

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, August 27, 2024, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Liz Strader, John Overton, Doug Taylor, Anne Little Roberts and Brian Whitlock.

Other Present: Chris Johnson, Bill Nary, Linda Ritter, Shawn Harper, Kris Blume and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Brian Whitlock
<input checked="" type="checkbox"/> Anne Little Roberts	<input checked="" type="checkbox"/> John Overton
<input checked="" type="checkbox"/> Doug Taylor	<input checked="" type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is August 27th, 2024, at 6:00 p.m. We will begin this evening's Meridian City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Next item is the Pledge of Allegiance. If you would all, please, rise and join us in the pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next up is our community invocation, which tonight will be delivered by Nick Armstrong. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection. Nick.

Armstrong: Father, you are mighty and we thank you for your good favor on this city and our citizens. We appreciate the staff, our city services that keep our -- our community safe and a good place live. We pray for our Mayor and our Council on the decisions to make regarding zoning issues, regarding use of land and ordinances and we just pray for wisdom for them and that they would make decisions that are good for the community and pray for our citizens that they would see and appreciate the good things that we have here and just thank you for your presence and pray that we can be an example and a light to this valley, as so much strife exists in our society and I just pray that we can talk to each other objectively and have frank discussions about things that need to be resolved. So, just thank you for this evening and pray in Jesus' name, amen.

ADOPTION OF AGENDA

Simison: Thank you, Nick. First up is adoption of the agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: No changes this evening, so I move that we adopt the agenda as presented.

Strader: Second.

Simison: Have a motion and a second to adopt the agenda. Is there a discussion? If not, all in favor signify by saying aye. Opposed nay? And the agenda is adopted.

MOTION CARRIED: ALL AYES.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the August 13, 2024 City Council Regular Meeting**
- 2. Elevate Storage Sanitary Sewer Easement (ESMT-2024-0021)**
- 3. Modern Craftsman Franklin Sanitary Water and Sewer Main Easement 2 (ESMT-2024-0111)**
- 4. Final Plat for Pebblebrook Subdivision (FP-2024-0014) by Hayden Homes, LLC., located at 5725 N. Meridian Rd.**
- 5. Final Order for Lavender Place (FP-2024-0011), located at 2160 E. Lake Hazel Rd., approximately 1/4 mile east of S. Locust Grove on the north side of Lake Hazel Rd., by Breckon Land Design on behalf of LH Development, LLC.**
- 6. Findings of Fact, Conclusions of Law for Brundage Estates (TECC-2024-0002) by Engineering Solutions, LLP., generally located 1/4 mile south of W. Victory Rd. on the east side of S. Linder Rd. in the west half of Section 25, T.3N.,R.1W.**
- 7. Findings of Fact, Conclusions of Law for Brundage Estates MDA (H-2024-0031) by Engineering Solutions, LLP., generally located 1/4 mile south of W. Victory Rd. on the east side of S. Linder Rd. in the west half of Section 25, T.3N.,R.1W.**

8. **Findings of Fact, Conclusions of Law for Luna Hospice (H-2024-0012) by CivilSphere Engineering, Located at 525 E. Overland Rd.**
9. **Task Order Agreement with McCall Studios for Fabrication and Installation of Public Art at Chateau Park for the Not-to-Exceed amount of \$45,000**
10. **Agreement between the Idaho State Historic Preservation Office (SHPO) and the City of Meridian to Receive a Grant Award of \$12,000 for Eligible Project Costs on an Updated Historic Preservation Plan for the City of Meridian**
11. **Nondisclosure and Confidentiality Agreement between the City of Meridian and Idaho Power Company**
12. **License Agreement with Valley Regional Transit for Use of Parking Stalls**
13. **Animal Welfare and Enforcement Agreement by and between the City of Meridian and The Idaho Humane Society**
14. **City of Meridian Financial Report - June 2024**
15. **City of Meridian Financial Report - July 2024**

Simison: First up is the Consent Agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve the Consent Agenda, for the Mayor to sign and the Clerk to attest.

Strader: Second.

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

MOTION CARRIED: ALL AYES.

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, do we have anyone signed up under public forum?

Johnson: Mr. Mayor, we have no one signed up.

ACTION ITEMS

- 16. Public Hearing for Firenze Plaza (H-2024-0007) by Aaron Zuzack, Browman Development Company, Inc., located at 3182 E. Mount Etna Dr.**
 - A. Request: Modified Development Agreement to modify the existing development agreement (DA) (Inst.#2017-041827) to include new owner's information and revised concept plan for the four (4) commercial lots north of E. Mount Etna Dr.
 - B. Request: Conditional Use Permit for a 3,320 sq. ft. bank with a drive-through for an automatic teller machine (ATM).

Simison: Okay. Then we will move up to Actions Items. Our first item up is Item 16, which is a public hearing for Firenze Plaza, H-2024-0007. We will open this public hearing with staff comments from Linda.

Ritter: Good evening, Mayor and Council. My name is Linda Ritter and I'm the associate planner for the City of Meridian. So, tonight we are here for an application for a development agreement modification and conditional use permit. This site consists of 1.933 acres of land, zoned C-C, and it's located at 3182 Mount Edna Drive. So, Firenze Plaza was approved in 2019. The approved concept plan and the recorded development agreement for this area depicts four lots with commercial buildings. The applicant is requesting a modification of the existing agreement to include new owners information and revised concept plans for the four commercial lots north of East Mount Etna Drive. The applicant is requesting that a modification for a -- for the revised -- again for the updated owners information, revised concept plan, elevations, site and landscape plans north of Mount Etna Drive to reduce the commercial square footage from 20,000 square feet to 11,000 square feet, which is a reduction of 9,000 square feet. The applicant submitted two plans -- concept plans with the DA modification and a concurrent CUP for approving for a 3,320 square foot bank with the drive through for an automatic teller machine. So, the -- the bank hours of operations are within the required operating hours. However, the drive through and the walk up for the ATM will be available for 24/7, seven days a week, so we would need to modify Condition 2.6 to amend to include language stating the ATM will be in operation after 11:00 p.m., because in the C-C zone the hours of operation are from 6:00 a.m. to 11:00 p.m., but the ATM will be in operation after 11:00 p.m. Water and sewer services were installed with the development of Firenze Plaza. Any stubs not used should be abandoned per the city requirements. Locations of the water meter should not be in a drive or walking

path and should be in a landscaping area. The city requires a 20 foot easement for mains, hydrant laterals and water services. Easement should extend to the end of the main hydrant meter ten feet beyond. Current water stub easements do not meet current standards and should be updated. No trees or permanent structures are allowed in any utility easements. Again access to this site is from Mount Etna Drive via South Eagle Road. There is no direct access to the property from South Eagle Road. The applicant is requesting to relocate the entrance of the property further to the west. ACHD has approved the access request to relocate the existing entrance to the property. Parking for this requires one space per 500 square feet of gross floor area based on the 3,000 plus square feet of -- for the building -- proposed building a minimum of six parking spaces is required. A total of 32 parking spaces are being proposed exceeding the UDC minimum standards. A minimum of one bicycle parking space is required for every 25 vehicles parking spaces. Based on the 32 parking space a minimum of two parking -- bicycle parking spaces is required. A bicycle rack has been depicted on the landscape plan. There is -- there is an existing 25 foot landscape buffer with a ten foot detached sidewalk along North Eagle Road. The applicant is proposing a 16 foot landscape buffer along Mount Etna Drive with a five foot detached sidewalk when the -- when they relocate the entrance further west. The applicant is also proposing a 25 foot landscape buffer along the west property line as a buffer to the resident uses with a seven foot sidewalk. Landscaping shall be installed per the UDC standards. The applicant shall protect the existing landscape in doing construction. The applicant is also proposing a privacy fence along the boundary to the west and north properties and these fences shall meet the requirements of the UDC. Again, building elevations were submitted for Chase Bank and for the proposed commercial property. Building materials consist of smooth face CMU, panels, glass and fiber cement. Staff has reviewed the design, which complies with the design standards and our ASM upon approval of the conditional use permit the design review shall be issued. A conceptual design was also submitted again for the retail building as part of the development agreement modification. Plans will be submitted for review and approval prior to any building permit submittal. We did receive two written comments prior to the Planning and Zoning Commission and they were not in support of the bank -- bank at that location and, again, based on the staff's review of this application staff is recommending approval with the DA modification and conditional use permit per the conditions according to the findings in the staff report. So, at this time I will entertain any questions that you may have regarding this application.

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

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor, I'm not sure if there is a question for Linda or Bill, but it seems like we just had a conversation about -- we couldn't designate what a drive through was, whether it was a restaurant, a bank, a dry cleaner. So, in this case are we able to

designate that this is a bank and that if something shifts they can't suddenly say, oh, we decided to do a different business?

Nary: Mr. Mayor, Members of the Council, so we can't -- prior to the person applying what's allowed -- a drive through type of facility. We don't get to determine whether they choose to make it a bank or they choose to make it a restaurant, whatever. So, as long as it complies with our code -- the only reason I think we are here is because it has a drive through that's near a residential property. So, that's why I think it's here. So, if it's a bank today, but it changed to something else at some point in the future, as long as it complies with code it could change to something else in the future. As long as the code -- is compliant we wouldn't -- it's not required to be a bank forever. It's required to have a drive through.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think that at least I have just a quick point of clarification with Linda. The conditional use permit is not for it being a bank, the conditional use permit is because of the ATM drive up; correct?

Ritter: Correct.

Cavener: Thank you.

Simison: Council, any additional questions for staff at this time? Okay. Would the applicant like to come forward?

Thompson: Good evening, Mr. Mayor, Members of Council, my name is Tamara Thompson. I'm with The Land Group. Our offices are at 462 East Shore Drive in Eagle. I'm up here because I was the initial applicant for Albertson's when we initially did this and so just for some context is going to -- just give a brief overview and, then, with me is my client Aaron Zuzack from Browman and we also have with us John Ringert from Kittelson should there be any questions regarding traffic and access. So, just a brief history. I'm not sure where those red things came from. This is -- so, we are talking today about a conditional use permit for a drive through for the bank and a DA mod to update the concept plan accordingly. The property initially was 40 acres, which is highlighted here and it was annexed and zoned in 2016. The Land Group represented Albertson's for that and this is how it broke down. We had roughly 24 acres or 60 percent of that was R-8 commercial and 16 acres or 40 percent C-C commercial. The -- this is the concept plan that was with our application and as you can see the property has built out accordingly. The pre-plat was approved in 2017 and the development agreement was recorded in May -- I'm sorry -- March of 2017. Here is what the center currently looks like. The Albertson's center opened in June of 2022 and the final plat was recorded in October of '22. What I would like to point out here is just this -- the public roadways -- and I don't seem to be able to point there. But the public roadways

of Mount Etna and Cubola behind the Albertson's have been constructed. All of the sidewalks are detached and all of the landscaping has been completed for all of it. The -- the R-8 is still vacant. Albertson's has that for sale as surplus property and we have done several layouts for different buyers, but as of this point nothing's gone forward. What we are talking about here is just the green area. So, that's the area to the north of the Albertson's center. It's all part of the same preliminary plat and final plat. So, in total it's -- it's two acres, which is about 12.5 percent of the entire project. But if we just look at the C-C zone property it's five percent of that total C-C property. So, in total it had four properties and per the Meridian Unified Development Code that we can take prop -- we can take parcels away, we can subtract parcels, but we can't add parcels to preliminary plats and final plats and so per the UDC -- and it's Section 11-6B-3 that we are in substantial compliance by removing lots, but not by adding lots. So, when we initially did this that northern section was definitely speculative and we added more lots knowing that we could take them away easier than -- than adding them. So, that's -- that's why you have those four lots and I think I will pass it off to Aaron here to give you an update on where -- what Browman is.

Zuzack: Good evening, Mr. Mayor and Members of the City Council. My name is Aaron Zuzack. I'm with Browman Development Company. I'm here tonight to request your formal approval of the development agreement modification and the conditional use permit application for Chase Bank. Browman Development Company -- it's a -- is a family-owned, long-term owner and operator of retail properties throughout the west coast. We take pride in our developments. We are not a merchant builder or developer who is just looking to build and sell our next property. We are here to invest in the community and provide the best in-class grocery anchored retail neighborhood center. Chase Bank will not only provide essential financial services for the community, but also generate employment opportunities. The bank is synergistic with our existing development and our goal is to complement the bank with the adjacent development on the northern parcel. We started our involvement in Firenze Plaza a little over three years ago. We purchased the property from Albertson's in 2022 and that was -- that's the 16 acres that we purchased and have since completed the construction of Albertson's and we have constructed four high quality retail and commercial buildings in the property. We have worked very hard to enhance the quality of the development by bringing the best in class tenants and setting a new standard by enhancing the architectural design of the development. I have spent a great deal of personal time ensuring that the design theme of the project and the architectural standards throughout the development are of its highest quality. We are excited to deliver to the community great tenants and public spaces that can be enjoyed by the neighborhood. We have really been patiently working with a number of great tenants in the development whom we believe will provide an excellent variety of options for the residents of south Meridian. We have been working with a number of high quality restaurants, including a recently announced sit-down Mexican restaurant, and we are working hard to provide another restaurant in the development. The DA modification process has been a long road and we have been working on it for almost a year. We had our first pre-app meeting in early November of last year and we have been fortunate to work with staff and we appreciate staff's thoughtful analysis for the applications and we are in

agreement with the recommendations from the Planning and Zoning Commission. I respectfully request that City Council approval of our development agreement modification and conditional use permit application for Chase Bank as recommended by the Planning and Zoning Commission. I'm here to address any comments, concerns or questions that you might have and I appreciate your time and consideration.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I appreciate the overview on the tenant mix you expect to see at this property. Just to put a finer point on it, though, what is the maximum number of drive throughs that would potentially exist on site?

Zuzack: So, on the main site -- let me maybe go back to the site plan. There is the drive through of the existing pharmacy for Albertson's. There is another drive through that's just to the south of the Albertson's building and those are the only drive throughs, other than the existing drive through credit union that's at the property.

Strader: Thank you.

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

Zuzack: Thank you.

Simison: Mr. Clerk, do we have anyone signed up?

Johnson: Mr. Mayor, Romeo Gervais.

Simison: Good evening. State your name and address for the record.

Gervais: Good evening. My name is Romeo Gervais. I live at 3019 East Fratello, immediately to the north of the proposed development. I testified at Planning and Zoning Commission as well and I think we rectified one of the big issues that I had with the DA mod, but I do want to at least recognize that here tonight, just to have it on the record if you will. One of the big things that the neighborhood had petitioned for with the original development, if you will, was a condition that matched zoning for the R-8 lots to the south of the existing lots, that they match. In the files -- or in the records that are up on your website and included as part of the package, they -- the developer showed crossing off one of those conditions, Condition 5-I. Once again, I have been assured that that is not the intent to change that condition in the development agreement, but I think it's worthy of at least noting on the record that staff and the applicant both have said that that condition will not change. The only changes with the development agreement are the -- the site plan, as well as the owners of record. So, more just a

comment than a question. The next comment that I have is some of the discussions that you had with regards to the drive through. Your staff recommended at Planning and Zoning Commission that the north drive through not be approved and I think your staff got it right. Once again as we looked at the site and as some of the questions that came up, a bank drive through in my opinion is very different from a use standpoint than a drive through at a McDonald's or Wendy's or, heaven forbid, an In-N-Out; right? I don't think an In-N-Out is going to go there, but very different uses. So, I support the bank drive through use where it's located or where it's proposed. I think that's a -- an appropriate use, limitations, hours things like that that match more of the residential zone. But I don't support the residential or the drive through to the north and I think staff got it right when they said don't include that condition. So, I would ask that you remove that site plan to the north and say no drive through on that north lot. The applicant did, at the Planning and Zoning Commission, say, well, it's still a conditional use process and they would have to come back through a process. I would say to the applicant that there is also a process that they could come back and amend the development agreement again in the future. So, that -- that's the process that -- to protect citizens and protect the community that I would ask for. The other thing I guess I would just say is fencing. So, I appreciate the applicant's fencing a lot. The condition that's placed on it by staff basically just says upon development. So, I guess I would just ask that that maybe be tweaked a little bit to make sure that development includes any of the either -- or either of the two lots, so if the bank lot develops, but the lot to the north, for example, does not, that that fencing is installed all in one phase, as they did with the rest of the subdivision. So, like I say, overall I'm supportive of the development. If I had to pick oppose or support, I have to pick opposed, but realistically I think the developers have done a pretty good job, but a couple little tweaks, the drive through components and making sure we maintain the existing compatible uses. So, with that I would stand for any questions.

Simison: Thank you. Council, any questions?

Gervais: Appreciate your time. Thank you.

Simison: Thank you. And, Mr. Mayor, I'm not sure if she wanted to speak, but Jen Pinter signed in. Thank you.

Simison: Okay. Is there anybody else present who would like to provide testimony on this application? If so you can either come forward or if you are online you can use the raise your hand feature and we can put you in to speak. We have several people online. Just give it a second, since no one is walking forward. Seeing no one coming forward or raising their hand online, would the applicant like to come forward to close?

Zuzack: Thank you again, Mr. Mayor and Members of the City Council. I appreciate it. I just wanted to address the one comment about the drive through on that northern parcel and, really, all we are trying to do is include multiple options in the development agreement. The development agreement -- the process takes time and, you know, we don't always have tenants that are hanging around for a year to take -- to have a

development agreement modification, but the city retains full discretionary approvals through the conditional use permit process, which is also a public hearing. So, if and when we do have a potential use and it may or may not be a drive through on that northern parcel, you know, we would come forward with an application for a conditional use permit, at which time it would be a full discretionary approval and we would be going through a very similar process just without the development agreement modification, because the development agreement modification process does take quite some time. So, we would respectfully request that we are able to include both site plans and the development agreement modification and as -- as recommended by Planning and Zoning Commission. Thank you.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Got a question for you, sir, if you don't mind. And I appreciate you being here. Yes. Your opening remarks you mentioned you are here for questions, comments, concerns. I have got a little bit of all of them. I want to preface that I love this part of Meridian. I shop this grocery store weekly. My dry cleaner is over there. My dentist is over there. I -- Jersey Mike's. I went to Cut Pot for the very first time on Friday, so I'm in this spot of Meridian frequently throughout the week. Concerns comes that an observation that I have seen more frequently in this parking lot, particularly to the Albertson's area, that I see more than any other parking lot in Meridian, which are fender benders. The navigation around your -- the lot of this development is challenging with the access of the -- off of Amity into the drive through for the Albertson's, the way that your kind of outward parcels circulate, I see more slow mileage accidents there than anybody else and so I'm -- I'm reluctant to support a conditional use permit that would bring in more kind of vehicle driven business into the area. You are an expert. You say you do these projects all over. Is that feedback that you have heard? Do you see the same amount of fender benders here than you see in your other projects? I said -- I come back to I'm reluctant to invite another piece of kind of car based commerce when I think that we have got a -- a problem in this particular development that I worry is only going to get worse as this part of Meridian grows.

Zuzack: I appreciate the comments. You know, we own almost five million square feet of retail shopping centers and this particular center doesn't see any more than we would normally see in any shopping center that we have. You know, I think from our perspective, you know, we wanted to ensure that the corner lots were very consistent with the original development agreement and by corner I mean the hard corner of Eagle and Amity. We spent a great deal of time making sure that those corner lots were very consistent with what the vision that the city and Albertson's and The Land Group and everybody -- all the stakeholders that were involved in this process from early 2016 and on. You know, with that I think there were a lot of other potential users that would have loved to have seen drive through uses there. Drive-through uses, you know, became a

-- you know, as -- during the pandemic things shifted in the retail world and drive through uses became a necessity that, you know, we kept hearing from tenants and users throughout the west coast and we held our ground and said, you know what, we want to really maintain what was presented and what was originally proposed for that hard corner and kept it very -- try to keep it very pedestrian friendly with an outdoor plaza and a place for -- hopeful for outdoor seating for our restaurants. I think, you know, what we are trying to do is move any potential drive through use a little bit further away from what would be that pedestrian focused courtyard by putting it, you know, potentially over on the far northern side of the property and by drive through use I mean, honestly, we -- we -- we have envisioned that to be a pretty benign drive through use, more of a pickup window type drive through use. I don't know who the use is today. In fact, you know, unfortunately, we don't have a user even in -- in mind, but, you know, the world of drive throughs keeps changing and there is so many varieties of intensities and so I think, you know, we have -- we are really trying to be intelligent and smart about where we place them on the site and ensure that it's consistency with what was originally approved.

Simison: Use your mic, Councilman Cavener.

Cavener: In your business do you guys only do retail commercial or do you also do residential?

Zuzack: We also do residential. We have a component of our company that is multi-family apartments. Residential. Not for sale.

Cavener: I'm curious -- Mr. Mayor, if I may?

Simison: Councilman Cavener.

Cavener: I think the best example I have been able to draw is certainly multi-family brings different challenges than single family residential. Both bring their own challenges, but we certainly see different type of challenge with multi-family and the more intensive use and I think where the challenge that I see is you have got where you wanted that intensive use on the hard corner, but it does not interact with the more passive. I would not use the term pedestrian friendly for your -- for your area right now. It's even a place that I -- I'm more concerned being with my child through the parking lot at this particular development than I am with others and so not just the pedestrian friendly, it's, well, what are we doing for the safety of -- of people that are traveling there by car and are trying to conduct commerce at the various places. So, I'm going to need some time, really, to contemplate this conditional use permit, because I -- I worry by doing so I'm almost encouraging making a bad problem worse and I just -- I'm not sure if I'm comfortable to help maybe contribute to what I think is a problem in this particular area, although I love this area. I just wish it was more pedestrian friendly. I wish it was more easy to navigate. Then, again, maybe it's a case that because I'm there so frequently I see more accidents being frank. I was in the parking lot on Mother's Day morning and because somebody wasn't paying attention, but I also feel that the -- the

density of parking that separates kind of your more transact -- transactional use and the grocery side really is exacerbating a problem of this being a place where a lot of people want to conduct commerce. So, I wanted you to know where I'm coming from.

Zuzack: Thank you.

Simison: And if I could maybe back pile on -- I live in Tuscany, you know, I'm in this facility, unfortunately, four times a week, because I eat a lot of ice cream, you know, just being -- you know, being real about it and whatnot, but I have to echo what Councilman Cavener is saying, the pedestrian activity is really not there and while -- and I'm going to pull a little bit from what my wife reports to be that people say on NextDoor, on Facebook, because I don't read there, but, you know, I know the residents in this area are truly looking for a place to go sit down and enjoy something and I'm not going to make judgment on the environment, I don't know what it is, but when I look at that plaza I don't see a place where I want to go sit down outdoors and enjoy something with a roundabout that never stops slowing and other things and this parcel is one that actually had a lot of hope that we would see something that is a little bit more neighborhood walk to friendly, because I was going to be right adjacent the residential areas of the community and we have a lot of traffic on doing other things in the area. I mean if you look at Eagle Road at how many banks have not made it in the last 15 years that are now being converted to pizza restaurants or other uses, the market will help determine whether or not these are successful locations, but I also think that there is as good if not better uses in these areas and some of the challenges that I have personally -- again, south Meridian going up and having a cup of coffee at Lucky Perk, where you have got a wrap around drive through next to an adjacent thing -- Black Rock. A drive-through next to the roadways. Nothing feels like that they are creating a neighborhood commercial sit-down interactive thoughts. So, for me I would love to see something really more forward with the current configuration, as compared to having any drive-throughs in this location to create a for-business, walkable environment opportunity. We are still going to struggle with Eagle Road. I mean it's not going reduce it. So, you know, I'm going to call that a little bit of what I think I have heard from my wife through the community in online forums about what the residents in the area are hoping that they would see. I can only speak for what -- my wife wants that neighborhood go sit down and get away from me location and that doesn't exist right now I can tell you that. You know, she's not walking down there -- probably not even going to drive down there. We will go to Jersey Mike's. We will go to Jersey Mike's, but we are not In-N-Out. So, I will take that in that context. I have never seen an accident, so, Councilman Cavener, what his experience is I can't speak to that. You know, I do have challenges driving through on the south side of Albertson's, which is where the drive-through is and other things and I know that there is a restaurant with a drive-through that will be proposed in that location. It's always been shown on the plat and I think when that comes in it's usually to make it even harder to call this pedestrian friendly at all on this property on anything along the southern border, if that becomes an alley. So, my two cents as an interactive user on the property and I will leave it at that. And you are welcome to give me feedback on --

Zuzack: Mr. Mayor, thank you very much. I appreciate it. I -- you know, I just ask -- you know, we -- as a long-term owner, operator, and holder of retail properties, we -- you know, we are trying to be extremely patient with our tenant mix. You know, we built that plaza with the intent that if we build it they will come and that's exactly what we are trying to do. You know, we could put in a lot of different retail uses there that are approved under the C-C zoning ordinance, but the reality is is that our number one focus right now from a recent perspective is to bring sit-down restaurants with outdoor dining and outdoor seating. We have -- it's not there today, so it is hard to envision it, because it is an empty space, but we are patient, we want to bring in high quality restaurants that have outdoor seating to create a neighborhood environment and we believe that they will be there, it just takes time and it takes patience and that's exactly what you get from us is -- is a firm -- a family-owned firm that is patient enough to make sure that we bring in the right users and that's what our goal is.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Would you mind walking us through both of the plans? Because I know there are two that were being submitted as part of the DA modification.

Zuzack: Yeah. Absolutely. So, the two plans are shown here, Site Plan A and Site Plan B. Site Plan A, the common theme between both of them is that on the southern half of both site plans is Chase Bank. It's the smaller 3,300 square foot building. On the northern half is really a placeholder and it's going to, you know, likely be a multi-tenant type opportunity or a single tenant user in that configuration where you have got parking focused on the inside of the site and the buildings up against the street, but we had requested that we have both Site Plan A and B in the DA mod -- in the DA modification to allow the use of a drive through. Again, the drive through would have to go through a conditional use permit application, because of its proximity to residentially zoned land to the north and to the west of it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I guess part of my concern is I understand you would still have to go through the CUP process for a drive through on the northern parcel, but to approve a site plan now -- it's not being approved, but in effect by attaching it to a DA modification I feel like that kind of gives our stamp of approval to that site plan and I am concerned about kind of prematurely approving the Site Plan A if the whole thing ended up being drive throughs, for example. We have just found that there are some corners -- the corner of Ustick and Meridian Road comes to mind -- where, you know, we have got like three drive throughs in a very small parcel and it just becomes -- not only is it not pedestrian friendly, it -- and I understand that COVID changed the dynamic, so I'm trying to balance things, but depending on the uses, especially if they have a lot of overlap in

their hours of operation and so forth, it can just really become hectic, dangerous. So, that's what I'm kind of considering is trying to balance that concern. You know, it -- for you I guess, you know, your ask was to approve both site plans. Is there kind of a fallback request that you would be okay with like Site Plan B and you could come back. I'm just curious if you have any feedback about that. Just a question I had.

Zuzack: Yeah. Well, thank you very much. I -- I think, you know, we would respectfully request that both site plans are in there because of the length of time that is taken to go through the DA modification process, but I don't -- the CUP -- is -- is -- is a discretionary approval, but the DA modification, you know, is taken almost, you know, since November of last year when we came and had a pre-app. So, we would respectfully request to have both of them in there. But, you know, if -- if -- if it's -- you know, we would -- we would live with Site Plan B only being in the -- in the DA modification if -- if that's what it came down to for your approval tonight.

Strader: Thanks. Yeah. And maybe we could follow up later, but I mean we do care about having an efficient process for people. It surprises me that a DA modification would take that long, especially if it resulted solely from the city's side of things. That would greatly surprise me. I know normally our planning staff tries to turn things around within a couple of weeks of all information being submitted. You are certainly welcome to provide feedback on the process now or later, but I just kind of wanted to understand that a little bit. That seems like an inordinate amount of time.

Zuzack: It's not solely the city's -- you know, on the city's shoulders, to be honest with you, but it is -- you know, when you put everything together and you are going back and forth between, you know, answering questions and the various different entities that are involved in the process, it takes time to turn these things around and I would have to go back and look at the exact number of days that it was an application with the city, because I know that's -- they keep track of that. But it's between -- you know, when I'm counting between when we first met, had a pre-app, had another pre-app meeting to address, you know, some additional concerns that we made some tweaks on. So, it's just the -- the total amount of time. But it's not solely on the city.

Strader: Yeah. Okay. That makes more sense to me. That would surprise me. Okay. And, then, you know, I'm not as familiar with this particular neighborhood. I have driven through it a few times, but I did want to, you know, check up on this concern regarding traffic flow and so forth in the larger parcel where you have Albertson's. You know, do you have signage? Do you have -- especially signage that, you know, kind of matches the Ada County Highway department's typical standards? I mean it's private property, so it's your responsibility to provide that signage and good traffic flow, but I just wanted to hear if you had any feedback about what's working and kind of what the setup is at that existing site.

Zuzack: Yeah. We absolutely do have signage, stop signs, stop bars throughout the development internal on the private property. We would be open if city staff -- to work with city staff if there was some additional suggestions inside the circulation or work with

our own civil engineer to come up with additional things we could do on the private property. But we absolutely -- it's something we take very seriously. I mean we -- as a, you know, retail owner and somebody that we -- that's long term, you know, we are -- that we want -- we want the community to come. I mean that's the reason why we are here. I mean we want these patrons -- these -- these businesses to succeed. We -- we want, you know, people to be there and like to be there and want to be there. So, we would -- we are absolutely open to additional suggestions if there are any.

Strader: Great. Thank you.

Simison: Councilman Taylor.

Taylor: Mr. Mayor. Aaron, thank you for the presentation. One question I have -- if only Site Plan B were approved tonight would that -- and you are -- you know, you are in the business of leasing out properties and I'm curious to your perspective on if you only had that plan approved do you see that as severely limiting the type of tenants you could attract, moderately or very little? I'm kind of curious your -- you know, if -- I know you want Site Plan A and I think you have articulated what -- articulated why, but just curious in your experience in other properties, does this make a dramatic difference in the type of tenants that would be attracted to this property? And I -- to the point made earlier by the Mayor and Councilman Cavener in terms of what are the type of tenants that will come, just kind of curious what your perspective would be on that.

Zuzack: Councilman Taylor, thank you. Yeah. It does limit our ability to market the property, because, you know, when we go out and market to tenants, you know, time is typically of the essence and if we can talk to the tenant and say the process -- the exact process is, you know, we submit an application, we go for a conditional use permit, we go through a CZC and design review and we can lay out the exact number of days to get there, you know, it's easier to attract tenants. I don't know what the use is today. We don't have anybody in mind. But it does help us substantially to have the option of a drive through. You know, we don't see this as a, you know, heavy drive through use. We see this use as a pickup window style drive through, because there are so many different varieties of drive throughs versus, you know, a very heavy, you know, with speaker board type drive through type use, so -- but I just don't know what it is today and that's why I would respectfully request that when we do know what it is and we have some context around that use, you know, we know what the -- the amplification is of the drive through, we know, you know, what the style of drive through is -- I mean we -- we -- you know, originally when we were going through this process we had the drive through window facing the north side of the property. City staff and myself talked through it and, you know, we moved the drive through window to face Eagle Road, right, to ensure that it was away from future residences and that's something that we would make consistent, you know, through whatever the use is, whatever -- whoever the tenant is. But, you know, we would -- we would respectfully request that included in the -- in the -- in the development agreement modification, because it does help us attract tenants and at the time that we have some additional context around who the user is, we would bring it forward as a part of a conditional use permit.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just probably a kind of a follow-up comment, not as much a question, but it would seem to me, you know, my -- my natural inclination would be to want to make sure you have as many options as you can as you are -- you are working towards it, because it does take time and time is money, especially in development. But I don't live down here. I don't have a strong feeling. But I have driven by this property just a few times. So, I'm sensitive to people that live there and experience it every day what -- what they would like to see down there. But I do think to me it's a -- it's a good argument to have as many options available to you to fill the space. But I'm also torn a little bit, because I think a good point has been made about the type of tenant we would maybe want there in the future and it's hard to foresee what that would be. But clearly if there is a drive through you are going to be attracting entities that would like to lease a property that would have that. Clearly there is some concern about whether that's the kind of tenant we would want there, but I think it's a good point that giving you options does make some sense. That's kind of what I'm thinking right now.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If I could ask a question from city staff maybe, but I wouldn't go anywhere. Linda, how long -- if -- if an applicant has submitted everything the city requires, how long do we expect the CZC and CUP process to take? I think that would be very helpful if we could set some expectations around what would -- what would be expected.

Ritter: Mayor, Council, so normally, based on our code, we have -- from the time we deem an application complete we have 70 days to get it to a hearing. Some things are quicker than others, depending on how many times we have to send it back for revisions. But a lot of times we can review the CZC at the time that we are doing the CUP, because it's the same application that you are looking at. So, I have been trying to do that -- to do everything on the front end, so that once it comes through for approval or whatever, they can just go right to applying for buildings permit, because we can't issue the CZC until approval has been given for the CUP, but we have already looked at it and determined that -- whether it meets our requirements, so that is done simultaneously. So, that cuts down the time of our review and we talked about that -- I talked about that with the applicant when we were doing this particular project. Again, a lot of times, depending on the complexity of the project, it can be done within 30 days, it can be done within 45 days or it takes up that full time to get to where we are. It just depends on the complexity of the project and this one was not complicated. It was just getting some things squared away as far as what we needed to move forward with.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. That's helpful. And I appreciate what you are saying about, you know, trying to do the two processes simultaneously. So, it's really not expect -- at least I think from our expectation by -- we have set 70 days as an outer limit to complete the CUP process and it sounds like the CZC process should run simultaneously with that. So, it sounds to me, sir, like this could be a 70 day at the most type of process and maybe more like 45 or 30 days. Would you say that that is more typical --

Ritter: Typical, again, depending on the complexity of it and how many times we have to send it back for clarification.

Strader: Okay. Thanks. That helps me and I think probably would help the applicant also. Thank you.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, if it would help giving some additional context along the -- both the CUP process, as well as the modification of the DA. So, the DA modification does have to come to Council. That normally takes six to eight weeks at the most once it's complete, so -- and it really is just noticing of a hearing. So, there is no P&Z hearing. The P&Z process for the CUP does have to go through them. That, as Linda said, can take 30 to 45 days, depending on scheduling. The only issue that maybe hasn't been discussed that the Council may want to consider is if you approve a CUP drive through on that location, when the CUP comes through you are, then, determining what the hours are and where the location of it is. Not whether it can be there or whether it is in the right time and location on the building for it to be there. So, if the -- if the Council is uncertain on whether or not a drive through should be on that property yet, then, that might be why you may want to consider that to be a DA modification, because that may be when you know what it is, what's going to be there, what the impact could be of the neighborhood versus today where you don't know what it's going to be and so -- because once you allow it as a use the conditions are all you have left. So, that's the difference between the two. And, again, if it's a modification that the applicants are concerned with, normally the modifications -- again, I recognize there is other things that come into play occasionally on modifications, but generally it's a six to eight weeks at most because really it only comes to Council. Of course a notice to Council and a hearing here. So, it can go faster, as long as all the other information that planning needs to make that happen is there. So, there is some delays, but that's kind of the difference between the two.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I just had one more question I think for Linda and maybe -- maybe for legal, but I don't think so. I did want to just check on the comment that -- that was made regarding condition five. I -- I feel like that's already in the conditions and no further modifications are needed to emphasize that. Do you agree with the matching lots. I think that was a comment from a member of the public that was -- sorry.

Ritter: That was regarding the residential portion? Right. We are not removing that, so --

Strader: Great. Thank you.

Ritter: And also I just wanted to state that tonight the only conditional use permit that we are here for is for the Chase Bank, not for the second lot. Just for the first lot.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Aaron, I appreciate everything you have been saying tonight and I know you stated a commitment to try to bring some form of sit-down restaurant place where people can sit. If both of these become drive throughs where is that going to happen?

Zuzack: Council Member Overton, on the main part of the Albertson's site we have wanted to focus that outdoor plaza at the hard corner of Eagle and Amity as our focal point for sit down restaurants, for our outdoor plaza, someplace where people will not only be able to eat, but also be able to meet with neighbors and talk to friends and -- and have a -- have a place, a there there. You know, we believe in our development experience that having one focal place, instead of having five of them all scattered out throughout a development site, is better. So, we wanted to put our focus on the one place that we felt was really important to not only the community and the city and Albertson's and ourselves, to focus that on the hard corner of Eagle and Amity where we have built an outdoor plaza, where we intend -- where we have got one restaurant signed up, who is in building permit, plan review and we are close to getting another restaurant signed up and at that point in time that empty plaza that's there today will be filled with -- with activity.

Simison: Council, any additional questions, comments? Okay. Thank you.

Zuzack: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I will take a crack at this, we will see where it goes. I move that we close the public hearing on Item 16, application H-2024-0007.

Little Roberts: Second.

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

MOTION CARRIED: ALL AYES.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Council, I think we always are trying to work to try and find a yes and I had some real strong opinions about this. I really tried to remain open minded. I think, though, unfortunately, through the course of the testimony and the discussion I have -- I have not been able to draw a conclusion that bringing a CUP is appropriate at this time. So, I'm going to move that we approve the MDA Instrument 2017-041827 and accept the new owner's information, as well as the concept plan for Exhibit B only and deny the request for the conditional use permit.

Simison: Do I have a second to the motion?

Overton: Mr. Mayor, question for the motion maker.

Simison: Does that -- just trying to think about process. Technically you should either second it and ask a question or let it die and go back to them, as compared to --

Nary: Motion dies for lack of a second.

Simison: Motion dies for lack of a second. Councilman Overton.

Overton: Did I miss it? Did you include Condition 2.6 that would allow it to be open for 24 hours?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: No, because I believe with denying the conditional use permit that would impact the hours of the ATM.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just want to -- sorry, maybe I'm a little slow. I'm just trying to follow along. So, just so I understand, I think what you are proposing was to update the ownership information, but not approve the CUP at all. But, then, you mentioned Site Plan B, so that left -- I was a little confused.

Cavener: So, Mr. Mayor, if I could speak to that.

Simison: Councilman Cavener.

Cavener: And I -- staff will correct me, because I'm inevitably wrong. Because the development agreement modification adopts the site plan, there were two exhibits that were presented, one with two drive throughs, one proposed for one. What I believe is this gives the applicant the opportunity to continue to negotiate with development community, with the business community, that might make sense. It also gives the applicant an opportunity to respond to some of the feedback they have heard here tonight about circulation, pedestrian focus, development. When they come back at a later point in time for a development agreement, maybe for a drive through for a bank, maybe a drive through for something else, that preserves their opportunity to at least explore, that only -- that also lets the developer know that the Council is only interested in seeing a single drive through in that area and not the possibility of doing two.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Just for clarification purposes, even with Site Plan B there is a drive through on the southern part -- southern part of that parcel, which would require a CUP.

Cavener: Mr. Mayor. That is correct. As I understand it it would still have to come back at a later point in time for a CUP.

Whitlock: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I had a question for legal I think. So, if a DA modification was accepted, including Site Plan B, but the CUP was denied, does the applicant have the ability to come back for the CUP? That's what I'm kind of confused about.

Nary: Mr. Mayor, Members of the Council, because I guess I'm a little confused, too. So, is the intent of the motion maker was to not allow any drive through at this point and only Site Plan B without a drive through, is that what I -- is that what I understand?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate the question. I don't mean to create confusion, but because they are -- are two separate actions, I felt it was important to take some of the feedback from the community and discussion tonight about we -- we likely don't want two drive throughs in that -- in that lot, so we are going to capture that tonight with the DA, while we are making the change to the ownership, but the other request before us to grant them a CUP for a drive through at all. I'm recommending we deny it at this point in time. So, we have two separate actions before us. One is the development agreement. One is a CUP. And rather than completely deny the site plan change that is included in the DA, I felt it was important to memorialize the Council's belief that a single drive through in that area is what makes sense.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I'm slow. If we don't approve the CUP I don't understand how the applicant can move ahead with the tenant that has been identified for Site Plan B, for example, with the drive through with Chase Bank. How are they to move ahead? Are you suggesting that we make the change in ownership, but they have to come back again to Council to get the permission that they need to put a drive through on the southern border? Because I would -- to me in my mind it would -- I understand not approving the drive through on the northern half of the development, but the southern half it seems like we have a tenant, I would be okay with that, but I just want to make sure I'm understanding.

Cavener: Mr. Mayor, if I can respond.

Simison: Councilman Cavener.

Cavener: This is good -- good conversation. So, Council Member Taylor, to -- to your questions, I believe the applicant has heard, at least from some of us on Council tonight, about some concerns about connectivity, moving pedestrian, safety in that area and I really believe when they say they take that feedback to heart and they are going to take a look at it and I have got some suggestions and some things you would look at. I'm not comfortable tonight granting a CUP which would allow a drive through to be built at this particular time, because I think it would only exacerbate a problem. I don't believe it would impact Chase's ability to be built, just it would not be able to have a drive through ATM. The bank could still function, but just would be without a drive through ATM and so that's where the denial recommendation for the CUP is coming from. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Trying to find a right path to not deny everything in the development agreement, except for the name change, but to provide some greater clarity about maybe where Council may or may not be. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question for Mr. Nary. How much time does an applicant have to wait to reapply for a conditional use permit after being denied? I -- I didn't think any, but I --

Nary: Mr. Mayor, Members of the Council, I think that still has the same waiting period, but I don't know. Linda might know better. I don't know on the CUP, if that has the same waiting period as other applications. I don't think it narrows it to just -- or just land use applications, but I don't recall.

Ritter: As far as I know the wait time is one year.

Nary: Yeah.

Cavener: So, Mr. Mayor, I think maybe in light of that I certainly don't want to limit it to a year. Council, maybe at least let me take a minute to think on that. But, again, I don't know where everyone is on this particular one. That's what makes this work so enjoyable. I certainly would be supportive, though, of continuing the CUP to a number of months out to give the applicant the opportunity to respond to the feedback and, again, they are also -- it sounds like they are in conversations with other users, maybe they come back with a different request entirely. But I'm not supportive of granting a CUP for this particular project tonight and I would be open to any other motions if this great body has some other suggestions.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: A comment as we work our way through this. I have agreed with a lot of comments that have been made, especially the first comments that we read that were part of the packet from some of the neighbors that talked about the last thing they wanted to see was a bank. They wanted to see restaurants. But call it following -- for whatever reason Chase Bank over the years, as they have closed many branches across this country and, then, at the same time opened a lot of branches, they are very strategic on the locations they pick. They don't just pick them out of thin air. I think Chase Bank has picked this location, because they believe it's the right spot where they should be. It's not a restaurant. Council Member Strader made a great point, which I fully support, which is I would only go with Site Plan B, but I would approve Site Plan B and the CUP so that the bank would be available to go forward, but we would be helping the applicant with the northern part of this site plan and not having a drive through, because I think two drive throughs, considering the history of what we have happening in this city right now with the unknowns of drive throughs, no matter if we

think it's going to be a pickup location, we have some drive throughs that have stacking issues with tons of cars, because we have no control over what's going to come in and utilize that drive through. We can always hope for it. With a bank I don't think we are going to have issues like we do with some hamburger joints, but we have no idea what would go in on the north side. So, I would certainly make the motion if needed, but I would move to approve Site Plan B and the CUP. If everybody else wants to comment.

Simison: I think that's a motion officially if someone has a second.

Taylor: Second.

Simison: We do have a motion and a second. Is there discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question for our legal staff. Can we tie a conditional use permit to a specific type of business use -- in this case banking?

Nary: Mr. Mayor, Members of Council, no, I don't believe so. I guess the only issue right now -- you can tie it to this -- this application specifically, so it's for this building, this location and if I recall in looking at the application -- and Linda can correct me -- there is no window here. It's just a drive through machine. So, if you tie it to that, then, you couldn't, then, add a window and make it into a traditional drive through like a restaurant or a dry cleaner or something else. So, if you tied to that I think, then, you could tie it to this. But, normally, no, not the specific business. It's just type of use with this. Without a window, yes.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: If that was a motion I need to make sure that we agree on what an additional part would be, that we amend Condition 2.6 to include the language stating the ATM will be able to operate after 11:00 p.m.

Simison: Anything about the ownership? The first part? To include that as well? It's captured.

Whitlock: Is that not in the motion?

Simison: It was -- I didn't hear it specifically stated. But since Councilman Cavener specifically stated in his, I was going to see if it wanted to be specifically stated in this one.

Overton: I was not stating that in the motion.

Simison: Okay.

Strader: Mr. Mayor?

Simison: So, it's not part of the motion at this point in time. Council Woman Strader.

Strader: Just for discussion, brainstorming purposes, I am -- I'm open to this approach, I think including Site Plan B and the DA. I'm curious what Councilman Overton's thoughts would be about some type of a condition that the applicant use their best efforts to work with city staff regarding, you know, the flow throughout the other parts of the site or even just -- if I could just get a moral kind of agreement from the applicant that they would be interested to help improve circulation at the Albertson's site if they can, whether it's signage or some -- some changes like that, I -- I think that would be helpful. Head nod would be okay for me. I don't know if we want to -- because it's a little bit different than this particular approval, but I appreciate that, sir, because I think we do need to take a look at that, it sounds like it's an issue and you have been in business for a long time, so I trust your word that if you are head nodding like that, then, you are going to take a look at that, so -- that works for me.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I think in terms of clarification and, Councilman Overton, you might -- you can make sure we are agreeing on what the motion is, but my understanding was based on the document that we have here that the request as outlined here is to modify development agreement to include the new owner's information and a revised concept plan for the four commercial lots north of Mount -- East Mount Etna Drive. That's A. B, conditional use permit for square foot for the bank with the drive through for an automatic teller machine. So, my understanding with the motion to approve includes the change of ownership information, to modify the DA and to grant the CUP only for the property to the south to have a drive through and that's what was mentioned. That's the only thing that we are looking to do tonight.

Simison: Along with Condition 2.6.

Taylor: Right. With the bank hours. So, that's -- when I seconded the motion that was my understanding of what I was seconding, but if -- I want to make sure that that's --

Overton: You are a hundred percent correct.

Taylor: Okay. Thank you.

Simison: All right. Other further comments on the motion? All right. Clerk will call the roll.

Roll Call: Cavener, nay; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

Simison: Five ayes. One nay. The motion carries. Thank you.

MOTION CARRIED: FIVE AYES. ONE NAY.

17. Public Hearing for McKay Farm Subdivision (TECC-2024-0001) by Sam Johnson, Scentsy, Inc., located at 5875 S. Eagle Rd.

- A. Request: for a second time extension for the preliminary plat of Mckay Farm Subdivision

Simison: So, next item up is Item 17, which is a public hearing from McKay Farm Subdivision, TECC 2024-0001. We will open this public hearing with staff comments.

Ritter: Good evening again. So, this application is for a time extension. This is for the property located at 5875 South Eagle Road. It consists of 9.59 acres of land that is zoned R-8. So, the preliminary plat consisting of 42 lots, nine common lots and approximately 11 percent qualified open space of land in the R-8 zoning district was approved by City Council on June 23, 2020. So, the request is for a two year time extension on the preliminary plat in order to obtain this city engineer's signature on the final plat. The previous time extension approval was set to expire on June 23 of 2024, but they got their time extension request in prior to that. So, again, they are requesting a two year time extension. The reason for -- again the reason for their previous time extension request was due to the adjacent subdivision not being constructed, which with -- which is a utility and vehicle access for this subdivision. New conditions were placed on the application at the time they did their first time extension. So, now the applicant is waiting for again the neighboring developer Boise Hunter Homes to bring the underground infrastructure through their property and to McKay Subdivision. The applicant also states the rule of bringing infrastructure to and through has not been upheld by the neighboring developer, nor the city -- City of Meridian in this scenario. So, the applicant also states that Boise Hunter Homes does intentionally not develop their final phase to keep them from developing their plat. The adjacent property being developed by Boise Hunter Homes has requested a two year time extension to obtain the city's signature for Sky Mesa Commons Subdivision No. 5, which is set to expire on February 25, 2025. So, since the preliminary plat approval an amendment to the common open space and site amenity standards in the UDC has changed. The provision for common open space increased from ten percent to 15 percent and requires compliance with the quality standards that are listed in the UDC. This provision for site amenities change from one required amenity to a point system based on the area of the development per the point values listed in the UDC table. A total of 10.9 -- 10.9 percent or 1.15 acres of qualified open space as depicted on the preliminary plat

consisting of a large common lot with open space, a smaller common lot that holds the irrigation pump station, parkways along all proposed local streets and half of an arterial street buffer to South Eagle Road. Under the current standard a minimum of 1.5 acres is required for the 10.5 acres in order to comply with the current open space standards. The applicant will be required to meet the current open space requirement if the time extension is provided. A total of one site amenity was proposed with the preliminary plat consisting of a picnic area with shade structures located in a large open grassy area for easy access by all residents in the development. The open grassy area proposed with the development is not large enough by UDC standards to count as qualified open space and site amenity, but staff finds that it will still be used as if it was due in a minute -- excuse me -- as if it was an amenity due to its location and its relative size to the site of the proposed project. The current standards required one point of site amenities for each five acres per the approved development agreement. The applicant was required to provide an additional site amenity per the UCD standards. Add one more open space to the development might result in losing some of the originally planned lots. The applicant needs to update the final plat to comply with the DA stipulations. As follows: The DA limits the number of lots that can be accessed via a single common drive to two lots. There are currently four common driveways each serving more than two lots. This set -- this setup does not meet the DA requirements. To comply with the DA the applicant will need to either redesign the layout to ensure that no more than two lots are served by each common driveway or potentially lose additional lots to meet this requirement. So, based on these approvals, the subject time extension will allow the applicant to obtain the city engineer's signature on the final plat and proceed with development of the property. If the city does not approve the requested time extension, the preliminary plat will expire and a new preliminary plat application will be required. So, at this time staff will take questions on -- any questions that you may have at this time on this application.

Simison: Thank you, Linda. Council, any questions for staff? Would the applicant like to come forward?

S.Johnson: Hello, Mr. Mayor and Council. My name is Sam Johnson. My address is 2701 East Pine Avenue in Meridian, Idaho. 83642. I am a small developer here in town. Born and raised here and have development in my blood from my parents' forty plus years of developing in west -- in west Boise and we just -- I just recently finished a project called Fairbourne out on Black Cat and Chinden that I think was -- is one of the great communities in -- in -- in Meridian. But I am here with a plea for a second time extension because of someone else's actions. If it was up to me this property would have already been developed long ago. Basically I'm being stonewalled. I cannot -- this -- this plat, when it was originally designed and gone through the process with the city and ACHD, no access onto Eagle Road, except for an emergency access was agreed upon, so -- and there is only -- there was in the original application 42 homes. A lot of the -- the conditions in the development agreement we have -- we agreed to. The development agreement's been signed years ago. We have reduced the number of lots to 38, addressing some of the -- the two lots per common driveway concern and requirement. We also agreed to in the development agreement that we would add an

additional amenity. It just was undetermined what that would be. So, we stand by the development agreement, but we are here waiting for utilities. So, when -- when McKay Farm plat was approved in 2020 we shortly thereafter approached Boise Hunter Homes and asked, hey, what if we joined your neighborhood HOA. We could contribute our portion to your amenities. We had a -- we have a large well on the property that could be used for backup for the pressurized irrigation system and they were not interested, to say it mildly. They were also demanding that we pay half of the road infrastructure cost to get to our entrance and we think -- we all know that that's not the way it works, but thus we never came to an agreement. But they also stated when -- in several discussions early on several years ago that they were going to do their development and what -- let their last phase be our entrance and get -- and that's when we would have access to the utilities and our entrance and they have held up to that statement, but their -- I'm going to show here -- you can see where our site -- our subject property is there along Eagle Road. In the early -- like 2017 time frame Sky Mesa started developing over in that red area and, then, over time started adding different phases to their -- through their project. About this time it was approved and, then, they continued to build out their -- their project. If we go back one. So, this property to the south; right? That's just in red there. That was an additional -- an add-on called Sky Mesa Highlands and as you can see -- hopefully you can see there was two access points going into that project or two stub streets that came from the north going down. If I can -- I don't know if the mouse will work here, but one here is a stub street and one over here. They were allowed to -- in the process of building it out and doing their final plats, this red area is one final plat and they were allowed to have 70 homes accessed off of this -- in this one entrance and one access point with an emergency access out to Eagle Road. I think that my problem may have been avoided with the city's help, with them being required -- if they were required at the time to have both stub streets accessed in -- to access that property, there was really no -- no need to have an emergency access onto Eagle Road. Once that emergency access was allowed, then, they found a loophole, unfortunately, and, again, this is all childish. I get it. I'm -- but I'm the -- I'm the one who is being punished. Once they -- once they -- they have developed their entire project out and so there is now over 500 houses that they have built over the last eight or nine years and that little yellow area it's about ten to -- or 13 -- 13 lots and they -- their last plat that they recorded on all of this was in 2021. So, three years ago. Even the construction drawings for that spot were -- were approved and never -- but never constructed back in 2021. So, it's been three years of just nothing -- nothing moving forward. I have made multiple -- dozens and dozens of attempts to contact them and just to have a conversation, but nothing has made it through. I know that this is a sob story that you don't really want to hear, but I actually do want you to hear it, because this is happening in your community. A neighboring property owner has been allowed to create a spite strip. Hopefully -- if you are not -- if you are not aware of the term spite strip, it's in spite of one property owner not allowing another property owner to get to the public infrastructure that's -- that should be available to them. The principle in development that I have grown up with and had throughout this valley is you -- as a developer you bring the infrastructure to and through your project. It's been three years since the neighbor has recorded a plat and they have no intention as of right now -- no indication that they are planning to develop this last phase, which is their phase five, which is my

only access to infrastructure. We have -- I have explored options to bring it in from Eagle. Most -- most everybody was amenable to making that work, except for sewer. Sewer needs a certain flow and gravity and slope and we just can't make it work according to the city engineers. So, I'm here requesting a second -- a second extension to my preliminary plat. I'm also -- on the three conditions that are stated in the -- in the staff report, I'm respectfully requesting that number one, the requirement to take my plat from a ten percent open space to 15 percent open space, I'm requesting that that be eliminated. I understand the reasoning, but I'm just kind of stuck and I would rather not be kicked in the teeth anymore. Not that five percent open space isn't a bad thing. That's just my request. So, I'm -- I'm asking for -- that is the only change in the staff report that I am requesting and urging the City Council and staff to work -- I'm happy to work with anybody, but to help eliminate this childish behavior that is affecting a simple -- a simple developer like me.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Johnson, I appreciate your commentary and I don't know if you have been before our Council before and -- we really frown on name calling. We are neighbors here and we really expect neighborly decorum amongst everyone, particularly those that aren't here. So, I understand your frustrations, but --

Johnson: I apologize.

Cavener: Okay. Just ask you to just be a little bit more neighborly. You are part of this community. We are part of this community. The other developer is part of this community. We are all neighbors. Okay?

Johnson: Sure. I appreciate that and I apologize. This is the reason I'm asking for a second time extension. My hunch is that the process -- knowing the process I will be here again in two years waiting -- asking for another one, because I have to wait for them to develop theirs before I can develop mine. Construction drawings take about nine months to get approved and they have to go back through the process to get theirs approved. So, I know that at least the next year I'm going to be waiting if -- even if they were starting now. So, it's an unfortunate situation. It could have been avoided, but I don't have any other choice but to request the time extension. I stand for questions.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm just chewing on this. Thank you, Mr. Johnson. It's Mr. Johnson; right?

Johnson: Yes.

Strader: Okay. One of the most stunning comments, frankly, that I have -- I have read in a -- in a staff report, I just want to understand from your perspective has the City of Meridian not met its own standards or the law? Because I don't want to get into the middle of a fight between you and another developer, but from your perspective is there something that the City of Meridian specifically has done that has fallen short of our own standards or the law in some way? Help me understand that aspect.

S.Johnson: I don't -- Council Woman Strader, I don't believe that the city has done anything wrong per law. I don't think that the neighboring developer is doing anything wrong per the law. It's -- it's the allowance of a loophole to -- for no real apparent reason keep someone -- bring the infrastructure through your project -- finish your project and bring it to the neighboring property. So, I -- to reiterate, I don't believe any law has been broken. I believe that there is -- the staff and city usually do a great job of maintain -- of looking at problem plats or designs that would maybe create a -- a spite strip or a place that -- of a land that somebody would develop, but, then, the next neighbor -- the neighbor can't get to it, because he owns it. He doesn't give permission. That's what's happening here with an entire phase. So, it's just a loophole and I'm stuck.

Strader: Yeah. So, I'm going to have some questions for our staff and our legal department I think a little bit around the infrastructure questions. That helps me understand your perspective. Certainly in this case, if what you are showing us is correct, it does appear that there is like one final phase that is extremely small in the neighboring development to you relative to the other phases and that the economic incentives have created a bad situation. But, again, I -- I think it's important for us to try not -- if we don't -- we probably don't want to I think get in the middle of an argument between you and your neighbor, but I think this is important that we take a look at how we do these. So, I'm going to -- I'm going to think about this and I think I'm going to have some more questions for staff and legal.

S.Johnson: If I may. Council -- Mayor and Council, I'm -- we are here for a time extension application. Very simple. I think it's a no brainer. I'm bringing up a lot of other bigger problems or bigger issues that have caused this for future discussion with staff, with Council, with other applications. It's not -- not that there is going to be answers tonight. I'm not expecting that.

Strader: Mr. -- Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I appreciate that. I think narrowing that focus here in this meeting is a really good strategy on your part to try to get the ball moved forward in some way and I agree, I don't think that issue will be solved tonight unfortunately. Thanks.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Johnson, thanks. I hope you know I sympathize with what I think is what very much appears to be a very challenging situation for you and clearly very very frustrating. But, again, kind of to your point, the focus here is time extension and I want you all -- I'm obviously very supportive of your request. It's interesting that we had -- this -- this week we had another time extension before us last week that was on top of another time extension and that poor applicant heard me wax poetic about I don't like time extensions. I think it's unfair to the community. It's unfair to the Council. And, you know, had I not known the history before I had planned to ask you -- you know, what your plan was so that we didn't see you again for a time extension and I recognize that some of that is you continue to work with your neighbor. Being upfront I likely would probably not support another time extension before it comes to us, despite the -- the interpersonal challenges that you have with your neighbor. That's not necessarily a role for the city to play in. I know you were frustrated, but you -- the comment about not wanting to adhere to staff's recommendation to meet our standards now for open space -- I know you used the term kick in the teeth. I just -- help me understand, aside from the feeling about it, what undue hardship this request would -- would bring you.

S.Johnson: Sure. Excuse me. I don't know if you -- Linda, can you bring up the preliminary plat or the green space exhibit that's in the packet? If not that's fine. That's fine. That's okay. I'm okay with -- if I need to comply with the 15 percent open space. It is -- it's -- so be it. That's great. Let's -- let's do it. I am okay with larger open space. There is a -- on the very south end of the property there is an overhead power line that goes through my property and it provides power for the irrigation station for Black -- I guess Black Rock or the community that's been there for 15, 20 years up a little bit on the hill above -- above Sky Mesa. The hope is that that power -- overhead power line goes away when the -- when the Sky Mesa's final plat gets actually built out and power gets put to that. So, then, that overhead power line goes away and right now it's in an open space and I would love to add that back to people's backyards. So, that's one reason I would like to try to keep it the ten percent. It's -- it's what we all agreed to. I know -- I know you have the right to change it now and if you so choose I will live with it.

Simison: Council, any additional questions?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just one question, Sam. In -- sounds like you have been holding onto this property for a while, kind of waiting to do anything. Have you had other interested parties who wanted to buy this development from you?

S.Johnson: Absolutely. Excuse me. Mayor and Councilman Taylor, several years ago we put it up on the market to sell and we probably had 15 interested parties, but, then, they all backed out knowing that -- the difficulty that -- that this plat has with the connectivity and -- and so -- and I have a few that are on the waiting list, but we are not sure if we want to sell it. Our normal thing is to develop it into lots and sell the lots to smaller builders, who don't have the big communities to work in. But, yes, we have had multiple opportunities to sell -- or interested parties, but they backed away when they see the challenge that we have.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Not a question as much as a comment. To me it seems like a no brainer for an extension. I would -- for another day, not tonight -- I would be curious to know from legal and staff what -- if this is something we have encountered or what remedies are available to us or if this is just something that two interested parties have to work out on their own. I don't know. I would be really interested to know that. This is the first time I have been -- have faced with a situation like that that I'm aware of and it seems wrong, but there is always two sides of the story. So, I would just be interested to kind of know what -- you know, what options are available, if any. But I think it's reasonable to move ahead with the time extension to allow you to kind of work out what you need to with -- with them if you can.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think Councilman Taylor is on the right track totally. That's where my head's at. I feel like the time extension makes a lot of sense. I would love to have a follow up from staff to understand is there a best practice that the city didn't follow or is there any -- anything that's kind of -- and you -- I don't want you to necessarily answer that right now, Linda. I think that's for a future meeting topic. Just understand just from a general perspective, you know, what infrastructure do we expect to be carried through developments and to what point do we expect it to be carried through all phases of a development? I would imagine with something like sewer infrastructure that we do require part of that, but help -- yeah. That would be my future I think discussion that I think we should have is -- not necessarily --

Simison: He is right there. The guy out there. He is the one you want. Kyle. He is the one you want to direct those to, not necessarily Linda.

Strader: Fair enough. Yeah. So, I think -- I think we need to have a discussion about infrastructure and timing and sequencing and understand if there are some -- if there are some best practices that we need to implement, if there is something we should consider or maybe not. Maybe it could be that, again, there are two sides to the every

story. Maybe there is a side that we are not understanding and certainly they will be asking for a time extension in spring of 2025 and I'm sure that they will be asked some questions, at least by me. So, yeah, I think that's the way to go with it. I normally am a pretty big proponent of meeting our current standards with time extensions. I think that's important from a consistency standpoint, so that developers have that expectation that if standards change we do typically expect them to meet them. I'm not hearing from you that it creates a huge economic issue necessarily in your development to do so. You have already agreed to the other two -- the other conditions. So, yeah, I'm amenable to it. I have sympathy from -- for you for where you are coming from here. It sounds like an extremely frustrating situation. I just -- I think it's important to sort of stick to how the city interacts with you and whether the city has done something -- or maybe if the city should just improve in some way. So, we will work on that piece I think. Thank you.

Simison: Council, any additional questions for the applicant? Okay. All right. Mr. Clerk, did we have anybody sign up to provide testimony on this item?

Johnson: Mr. Mayor, the Pinters are here, but they didn't mark they wanted to speak. Maybe they do.

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

Pinter: Brian Pinter. 2505 East Lodge Trail Drive in Meridian. 83642. I would just like to request that the Council not grant an extension that would hold -- that would not hold the developer to the, then, current standards with regards to open space requirements or any other standards. Mr. Johnson mentioned that the other developer might not allow him to move forward for perhaps even several more years, thereby even pushing the further -- standards out further. That would be my concern. Thank you.

Simison: Thank you. Council, any questions? Is there anybody else who would like to come forward and provide testimony at this time? We don't have anybody online, except for staff, so I assume that -- one of them's here and online at the same time. I don't know how you are pulling that off, Kyle, but you are doing a good job. Then would the applicant like to come forward for any final comments?

S.Johnson: Mayor and Council, I appreciate your time. I apologize for my remarks. I apologize for my cotton mouth. I don't know what -- I must have sucked up some dirt before I got up here. It just went dry. But I appreciate all your time and consideration and I'm more than happy to work with staff and even with the Council on more specifics of what this challenge has been and potential remedies that would help this not happen -- at least this situation. Sure there might be others, but -- I appreciate your time and stand for questions.

Simison: Any questions? Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I make a motion that we close the public hearing on Item 17.

Cavener: Second.

Simison: Motion and second to close the public hearing on TECC 2024-0001. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: It seems like the Council is probably ready to move. I would be prepared to make a motion and I would agree with the comments that Council Woman Strader made at the end. I think approving the extension makes sense, but also requiring the updated standards for consistency for expectations for others who want to work with the city of 15 percent open space. I guess I would like to know -- do I need to specify that in the motion for the 15 percent or I can just make the motion to approve the file number? Okay. Mr. Mayor, I make a motion that we approve File No. TECC 2024-0001.

Overton: Second.

Simison: Have a motion and a second to approve Item 17, TECC 2024-0001. Is there any discussion? If not, Clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

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

MOTION CARRIED: ALL AYES.

Ritter: Mr. Mayor?

Simison: Yes, Linda.

Ritter: Council Woman Strader, I would just like to say that the planning staff has been reaching out to the adjacent developer trying to help resolve this issue. Staff can only do so much if no one is responding, but as you can see from the slide in front of you utilities are available. So, I think based on all the pre-construction meetings that I have attended, that utilities have to go to and through the adjacent property and I think that looks like all the utilities are there. So, again, I'm not sure about the roadway, because

without them having their final plat approved or submitted they cannot get construction permits, so -- and they did ask for a time extension. So, there is some things that are still happening there.

RESOLUTIONS [Action Item]

18. Resolution No. 24-2468: A Resolution of the City Council of the City of Meridian Certifying the Levy of \$504,546 of Foregone Property Taxes in Fiscal Year 2025 for the Specific Purpose of Funding Firefighter Personnel Expenses and Providing an Effective Date

Simison: Thank you, Linda. So, with that we will move on to Item 18, which is Resolution No. 24-2468. Ask the clerk to read this resolution by title.

Johnson: Thank you, Mr. Mayor. It's a Resolution of the City Council of the City of Meridian certifying the levy of \$504546 of foregone property tax in the Fiscal Year 2025 for the specific purpose of funding firefighter personnel expenses and providing an effective date.

Simison: Thank you. Council, you have heard this resolution read. Would anybody like it read in its entirety? If not, do I have a motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we approve Resolution 24-2468. For the City of Meridian to certify the levy of \$504546 of foregone property taxes in fiscal year 2025.

Whitlock: Second.

Simison: Have a motion and a second to approve Resolution No. 24-2468. Is there discussion? If not, Clerk call the roll.

Roll Call: Cavener, nay; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

Simison: Four ayes. Two nays and the item is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ORDINANCES [Action Item]

19. Ordinance No. 24-2059: An Ordinance of the City of Meridian, Idaho amending Ordinance No. 23-2035, the appropriation ordinance for the fiscal year beginning October 1, 2023 and ending September 30,

2024 (FY2024), by increasing total appropriations from \$233,617,299 to \$241,358,900, increasing total revenue from \$153,722,889 to \$173,614,188, and decreasing the use of fund balance from \$79,894,410 to \$67,744,712; and providing an effective date.

Simison: Item 19 is Ordinance No. 24-2059. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. An Ordinance of the City of Meridian, Idaho amending Ordinance No. 23-2035, the appropriation ordinance for the fiscal year beginning October 1, 2023 and ending September 30, 2024 (FY2024), by increasing total appropriations from \$233,617,299 to \$241,358,900, increasing total revenue from \$153,722,889 to \$173,614,188, and decreasing the use of fund balance from \$79,894,410 to \$67,744,712; and providing an effective date.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve Ordinance No. 24-2059 as presented.

Strader: Second.

Simison: Have a motion and a second to approve Ordinance 24-2059. Is there any discussion? If not, Clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

Simison: All ayes and the ordinance is agreed to.

MOTION CARRIED: ALL AYES.

- 20. Ordinance No. 24-2060: An Ordinance of the City of Meridian providing for the adoption of a budget and the appropriation of \$255,511,778 to defray the necessary expenses and liabilities of the City of Meridian, in accordance with the object and purposes and in the certain amounts specified for the fiscal year beginning October 1, 2024 and ending on September 30, 2025; to levy all such appropriate taxes and levies as authorized by law upon taxable property; to collect all authorized revenue; to provide for a waiver of the 2nd and 3rd readings pursuant to Idaho Code §50-902; and providing for an effective date.**

Simison: Next item up is Ordinance No. 24-2060. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. This is an ordinance of the City of Meridian providing for the adoption of a budget and the appropriation of \$255,511,778 to defray the necessary expenses and liabilities of the City of Meridian, in accordance with the object and purposes and in the certain amounts specified for the fiscal year beginning October 1, 2024 and ending on September 30, 2025; to levy all such appropriate taxes and levies as authorized by law upon taxable property; to collect all authorized revenue; to provide for a waiver of the 2nd and 3rd readings pursuant to Idaho Code §50-902; and providing for 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 we have a motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we approve Ordinance No. 24-2060 as presented.

Strader: Second.

Simison: Have a motion and a second to approve Ordinance No. 24-2060. Is there any discussion? If not, Clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, nay; Whitlock, yea.

Simison: Five ayes, one nay, and the ordinance is agreed to.

MOTION CARRIED: FIVE AYES. ONE NAY.

Simison: Councilman Taylor.

Taylor: Mr. Mayor, in my enthusiasm on Item No. 19 I voted incorrectly and inconsistent with my vote previously for the amended budget for 2024. I had voted for that previously and so if I may change my vote to an aye on Item 19 I would appreciate that.

Simison: Without objection from the body. So ordered. So, that vote will be recorded as six zero.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics or a motion to adjourn?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we adjourn the meeting.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 7:49 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK