks into a HAWK signal in this location to allow that connection across, as compared to a sidewalk that has no purpose. And I'm mixing two applications, but the issues are all related.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just trying to mentally walk through this. I mean if -- if you are going to have a ten foot sidewalk and do I understand that is what it would be if it's along Victory Road in front of the Timberline -- no. That's on the other side. That's right. So, it's a normal sidewalk, just like there is in front of their house, you know, I -- I would -- if I were a homeowner in that area I would prefer the sidewalk to be along Victory Road, instead of having more people walking in front of my house. Now, there is a group out there, just to give you some idea of what's going on. That parcel to the east that is unplatted and applications have been filed, but withdrawn -- I mean they would like to make it a park, a nature reserve type thing, you know, funding and all those types of challenges are out there, but if that were to happen, you know, that -- part of that funding would have to go to connect to the sidewalk here, but where the applicant's property meets -- but getting people to that and through, what is the best way to connect them. Would they know, okay, so I will just go through the subdivision or do they follow it to the conclusion on Victory Road and, then, come up the common lot and, then, head east again. I mean if I'm a homeowner I would prefer people be on the back side of the house and along the road,

as opposed to in front of my house, but it is an either/or, it's six of one or half a dozen. I don't know.

Simison: I don't have a preference, I just don't want a red and white sign put up where the sidewalk ends with never a continuation.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I agree. I think it may not be super intuitive. When the whole thing finally does connect one day I don't think it will be super intuitive for pedestrians to go through the subdivision. So, my preference would be to keep the sidewalk on the Timberline frontage, have the connection go through the common lot and probably temporarily there needs to be some type of a sign to indicate this doesn't go all the way through or something. I don't know how we do that. But that's just my initial thought.

Simison: Council Woman Strader, I would think at some point in time, if ACHD would allow it, that we would have a sign that would say continue -- you know, pedestrian access to Meridian Road with a sign. I would hope we could work with ACHD to make that serve as the direction, but you never know. Council Woman Perreault.

Perreault: Sorry, I didn't mean to interrupt. I was just going to say I completely agree with Council Woman Strader. In addition to there being a sign about it not going through, I would anticipate some signage that identifies it as -- as a public walkway, because if -- if I'm walking along there I'm assuming -- if I'm going to head south into Timberline -- if I'm going to head south into the subdivision that it's probably private access and not public access and so I -- I wouldn't even think to go into the subdivision, I would just cross the street to the north and take the -- take the pathway up there. So, in this case the signage will be really important -- significant to identify one from the other. But I also expect the same -- the same that the Mayor has mentioned, which is that pedestrians are going to cross -- try to cross Victory Road right there -- right there immediately north of where this sidewalk heads up and -- and connects to -- to what would be the Timberline sidewalk along Victory and not continue to the west and head out of the Timberline entrance where the sidewalk connects on the north side. Am I making sense? So, the HAWK signal would -- if there was one -- a pedestrian signal will be significantly helpful to clarify and identify for people that the crossing is not in this location right there next to the common lot.

Hoaglund: Mr. Mayor, I --

Simison: Councilman Hoaglund.

Hoaglund: -- might have a question for legal counsel on this and that is, you know, the applicant that's before us we are determining where their sidewalk is going to be, giving them approval. On the other parcel that's not part of this application, are we just making

a recommendation of where the sidewalk goes or do we -- is that part of the motion? Because that's a different -- that's already been taken care of and is moving forward. So, how do we handle that?

Nary: So, Mr. Mayor, Members of the Council, great question. So, the applicant is required to build a sidewalk. That's a city code requirement. So, they are basically asking where would you want them to build it. Where do you want them to spend the money to build it. If you want them to build it through this walkway that goes to Victory Road, but, then, again, there is no sidewalk along Victory Road, because that, again, I think -- I don't know that the applicant's not committing to build the sidewalk on Victory Road to the east -- or to the west; correct? Just to the north. Or making the connection into that subdivision, which would, then, be incumbent on that subdivision to finish its sidewalk, correct, because you are not going to build that road -- that sidewalk either. So, you are either building the small red arrow or the two arrows. Is that right?

Layton: Mr. Mayor and Mr. Nary, we have talked to -- my client has talked to the owners and the planner of the Timberline Subdivision to try to work out an agreement and cost sharing if we were to put it through the common lot. As I mentioned previously, for ACHD this requires -- that's their infrastructure, so, then, there is an agreement that needs to be made. The cleanest option would be -- and it would be the least revision to the -- to anything that has been approved with Timberline, would be to have the path head from Victory south right at the entrance of Timberline and pick up along the north side of the road there and, then, the three red arrows, which are in our park area, would be the sections of the sidewalk that we would build.

Nary: Oh, I see. So, Mr. Mayor, Members of the Council, I guess, again, yeah, you can only make a recommendation on this application and they are not, again, building anything in the other one. Is that connection going to be satisfactory. I missed -- maybe Joe said it and I missed it -- what stage of the process is the adjacent project?

Dodson: Council, Mr. Nary --

Simison: That they are actually building.

Dodson: They -- Timberline No. 2 final plat has been approved. I have not received their final plat signature application yet. Timberline One is being constructed now --

Nary: Okay.

Dodson: So, those -- there is no improvements, really, for Timberline No. 2 at this point. Same as for this property. But there will be a sidewalk here. This sidewalk here would be new to the plat. However, it's in a common lot, they could put that in at any time and we would never really know nor care, because it's not going to be within an easement or anything like that, it's just a sidewalk. So, it won't become an ACHD issue until it gets into this common lot, which would be the required frontage improvements.

Hoaglun: So, Mr. Mayor, question for Joe.

Simison: Councilman Hoaglun.

Hoaglun: Joe, so there will be -- Timberline would be constructing a sidewalk to that -- along Victory to that point at that red arrow.

Dodson: That is correct, sir.

Simison: Unless we were to somehow take action and ask them not to. And I don't -- I see that we have Mr. Lucas on the line. I think that to me is one of the questions that Council -- it depends upon the direction you give to this applicant, we may want to take action on the other or not.

Hoaglun: And, Mr. Mayor, that -- that is the question, if -- if this is outside of their application do we -- can we take action on that in this -- in this motion or is it just a recommendation or what's the process for that, so --

Nary: Mr. Mayor --

Simison: Mr. Nary.

Nary: -- Members of the Council, I mean it would only be a recommendation when -- when the applicant for final plat for the other project comes through, but, again, you can't impose new building requirements on them either. So, if it's just the connection that's all we are talking about.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It sounds like, if staff can -- can confirm, based on what we all just said if we ask for the connection to happen through the common lot, then, what we will end up with is Timberline Subdivision will have a sidewalk along its frontage, then, the pedestrians would go through the common lot and back south of the canal and, then, eventually it will connect through the rest of our sidewalk network. If they could just confirm that we are getting a continuous sidewalk in that instance.

Dodson: Mr. Mayor, Members of the Council, Council Woman Strader, that is the intent, yes. As with any subdivision they are going to be required to continue the sidewalk. As those properties to the east come in any of them that have frontage along Victory -- again there is physically no room for that without realigning the canal, which, again, this is not going to be one that's going to get tiled because of its size. So, the sidewalk will be on the south and east side of the canal and, then, be continued on as those applications for those parcels come through. But, again, we can't -- as Mr. Nary said, we can't condition those properties at this point.

Hoaglund: And Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: To follow up with the applicant to make sure, it sounds like you have had -- or property owner has had discussions with the Timberline representatives and that is in works to have some sort of agreement, cost sharing, that sort of thing to construct that sidewalk from -- the second longer leg of that L on the Timberline side and so that is -- the expectation of everybody is that it's likely that's where it's going to go and, yes, there are some other necessary steps that ACHD to take, but it sounds like everybody's in agreement towards that.

Layton: Mr. Mayor, Council Hoaglund, yes, that is correct. As I mentioned -- and Joseph has some correspondence from the planner for the Timberline Subdivision and working with her clients and speaking with ACHD to help try to -- all of us work together to solve this issue and I know that my client has had some discussions with them as well. So, that is the intent is to try to resolve this and work together.

Hoaglund: Okay. Thank you.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, Council Member Hoaglund, to answer your earlier question, you can still condition this project to make that happen, that that will be a condition of their approval that they have this connection north to south from the sidewalk that's been approved in Timberline north to Victory Road and that's not an imposition on Timberline, because if they don't make it happen, then, they are going to have to come back to ask you to change that condition to, then, get a final plat signature, because the deal falls through or something happens.

Simison: Not to question Mr. Nary, but how do we condition things on an off property?

Nary: You are conditioning -- you are conditioning this applicant to make that connection north and south in that location that they are proposing based on their request.

Simison: Their request. Okay. Thank you.

Strader: Mr. Mayor, I'm willing to take a crack on a motion, but I wouldn't want to close the public hearing.

Simison: I see Councilman Borton has unmuted himself. Do you have any questions or comments to add to this conversation?

Borton: No. I will see where the motion goes.

Simison: Okay.

Borton: Thank you, Mayor.

Simison: Yes. And we are -- we are in a -- we still have yet to open this up for further comments from the public. So, is there any further questions for the applicant from Council at this time?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: If the applicant has anything further to add before we get into the next phase.

Layton: Thank you, Mr. Mayor, Councilman Hoaglund. Thank you. Mr. Nary, to your point, if there is a condition of approval could it be that the connection is an approved connection per ACHD with ACHD approval -- north-south connection, you know, in the event that as -- as the plan progresses that ACHD says, okay, you know, what happens if things shift. I'm just concerned about that. Is that an issue or can we leave it a little bit more broad in terms of what that can -- how that condition reads, so that if there is some unforeseen change we are not coming back and having to do that.

Nary: So, Mr. Mayor, Members of Council, so what you are asking is could staff craft a condition that says they will either -- either make this north-south connection as depicted on this -- on this exhibit or an approved ACHD connection that goes to the west that connects to Victory Road. So, essentially, that public sidewalk that will, then, come out of the entranceway as an alternative if the other can't happen -- yes, they could craft that if that's the Council's desire.

Layton: Okay. Thank you for clarifying that.

Simison: Okay. Thank you. This is a public hearing. I don't know if we have anyone who has signed up to testify on this application.

Johnson: We do not, Mr. Mayor.

Simison: Okay. If there is anybody in the audience who would like to testify, if you would like to come forward now and we -- the last time I checked I don't think we had anybody in the room.

Johnson: Mr. Mayor, there is one person who -- I don't know who they are.

Simison: Okay. If you would like to testify on this application if you could use the raise your hand feature down below and our clerk can bring you in to provide testimony. Are they raising their hand, Mr. Clerk?

Johnson: No, Mr. Mayor.

Simison: Okay. Then with that I guess I will invite the applicant back up to -- for any closing comments.

Layton: Mr. Mayor, Members of the Council, I just want to -- on behalf of myself and my client thank you for your time and your consideration on this. I know it's -- it's an important matter in terms of safety in the area and the growth and development of the community in general. I appreciate staff's hard work on this to try to help us get this issue resolved, as well as our neighbors to the west, the Timberline Subdivision and their representatives. So, I thank you tonight for your time and hope that we can move this project forward. Thank you.

Simison: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If it works for everybody I would try to make a motion, but would prefer to leave the hearing open in case we need to iron out some details. So, my motion would be after considering all staff, applicant, and public testimony, I move to approve file number H-2020-0067 as presented in the staff report for the hearing date of October 20th, 2020, with the connection to the north per the revised plat north to Victory Road or if that alternative is not workable, an alternative connection could be approved by Planning staff and the Mayor's office. In addition, that the applicant would work with Planning staff for any appropriate signage.

Simison: So, Council, you have heard what the motion may become once we close the public hearing. So, is there any discussion on that potential motion before we close the public hearing?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for staff. Joe, do we need to have included in that to allow the Ridenbaugh Canal to remain open?

Dodson: Mr. Mayor, Councilman Hoaglund, I believe you do, yes, because it's on the list of the protected waterways, even though it is large. I do you think you have to add that, yes.

Hoaglund: Yes. Mr. Mayor and Joe. Yeah, the next to the last paragraph talks about the applicant is requesting a Council waiver to keep the canal open. So, we probably need to -- probably need to add that, Council Woman Strader.

Simison: Council, anyone else have some feedback on that proposed motion or --

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, part of the motion I heard was that the Planning staff and the Mayor's office needs to approve an alternate connection and that's unusual. That isn't something we have normally done. Not that you can't do that, but it was just unusual. And I was wanting to clarify for the planners Council Member Strader's motion. The north-south connection through that common area lot was contingent upon the -- ACHD approving it, as well as, obviously, them making an arrangement to make it -- to build it with the adjacent property owner. So, if either those two contingencies don't happen, the other alternative would, then, be the already approved existing right of way sidewalk through the subdivision.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I would probably invite Ms. Strader to make that motion again to clarify --

Simison: After we close the public hearing.

Bernt: Okay.

Simison: She's going to have a lot to --

Nary: I just wanted to clarify those couple of points.

Simison: And you don't need to give the Mayor's office any approval in your revised motion.

Strader: Mr. Mayor, I move that we close the public hearing.

Bernt: Second.

Simison: I have a motion --

Borton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will try real hard and I know Councilman Borton especially will help me. After considering all staff, applicant, and public testimony, I move to approve file number H-2020-0067 as presented in the staff report for the hearing date of October 20th, 2020, with the following conditions: To keep the canal open, to make the connection of Timberline North to Victory Road per the revised plat that was presented in our meeting. To work with Planning staff on appropriate signage and if that connection north to Victory is not workable, with Planning staff approval, to receive an -- to get approval of an alternate connection.

Borton: Second for discussion.

Simison: I have a motion and a second for discussion.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If I understood, the motion would require the connection to the north as presented on the screen right now on this revised plat, but if the applicant and the adjacent property owner are unable to complete that connection as presented, the alternate solution would be to utilize that existing to be built connection on the public sidewalk with that property, the Timber property to the west. I don't know if there is additional -- if our Planning Department has anything additional to review and approve, but it sounded from the applicant's comment that what's presented is the preferred Option A that they will strive to accomplish, but if for whatever reason they are not able to, then, the previously approved ACHD access to the neighborhood will be the connection.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: And, Councilman Borton, you are correct in your question there. It's either going to be approve it and -- and make the applicant get this connection or your alternative is allowing them to use this portion as their required sidewalk and, then, the assumption is that the connection to Victory occurs on the already approved sidewalk along the local streets within Timberline.

Borton: Correct.

Simison: And maybe at least from my perspective -- oops, we just didn't get agreement and now we have just de facto approval that, even if they say they didn't get to an agreement. So, I guess that would be my question to Council. And, again, just from my

perspective I don't care about which direction, but I don't think the other applicant -- that Timberline would -- should have to build that sidewalk if there is not going to be any connection to that point. So, my request to Council is choose one or the other and if one doesn't work make them come back and make a decision about both at that appropriate time.

Borton: I agree.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I would be in favor of the first option and striking the alternative option and if in the future that -- that's not able to take place, then, we can approach that at a later date. I think that that is, in my opinion, by far the most -- it's the most advantageous connection. The other one is very confusing and could be potentially -- it could -- it's just not opportunistic, in my -- in my opinion. So, I would be in favor of having Ms. Strader's motion without the alternative at this time and approaching it in the future if need be.

Simison: The public hearing is closed.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would like to revise my motion to strike the alternative ability for Planning staff to approve an alternative route and if there -- my discussion piece on that would be if for some reason this doesn't work out, the applicant could certainly come back before us.

Simison: Does the second concur or not concur?

Borton: Second agrees.

Simison: We have a motion and a second with modifications. Is there further discussions or comments on the motion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you very much for staff and everyone working to find that solution and hopefully we can make that area somewhat connected.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

11. Public Hearing for Gemstone Center No. 3 (H-2020-0094) by Tamara Thompson of The Land Group, Inc., Located at 965, 1021, 1075 and 1135 N. Hickory Ave.

A. Request: Easement Vacation to vacate utility easements established along interior lot lines of Lots 1-4, Block 4 of the Gemstone Center No. 3 subdivision to complete property boundary adjustment that merges all four lots into one lot.

Simison: Okay. Next item on the agenda is a public hearing for Gemstone Center No. 3, H-2020-0094. We will open this public hearing with staff comments. I will turn it over to Alan.

Tiefenbach: Good evening, Mr. Mayor and Council. Alan Tiefenbach, associate planner with the City of Meridian. This is a relatively simple case. This is a vacation of easements and what it is is there is a property that's approximately 9.8 acres, it is on the northwest quadrant of Pine and Hickory. There is -- there is three existing lots there now and I will give you this. So, there is -- I'm sorry. There is four existing lots there now. The applicant came into the city and they want to do a certificate of zoning compliance in order to do a large warehouse building on this property. This warehouse building would be laying across these interior lot lines. If you look here I have highlighted them yellow for you to show you what is actually being proposed. In order to do that they have to go through a parcel boundary adjustment. So, basically, it's an administrative process with staff where they would merge it into one lot that they can build that building. However, on the existing plat -- and that's the note that you see that's highlighted there, it's note two, it says that interior lot lines that there is utility and drainage easements that -- that are in place five feet on either side of interior lots. Because that note is there staff does not have the authority to merge these lots together without the Council actually vacating these easements. As is required we were able to get letters from all of the providers, so that would be CenturyLink, Sparklight, Intermountain Gas, Idaho Power and they all were fine with this and this is the result of what's happening. This -- this certificate of zoning compliance has been issued pending this as a condition of approval and the parcel boundary adjustment would also be a condition of approval. So, with that staff would recommend that the City Council approve this case and vacate the easements in this area.

Simison: Thank you, Alan. Council, do you have any questions for staff? Okay. Thank you very much. Would the applicant like to -- there she is -- be recognized for 15 minutes? State your name and address for the record, please.

Thompson: Thank you, Mr. Mayor, Members of the Council. Tamara Thompson. I'm with The Land Group at 462 East Shore Drive in Eagle. I think Alan covered it pretty well. This is an existing subdivision, the Gemstone Center No. 3, which was recorded in 1999 and I just want to clarify that there are no existing facilities within those drainage and utility easements. Therefore, the utility companies were fine with releasing those easements and -- and we are doing a lot of boundary line adjustment for the purpose of consolidating

all the lots and my clients are ready to get started with this project and submitting for their CZC and, then, construction drawings for permits. And with that I will stand for questions.

Simison: Thank you. Council, any questions? Perfect. This is a public hearing. Is there anybody present who would like to provide testimony on this application? Seeing no one in the audience and no one online, would the applicant like to make any final comments?

Thompson: Thank you. I'm -- I'm fine. We appreciate your time tonight. Thank you.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move we close the public hearing for H-2020-0094.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Second that motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: After hearing staff and applicant testimony, I move we approve H-2020-0094 as presented in the staff report for October 20th, 2020.

Bernt: Second.

Simison: I have a motion and a second to approve Item H-2020-0094. Is there any discussion on the motion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Thompson: Thank you.

FUTURE MEETING TOPICS

Simison: Council, any items under your future meeting topics?

EXECUTIVE SESSION

- 12. Per Idaho Code 74-206A(1)(a) To deliberate on a labor contract offer or to formulate a counteroffer. Amended to add Per Idaho Code 74-206(1)F: To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.**

Simison: If not, do I have a motion for Item No. 12?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we go into Executive Session per Idaho Code 74-206A(1)(a) and 74-206(1)(f).

Hoaglun: Second the motion.

Simison: I have a motion and a second to go into Executive Session. Is there any discussion? If not, Clerk will call the roll.

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

Simison: All ayes. And we adjourned into Executive Session.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

EXECUTIVE SESSION: (7:09 p.m. to 8:02 p.m.)

Bernt: I move we come out of Executive Session.

Hoaglun: Second.

Simison: All those in favor say aye. All ayes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: I move we adjourn.

Hoaglund: Second.

Simison: Motion and second to adjourn. All those in favor say aye. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 8:02 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK