

A Meeting of the Meridian City Council was called to order at 6:03 p.m., Tuesday, July 21, 2020, by Mayor Robert Simison.

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

Members Absent: Joe Borton.

Also present: Chris Johnson, Adrienne Weatherly, Bill Nary, Bill Parsons, Alan Tiefenbach, Kyle Radek, Jenny Field, Jenna Fletcher, Mark Ford, Joe Bongiorno and Dean Willis.

Item 1: Roll-call Attendance:

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

Simison: Council, I will call this meeting to order. For the record it is July 21st, 6:03 p.m. We will begin the meeting with roll call attendance.

Item 2: Pledge of Allegiance

Simison: Item No. 2 is the Pledge of Allegiance.

(Pledge of Allegiance recited.)

Item 3: Community Invocation with Tim Pusey of Valley Shepherd Church of the Nazarene

Simison: Item No. 3 is our community invocation, which will be led today by Tim Pusey with Valley Shepherd Church. If you would join us in the invocation or take this as a moment of reflection at this time. Pastor Pusey.

Pusey: Thank you. Heavenly Father, we want to thank you tonight for your blessings in our lives and your blessing in -- in and over this community. Thank you for those who serve our community. For Mayor Simison and our Council, for the many many servants of our community, like our police and firefighters and many who serve behind the scenes. I pray tonight, Lord, you would give wisdom and guidance to our City Council. We -- we acknowledge that these are incredibly challenging days and we humbly seek your guidance and, Lord, we pray for healing in our community and -- and in our land and, Lord, speak peace into each of our lives and into this community we pray in Christ's name, amen.

Item 4: Adoption of Agenda

Simison: Thank you. Council, Item 4 is adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adopt the agenda as published.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Item 5: Consent Agenda [Action Item]

- A. Approve Minutes of July 7, 2020 City Council Work Session**
- B. Approve Minutes of July 7, 2020 City Council Regular Meeting**
- C. Approve Minutes of July 14, 2020 City Council Work Session**
- D. Approve Minutes of July 14, 2020 City Council Regular Meeting**
- E. Fairbourne Subdivision No. 1 Sanitary Sewer Easement No. 2**
- F. Fairbourne Subdivision No. 2 Sanitary Sewer Easement No. 2**
- G. James Court Sidewalk Widening Pedestrian Pathway Easement**
- H. Ten Mile Crossing Subdivision No. 4 Emergency Access Easement**
- I. Warrick Subdivision No. 3 Pedestrian Pathway Easement**
- J. Whitestone Pedestrian Pathway Easement from Proposed Twelve Oaks Pedestrian Bridge**

- K. Final Plat for Sky Mesa No. 4 (H-2020-0063) by Sky Mesa East, LLC, Located at the Northwest Corner and the Southwest Corner of S. Eagle Rd. and E. Taconic Dr.**
- L. Final Plat for Whitecliffe Estates No. 2 (H-2020-0070) by 943 W. McMillan Rd., Located at 943 W. McMillan Rd.**
- M. Final Order for Aegean Subdivision No. 1 (H-2020-0052) by Challenger Development, Inc., Located on the East Side of N. McDermott Rd., ¼ Mile South of W. McMillan Rd. (South of Five Mile Creek)**
- N. Final Order for Graycliff Estates No. 1 (H-2020-0069) by Allen Lee Centers, Located at 701 W. Harris St.**
- O. Final Order for Pine 43 No. 2 (H-2020-0059) by Dan Torfin, C&O Development, Inc., Located on the East Side of N. Locust Grove Rd., ¼ Mile South of E. Fairview Ave.**
- P. Findings of Fact, Conclusions of Law for Cedarbrook Subdivision (H-2020-0012) by Toll Southwest, LLC, Located at 4185 S. Linder Rd.**
- Q. Findings of Fact, Conclusions of Law for Gem Innovation School (H-2020-0043) by Paul Bierlein, Bouma USA, Located at 5390 N. McDermott Rd.**
- R. AP Invoices for Payment - 07/10/20 - \$700.00**
- S. AP Invoices for Payment - 07/22/20 - \$1,790,623.43**

Simison: Item 5 is the Consent Agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve the Consent Agenda, for the Mayor to sign and for the Clerk to attest.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Item 6: Items Moved from Consent Agenda [Action Item]

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

Item 7: Future Meeting Topics – Public Forum

Simison: So, we will move on to Item 7, future meeting topics, public forum. Mr. Clerk, do we have anyone signed up?

Johnson: Mr. Mayor, we had nobody sign up.

Item 8: Action Items

A. Finance Department: Adoption of the Fiscal Year 2020 Amended Budget in the amount of \$121,622,504

Simison: Okay. Then we will move right on into Item 8-A, our action items, and I will turn this Finance Department report regarding adoption of the fiscal year 2020 amended budget in the amount of 121,622,504 dollars over to -- do we have them on -- on Zoom or are they in person?

Johnson: Mr. Mayor, Jenny Field is on Zoom.

Simison: Okay. I will turn this over to Jenny.

Field: Mr. Mayor, Members of the Council, I am here to facilitate the adoption of our -- approving of our fiscal year 2020 amended budget in the amount of 121,622,504. This is just a direction for staff to publish the amount for our public hearing on August -- August 18th. So, with that I just need your guys' approval on this amount to notify the public.

Simison: Council, any questions for staff on this item?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't see anybody raising their hand or wanting to pipe in, so I move that we approve Item 8-A, the adoption to the fiscal year 2020 budget in the amount of 121,622,504 dollars.

Strader: Second the motion.

Simison: I have a motion and a second to approve the 2020 amended budget. Is there any discussion on the motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, just to clarify. That was for 121,622,504 dollars; is that correct, Councilman Cavener?

Field: Correct.

Hoaglund: Thank you. We just had a hard time hearing. Okay.

Cavener: Got it. I will be louder. Thank you, Councilman Hoaglund.

Simison: Any discussion? If not, Mr. Nary, do we need a roll call on this one?

Nary: No.

Simison: Okay. If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

B. Finance Department: Approval of the Fiscal Year 2021 Tentative Budget in the amount of \$129,364,101

Simison: Item 8-B is a -- is also from our Finance Department, approved the fiscal year 2021 tentative budget amount of 129,364,101 dollars and I will turn this over to Ms. Field again.

Field: Okay. Thank you, Mr. Mayor, Members of the Council. This is for the tentative 2021 budget. The original amount of 129,364,101. I just need your guys' approval for public noticing.

Simison: Thank you. Council, any questions? This will be the number that will be published for the public hearing in August. And if not, do I have a motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. I move we approve Item 8-D, approval of the fiscal year 2021 tentative budget in the amount of 129,364,101 dollars, for that amount to be published in our public paper.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve Item 8-B. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

C. Finance Department: Approval to Reserve Foregone Revenue Associated to Fiscal Year 2021 Budget in the amount of 1,091,204

Simison: Item 8-C is also our Finance Department, approval to reserve foregone revenue associated to the fiscal year 2021 budget in the amount of 1,091,204 dollars and I will turn this over to Ms. Field again.

Field: Thank you, Mr. Mayor. Here again to -- this is new to our budget development this year. Because we elected to take the zero percent allowable tax increase we need to formalize a -- our foregone. We are asking Council to approve the reservation of our revenues associated with our fiscal year 2020 budget in the amount of 1,094,204. And this, again, will come in front of you as a resolution drafted by Legal after our -- closing of our public hearing.

Simison: Council, any questions? If not, do I have a motion to approve Item 8-C?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve Item 8-C regard to reserve foregone revenue associated with fiscal year 2021 budget in the amount of 1,091,204 dollars.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve Item 8-C and instruct this to be brought back in the form of a resolution. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay.

Cavener: Nay.

Simison: The ayes have it. We will bring that back through the budget process.

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

D. Public Hearing for Proposed Fall 2020 Fee Schedule of the Meridian Parks and Recreation Department

Simison: Thank you, Jenny. Appreciate your time. We will move on to Item 8-D, public hearing, proposed fall 2020 fee schedule of the Meridian Parks and Recreation Department and I will turn this over to Jenna.

Fletcher: Thank you, Mr. Mayor. Thank you, Members of Council. Yes, we are just going to -- for the 2020 fall fee schedule for our Meridian Parks and Recreation Activity Guide and as you can see the fees in Exhibit A. Thank you.

Simison: Council, do you have any questions regarding Exhibit A regarding the 2021 fee schedule? If not, is there a motion?

Hoaglund: Mr. Mayor, this is a public hearing. Do we have anybody --

Simison: Oh, thank you very much. I appreciate it. This is a public hearing. Is there anybody from the public, either in the audience or online, who would like to provide testimony on this item? If you are on Zoom just hit the bottom raise your hand button. Seeing nobody who is providing -- wishing to provide testimony on this item, do I have a motion to close the public hearing?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing for the proposed fall 2020 Fee Schedule for Meridian Parks and Recreation Department.

Perreault: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

E. Resolution No. 20-2217: A Resolution Adopting the Fall 2020 Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to

Collect Such Fees; and Providing an Effective Date

Simison: I will move on to Item 8-E, a Resolution No. 20-2217 adopting the Fall 2021 Fee Schedule of the Meridian Parks and Recreation Department. Mr. Nary, does this need to be read by the clerk?

Nary: Just the title.

Simison: Okay. I ask the Clerk to read it by title, please.

Johnson: Thank you, Mr. Mayor. It's Resolution No. 20-2217, a Resolution adopting the Fall 2020 Fee Schedule of the Meridian Parks and Recreation Department, authorizing the Meridian Parks and Recreation Department to collect such fees and providing an effective date.

Simison: Thank you. You have heard this read by title. Is there anyone who would like it read in its entirety?

Hoaglun: Mr. Mayor?

Simison: Hearing none, do I have a motion?

Hoaglun: Mr. Mayor?

Simison: Mr. Hoaglun.

Hoaglun: I move approval for Resolution No. 20-2217, adopting the Fall 2020 fee Schedule for the Meridian Parks and Recreation Department.

Cavener: Second the motion, Mr. Mayor.

Simison: I have a motion and a second to adopt Item 8-E. Is there any discussion on the resolution or the motion? If not, ask the Clerk to call the roll.

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

Simison: All ayes. And the resolution is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

F. Public Hearing for Community Development Block Grant (CDBG) Program Year 2020 Action Plan

Simison: Item 8-F is a public hearing for the Community Development Block Grant CDBG program year 2020 action plan. I will open this public hearing with staff comments and turn this over to Crystal.

Campbell: Sorry, I just got kicked off for a second. Mr. Mayor, Members of the Council. So, I'm here today for the final presentation for the CDBG action plan for the upcoming year that is beginning October of this year and will end September 2021. Is my presentation available by any chance?

Johnson: Mr. Mayor, Ms. Campbell, I will get that up for you. You are able to share your screen if you have it there. Otherwise, I can bring it up.

Campbell: I -- I should be able to do it on my screen. Give me just one second, please. All right. So, as I said, this is the final presentation for our action plan. The purpose of the action plan is to identify strategies that will meet the goals of the Consolidated Plan in the upcoming year. So, we do this in a way so that it can help the public to hold us accountable for what we say we are going to do with this and also for transparency. We work with the community to make sure that the goals stay relevant in each Consolidated Plan and -- planning year. So, we try to make sure that we are involved with stakeholders throughout the year, that there is a public comment period of at least 30 days. We have at least two public presentations and we also finish up with a public hearing. For the PY-20 action plan all of our projects fall under these categories. We will be funding some projects for admin for housing. Under public services we will be working with Jesse Tree on their emergency rental assistance program, as well as the Boys and Girls Clubs for scholarships for you. Under the housing category we will work with Ada County Housing Authority on their homeownership assistance program, as well as NeighborWorks Boise for their owner -- owner occupied home repair and for accessibility. Then we will be providing funding for the second and final year of the Fairview Avenue sidewalk connection, as well as the West Chief Joseph streetlights. We also have a couple of backup projects related to streetlight modernization. We received three different public comments. You can see the full public comment in the document, but a couple of them -- CDBG is an excellent resource for nonprofits working to prevent eviction and homelessness in the community at a time when our city is growing so quickly and home prices and cost of living are rising so much it's more important than ever that we continue to provide support for folks in the community who may not be able to keep up financially. And another excerpt from one of them was regarding the rehab -- the homeowner rehab and just talking to how there is a lot of people who need these repairs. They can't make them. We made several of the -- to the originally presented plan. There were nine separate ones to be exact. On page two we updated the summary of public comments. Page 16 we included unity through inclusion and Central District Health to the list of groups that we consulted with. On page 23 we updated the summary of the comments received. We also included an estimate of 2,000 households benefiting from accessibility projects. We included the homeowner rehab program to the description of Meridian's efforts to foster and maintain affordable housing. We included coordination efforts with the Central District Health to the description of Action 3-B, the paint hazards, and, then, we updated the chart for the public comments that were received and included copies of

public notices and the signs grant application documents. So, moving forward this is what we have got. Tonight we have our public hearing and closing the public comment period. Once that's done, after that next week, then, I will submit the final report and the resolution for you guys to adopt and I will make sure that that is submitted to HUD by the end of the month and with that I will stand for questions.

Simison: Thank you, Crystal. Council, any questions for staff? Okay. This is a public hearing. Is there anybody in the audience or online who would like to provide testimony on this item at this time? If you are online just use the raise your hand function at the bottom of the screen. Seeing nobody wishing to testify at this time, Council, any further action or information needed before you close the public hearing? If not I will accept a motion.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we closed the public hearing for Community Development Block Grant program year 2020 action plan.

Bernt: Second.

Perreault: Second.

Simison: Okay. I have a motion and a second to close the public hearing on Item 8-F. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Those opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: With that we will see that back in front of us next week. So, thank you, Crystal. Appreciate your efforts on this.

Campbell: Thank you.

G. Public Hearing for Brody Square (H-2020-0032) by Pinnacle Land Development, LLC, Located on the Northeast and Southeast Corners of N. Black Cat Rd. and W. Daphne St.

1. Request: Annexation of 15 acres of land with an R-8 zoning district; and,
2. Request: A Preliminary Plat consisting of 65 buildable lots, 7 common lots and 2 other lots on 13.9 acres of land in the R - 8 zoning district.

3. Request: A Vacation of 0.31 of an acre of existing right-of-way for W. Daphne St.

Simison: So, Council, we will move on to Item 8-G, a public hearing for Brody Square, H-2020-0032, and I will open the public hearing with staff comments and turn this over to Alan.

Tiefenbach: Council, Alan Tiefenbach, associate planner with the City of Meridian. Good evening, Council, Mr. Mayor. This is a proposal -- and we have 15 acres of land. This is a proposal annex and zone 15 acres of land with an R-8 zone district, a preliminary plat for 65 lots and this also includes vacating about 275 feet of Daphne Street. So, here is the future and use of this property, which shows it is recommended for low density residential. It's presently zoned RUT in the -- in the unincorporated Ada county. It looks like -- okay. I noticed that the pane from the Zoom are on the -- the aerial, but you can see the aerial on there as well. Four accesses are proposed to this property. The first one, the east access is from Black Cat Road, which is a minor arterial. The west side of Black Cat Road has already been developed with a buffer and a sidewalk. The east side -- oh, thank you. I have got a little tool blocking my presentation. Thank you. The east side of North Black Cat Road is presently not been developed yet with curb or sidewalk. This is Daphne Street presently right here. It's connected through the middle of this property. The eastern access would be Daphne Street out to McMillan. There is also a stub to the south, so the property to the south has not been developed yet, and there is also another stub to the east. The properties up here and to the east -- there is a subdivision to the north that is building out, but the properties directly to the east have not been developed yet. This is Daphne Street. Daphne Street runs directly through the property. This proposal would -- part of it would be to vacate Daphne Street and to push Daphne Street down to the south and the reason why they want to do that is they would be creating this central open space feature here. Originally at the time of the Planning Commission meeting this pond was configured a little bit differently. This -- the purpose of this pond is -- is -- this is an irrigation pond. They -- they don't have continuous irrigation to his property, so they need to catch the water and store it into this pond, so they can release it over a period of time. So, they have -- they have designed this pond into the project. The original version of this pond there was an additional little finger that projected into this open space here. The first trail came to the east and it stopped at this pond and, then, there was a second trail that came down to the -- so the south and also stopped at the pond. Staff had an issue with this and we told them that we didn't think that their open space should be credited as being qualified open space with this abrupt stop in their trail system, but we also thought that they should reconfigure their pond to make it a little more usable. The applicant originally was resistant to this idea and this was one of staff's conditions of approval when we went to the Planning Commission. At the Planning Commission, the Planning Commission shared staff's concerns and thought that the trail network should connect and that this pond should be a little more usable. After a bit of discussion the applicant removed one of the lots, so originally Lot 61 was down here, if you can see where my cursor is, and this pond projected into this. At the public hearing for the Planning Commission the applicant was amenable to removing this lot and pushing that little finger down and creating the pond in more of a circular manner and with that

they also connected the trail network here. With that they addressed the comments that staff had. At this Planning Commission meeting one of the adjacent property owners came in, his name was Paul Poorman, and he was at 5230 North Black Cat Road. His house is up here to the north, if you can see where my cursor is. It's showing us Lot 40 -- 42 through 44 there. Mr. Poorman was overall supportive of this project. He spoke pretty highly of it. His only concerns were that he didn't want to see two story homes looking down onto his house and he wanted to have some kind of privacy wall that was built there. The app apparently worked with him very well, but there was nothing that was actually solidified to ensure that was going to happen. So, the Planning Commission added a few additional requirements. The first one was that these three lots that are shown here is the 42 through 44, that homes on those lots would be restricted to one story. The applicant also agreed to a requirement for a wall there, so that was the second thing that the Planning Commission added that -- that staff had not original recommended. You will notice in the staff report we originally had a concern, a lot of northern stub access here. There was a couple of different versions of this subdivision that were by different ownerships and at the time that there was a different ownership to the north we thought that that stub street would be required. When they purchased the applicant was able to get some of the property to the north, it no longer made that stub street required and I tell you that because that was an original requirement in the staff report, that was stricken by the Planning Commission. Staff was okay with that. So, with that that concludes my presentation. If you have any questions, Council.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Quick question. Alan, on that -- that fencing, that six foot fence, was that a six foot fence on top of a six foot berm? Did I read that correctly?

Tiefenbach: No, sir. That was the -- but -- but that was with the other project.

Hoaglund: Okay.

Tiefenbach: The other project next door you are exactly right. It's just -- it is hard to keep track of the two. It's a -- it's a six foot -- in fact, I think it -- I think that the Planning Commission's recommendation just said the applicant will construct a wall to the north. I don't think it says what the materials would be or what the height was.

Hoaglund: Okay. Thank you, Alan. Thank you, Mr. Mayor.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: A comment, then, maybe a quick question, Alan. Appreciate your support. If you -- especially when you were responding to questions your mic -- it was pretty challenging for us to hear your response to Council Member Hoaglan. I got the gist of what your response was, but just for your own benefit tonight. Mr. Mayor, my question about the pond, is there any feature built in within the pond that circulates the water or anything designed to kind of prevent mosquito accumulation that happens with a lot of these water features?

Tiefenbach: I think I'm going to defer that to the applicant. I know that there are some requirements in our code in regard to the ponds not being stagnant. My understanding is there is not a circulating system. This was discussed at the Planning Commission meeting. This pond is -- my understanding is not going to be a permanent pond. About six months out of the year it's going to be dry. I think that the applicant's engineer would probably be better -- do a better job of describing that for me, sir.

Cavener: Great. Thanks, Alan.

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

Strader: Mr. Mayor, I may have a question for staff while we are waiting.

Simison: Sure, go ahead, Council Woman Strader.

Strader: If Kyle is available or someone else from the Public Works Department, I just think for this area of Meridian it might be interesting for us to sort of hear, you know, that this is all connected, continuously development for the sewer trunk that we have and, then, understand any kind of water -- just give us a feel for the services that are in place and that we are ready from an infrastructure perspective, because they are right now next to the high school is my understanding, but to go through that might be helpful.

Simison: Mr. Radek.

Radek: Council Woman Strader, Mr. Mayor, this is the first time I addressed you, Mr. Mayor, and I just about said Madam Mayor, so -- sorry.

Simison: You need to come to Council more often it sounds like.

Radek: Yeah. I guess this one would be the -- of the three that are on tonight this one is the farthest away from the new school. This one's really -- the Black Cat area has fairly complete infrastructure around there and this is -- this is actually a county sub, which is probably the only reason there is no -- there is no city infrastructure in that -- to the -- to the east of this, but in general of the three applications that are -- that are on the agenda tonight, they are pretty typical as far as the infrastructure around them and building the system. Are they exactly the puzzle pieces that you would ideally want to build your system? No. I don't think we ever get that. Example over on McDermott with the other

two you have got the school property bringing the water in a loop and the school is bringing the sewer trunk along McDermott and those other two developments are simply attaching to those pieces of infrastructure. The one -- I think it's -- well, I can't remember the name on here. Not Chukar, it's not Brody Square, the next on -- Lupine. Yeah. The Lupine one will -- will hook onto that McDermott trunk sewer and they will actually -- they will actually take the trunk through their development to enable the next development. But, essentially, that's what we have going on is the previous developments have enabled the -- these developments to go hook onto the infrastructure and there is -- in general there is -- there is really not a lot unique about these particular ones. There -- there was a couple of staff comments that -- that they were dead end water mains in a couple of these and that also is a fairly standard comment. If we -- if water engineering had our way we would have no dead ends in the system. I think the water operators would probably like that, too. But it's not -- it's not always possible. We also take into account what is pending around the subdivision, if there is a dead end, but we are relatively certain that development is going to come soon and attach to that dead end, then, it's not as much of a concern. Of course, the reason a dead end is a concern in general is because we are concerned about the age of the water that might be in that dead end and it contributes to water quality problems sometimes, depending on how fast those people that live on the dead end use up that water. Sometimes there is no problem, but -- but it's a common comment and we try to be -- we have a reasonable standard. If -- if there is a reasonable connection that we feel that the developer can make to eliminate a dead end we are going to ask for it and in the cases that you have tonight we didn't have any of those, so I will stand for any other questions that Council might have.

Simison: Council Woman Strader.

Strader: Mr. Mayor, maybe just a quick thought. Just to confirm, Kyle, it's not that the water is bad there; right? I just read water quality on what -- one of the other applications jumped out at me like, whoa, but it's not the quality of the water from the well, is what you are saying is it's just -- the nature of development for continuous development it's just not circulating as much, basically; is that right?

Radek: Council Woman Strader, Mr. Mayor, that's -- that's correct. It's -- it's a water age issue. Certainly all the water that comes out of our -- our sources, our wells, our boosters is -- meets -- meets all the water quality standards, but when you have water in the system for a long period -- and generally my -- my feeling is that you want to use up the water in your system in a day or a day and a half. If the water stays in the system for a long time you can have issues with settling of some of the constituents in the water or some maybe disinfection byproducts, things like that, just -- water quality doesn't improve -- water is not like wine. It doesn't improve if you leave it in the system too long. So, yes, Council Woman Strader, all the water comes out of -- comes out of our supply meeting all the requirements of good quality and we want to keep it that way and one of the ways we do that is by using it up quickly.

Simison: Any further questions, Council Woman Strader?

Strader: Maybe another one, Mr. Mayor?

Simison: They are ready to go, unless you have got more questions.

Strader: No, I'm good.

Simison: Okay. We will --

Nelson: Mr. Mayor and Members of the Council, can you hear me okay?

Simison: We can. Thank you, Deb.

Nelson: Great. Thanks. My name is Deborah Nelson with Givens Pursley. My address is 601 West Bannock Street. I'm here representing the applicant and tonight here with me are the project's development team, Randy Clarno with Pinnacle Land Development and Tim Nicholson, our engineer, with Kimley-Horn. You may also be familiar with some of Randy Clarno's other projects in the city, with other successful quality residential subdivisions, including Kingsbridge and Shelburne. We greatly appreciate staff's work on this and their explanations tonight of what has changed with the Planning and Zoning Commission. We are proud to be before you this evening with a recommendation from the Planning and Zoning Commission that we are in full agreement with. I'm trying to advance the slides here. See if I can -- it's not -- we did it before, but -- thank you. Okay. A little technical difficulty. So, we will start just briefly with the vicinity. It is a 15 acre site and I guess one of the things I wanted to point out is that this is an assemblage of three five acre lots from an old county subdivision. This layout that we have provided with this development provides the city with a much more efficient use of this land that is allowed by the redevelopment and it's consistent with your Comprehensive Plan. There are still some remaining county parcels immediately to our east and south, but, otherwise, this area is -- this vicinity is surrounded by the city limits and immediately adjacent across Black Cat to our west and immediately adjacent on the north. Council Member Strader, your questions about services, I -- it was very difficult to hear, so I'm not sure that we heard all of the responsive comments, but just in general I want to highlight that we do have sewer and water immediately adjacent to the site in Black Cat Road. This site is consistent with your Comprehensive Plan and what we have proposed here is R-8 zoning. Your medium density residential designation calls for a density range of three to eight and our density will be 4.26. We do now have 64 residential homes that we are proposing. The staff report does describe 65, but we did give up one home site to accommodate the change in the open space that staff described and I will touch on as well. This is the updated site plan showing those 64 detached single family home sites. Our irrigation service, as staff noted, is provided by Settlers Irrigation District via the Beach Lateral. This lateral is not a constant delivery system. The project receives 36 hours of service per week. So, a pond and a pump station will be constructed on site for the irrigation water storage and pressurized irrigation service. This really provides an opportunity for us, because it provides an attractive amenity for our central amenity area. So, it's something that people enjoy looking at when they are in the park area and so we are actually excited about the opportunity to provide that. Council Member Cavener, you did

ask about issues with mosquitoes. Because there -- it will be a pumped pond it will have active circulation while it's in use during the irrigation season. The distance to groundwater will keep the water from remaining and being stagnant through the winter non-irrigation months. So, that should address your concern. In general we have got support from everyone who has commented on this. We have -- we are -- we are in agreement with all of ACHD -- ACHD's conclusions and conditions. As noted the Daphne Street will be rerouted around the central amenity. ACHD is supportive of that and this will provide a safer traffic flow, rather than a direct east-west connection there. This development will also increase the street connectivity with the four stubs around the property. I don't think I need to address the stub to the north, because as staff indicated the staff is now in support of the proposed northeastern stub really shown in this slide, as was the Planning and Zoning Commission. As staff described to you, we did make a change at the Planning and Zoning Commission to the pond configuration and this side-by-side slide really shows that -- the changes that were made and we are pleased with the outcome with the connectivity, with the pathway coming from the north down into the central amenity. You can see we did have to lose a lot to reconfigure this, but the developer was agreeable to it being done. This is just a little closer up, so you can see the connectivity that comes through the north -- running north-south down to the larger amenity space. The open space has 2.67 acres, 16.5 percent overall, which is 11.5 percent of qualified open space. Only one amenity is required for a development this small and it's provided here with the central amenity with the pond and adjacent to that there will be a covered picnic area, the Ramada, along with a -- tables and benches and a seating area -- a seat wall that's shown here. I have got some pictures to help illustrate this a little better. Here you can see the Ramada and some examples of amenities and features within this park area. An example of a seating wall and the pond and here is an example from another development approved in Meridian of an open area between the homes with attractive landscaping. Of course we will also have a pathway. The architecture style of the project will be a mix of contemporary forms and modern style, with an elegant and plentiful blend of materials ranging from stone to stucco and board and batten siding. Home sizes will range from 1,600 to 3,000 square feet and stay similar to the homes in the surrounding new developments. We will have a mix of single story and two story homes and as staff noted we have agreed with the neighbor to restrict three lots to single story adjacent to their homes. We also have agreed to provide a solid fence and berm along their property to the north. Council Member Hoaglund, you asked about that description and we do have both the condition from the Planning and Zoning Commission requiring the solid fence. We also have a plat note that's on the submitted plat that requires that to be a concrete material as requested by the neighbor. With that I would stand for your questions.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, thank you so much for your presentation. The home elevations are lovely. They look really similar to Bridgetower West, which I think is a very nice community close by to this one and I'm curious about how the decision came to be regarding the -- the picnic cover, the -- the amenity that -- the one main amenity that's presented, just -- just wondering if that -- if you would share with us how that came to be the chosen amenity. I -- I think a lot of folks in this area in general just use their backyards when they are gathering with family or friends, but I'm just curious if you could give us some background on that.

Nelson: Mr. Mayor, Council Member Perreault, I will do my best and if Randy Clarno has anything to add I will invite him to. I think the idea is that people really do enjoy having a gathering space where they can have a little more room and also have the -- the space to gather with a larger group in an attractive setting. You know when -- when it's summer and this is in use and there -- there will be a pond nearby, the landscaping is going to be attractive, it can be a destination for walking from -- from the pathway and so this similar style has been used in other developments that have been in Meridian with -- with great success. In fact, the particular architecture here was specified by the city when we had a difference architecture style for the Ramada in a prior development and the city requested we use this more modern look and so it has been well received and -- and provides the usable space for our residents. But one further point perhaps that helps, you know, you to understand why I think it's been so well -- well received is the target market for this development is professionals or young -- young families without children and empty nesters. That's the size of home and type of development and it tends to attract people that are looking for a more passive lifestyle amenity versus an active.

Simison: Council, any further questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Deb, jumping back to the -- to the pond, so if I understand correctly, 36 hours a week the pond will be filled and, then, it will be drained based on the use of your residence or of the residents for their pressurized irrigation with their sprinkler system and that's how you are achieving kind of the -- the water movement. Are there any other elements that you are including to help mitigate the mosquito problem that we see in a lot of these?

Nelson: Mayor, Council Member Cavener, that is correct and in addition our engineer shared with me that it will also have an aerator to keep the water circulating.

Cavener: Okay. Great. Thank you.

Simison: Council, any further questions for the applicant? Okay. Thank you very much. This is a public hearing. Chris, do we have anyone signed up to testify on this application?

Johnson: Mr. Mayor, we did not and we only have staff and other applicants online at this time as well.

Simison: Is there anybody in the audience who would like to testify on this application? All right. If the applicant would like to make any final closing comments.

Nelson: Sorry, Mr. Mayor. We are having a hard time hearing.

Simison: There was no testimony, so any closing comments you would like to make on the application.

Nelson: Oh. Thank you. No, we don't have anything else to add, unless you have questions I would be happy to answer them.

Simison: Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess maybe a question for staff, but I don't know if now would be a good time or to wait until after the closing comments.

Simison: I would recommend now at this time.

Strader: Okay. That's what I suspected. I guess just a general question for staff. I had asked earlier this morning in an e-mail, but -- and I noticed West Ada didn't comment on all three of these applications and I ask if we could just have a follow up. Is that because they are kind of taking some time to get their ducks in a row on their data and, then, they are planning to provide comments or have they given us any direction that they are not planning to or did we get any feedback on that?

Simison: I had a conversation with the developer yesterday and I don't want to speak for the district, but what was conveyed to me in that conversation was at this point in time is they are very busy with other things, they are maybe not commenting on ones that don't have a real impact, but likely because at least in that area there is capacity or planning capacity with the schools in that area. But I don't want to speak on behalf of the district, but that was the sense I got.

Nelson: Mr. Mayor, could I also respond to Council Member Strader's question?

Simison: Yes, please. Yes, please.

Nelson: Thank you. We -- as you noted, Council Member Strader, there weren't comments from the district, but just in case you had questions -- other members of the Council had questions about that, we did confirm that we do have capacity in each of our

schools and so the elementary that serves this site is Pleasant View, which is opening this year and so the capacity there is planned to have 625 and that is less than a quarter mile from this site. So, on the same side as Black Cat, just to the northeast. The middle school that serves this site is Star Middle, constructed in 2018, also has capacity. The 2019 enrollment was 704 and the capacity is a thousand. And the high school that serves this site is Meridian High, has capacity. The 2019 enrollment was 1,995, capacity is 2,400. So, we did, you know, confirm those numbers just to make sure we did have capacity in each of our schools for this development.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I appreciate you providing that. I suspected that was the case, but wanted to get a picture for it and I know these are small, each application on their own, but when you take them together it starts to add up and we do appreciate their input. I know there is a lot on their plate. I'm hopeful that -- that they are getting organized and, you know, will increase the communication going forward. But thanks for providing that context very much.

Simison: Council, any other questions? If not, do I have a motion?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move that we close the public hearing on H-2020-0032, Brody Square.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Just to kick off some comments here that I was very pleased to see that the developer took out one of those lots to change that pond configuration and redo the

pathways, because I think that made it a much better development and amenity that I think the residents there will enjoy and walking through there and utilizing that area. So, I appreciate them doing that and hearing what the Planning and Zoning Commission had to say about it and -- and the work that they did -- that the Planning and Zoning Commission did in -- in reviewing this and making those recommendations. So, I think that makes it a good project and one that will fit well out there.

Simison: It's so wonderful, would you like to make a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Hearing no other comments, after considering all staff, applicant, and public testimony, I move that we approve H-2020-0032 as presented in the staff report with applicant comments from the hearing of July 21, 2020.

Bernt: Second.

Simison: I have a motion and a second to approve Item H-2020-0032. Is there any discussion on the motion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

H. Public Hearing for Chukar Ridge (H-2020-0025) by Investment Analytics Group, Located at 4005 N. McDermott Rd.

1. Request: A Preliminary Plat consisting of 63 buildable lots, 8 common lots and 5 other lots on 15.42 acres of land in the R-8 zoning district.

Simison: Next we will move to Item 8-H, a public hearing for Chukar Ridge, H-2020-0025 and I will open this public hearing with staff comments and turn it over to Alan.

Tiefenbach: Thank you, Mr. Mayor, Members of the Council. This is a preliminary plat consisting of 63 lots, eight common lots, on 15 acres of land. It's important to mention in this particular case this property has already been zoned to R-8. So, there are some existing entitlements on this property. A little bit of history. You may remember some of this. This property was a part of a larger annexation of 108 acres. It was done in 2018. It was called the Owyhee High School annexation. So, the high school property is down here and this was -- at the time was called the Spriggel property and there was a

development agreement that was both for the high school and for this Spriggel property. I think it's important to say -- and I'm going to talk about the access in a minute, but there were certain requirements of the high school as they were starting to build that we required them to put in these roads and I put up this exhibit before I have shown the plat, because I really think that this tells a good story of the way that this works. So, the Owyhee High School is what you see down here in blue and this is presently being constructed and this road here to the south, this road is also in the construction phases. A part of the development agreement for this project said that -- that West Ada Schools had to build this road here and they had to build this east-west road here. Here is the subject property. Up here is the Gander Creek Subdivision in which the final plat has been approved, but I do not believe it's been signed yet and they have not started platting that -- I don't think they have started building yet, but it's already gone through hearing, it's already been approved. That Gander Creek Subdivision up here is for 401 lots. So, access -- so, the primary access will occur from Ustick Road up this north-south collector into the property from the east and there is another future access that's going to occur to the north from the subject property up to West McMillan and, again, this east-west road here is required to be constructed as part of the annexation agreement. This red line that you see here, there is a -- a lateral that runs along the north side of the property, the McFadden Lateral, and there is a maintenance road there and the reason for this that any subdivision of more than 30 lots has to have a secondary point of access. Originally the applicant wanted to take access to the east onto West McDermott Road, which would have been great, except that the -- Highway 16 is going to be built here and when Highway 16 comes through that's going to in effect cut off access. However, the applicant has been talking to the applicant with Gander Creek Subdivision and now they propose to take western access -- and I will show you in a second how that's going to work. I'm not sure yet if they have to build a bridge or not. I think that the applicant across the lateral -- the applicant is still working on that, but my understanding is that they have been talking to the Gander Creek Subdivision and they are amenable to that. That said, you will notice that one of our recommendations was that no more than 30 lots can be -- or no more than 30 homes can be constructed without a permanent secondary point of access. I want to -- I want to point this out, because I think this is important -- is in the time between Planning Commission and the City Council hearing there had been some discussion and Joe Bongiorno with Fire said that he didn't have an issue with there only being one point of access if all of these homes were sprinklered. That said, the applicant is proposing -- and I will go through that with their recommendations, that recommendation 1-B be changed to say that no more than 30 houses can be built without a secondary permanent access or without all of the homes being sprinklered. So, they wanted to add that as one of the conditions of approval. So, here is the preliminary plat and, again, so the north-south collector comes up this way. This road to here will be constructed by the school district and, then, this West Achievement Road, this is all the internal roads. This is a southern stub here that's presently a 40 acre piece of property that has not been developed and is not in the city at this point. But if it did we would have an access. This right here is a common lot and, then, this is the lateral with the -- the easement that I discussed. So, under this present arrangement if they wanted to take this way, they would come up this northern common lot and, then, come across this main -- now this, again, would only be for emergency access. This wouldn't be for all of the other residents, just in case they

needed to. This is the -- the amenities and -- the amenities package for this project and, again, I think the applicant did a very good job of putting together these little exhibits to tell the story of exactly how this would work. In particular what you are looking at here, this colored exhibit, what you see in green is sidewalk. What you see in orange is asphalt or gravel. What you see in blue is asphalt. This is -- this little nub here has changed since the Planning Commission. This is now going to be asphalt, which we are perfectly fine with, and, then, this here, this purple is the lateral and the reason why I show you this is this is all set up as sort of a small pathway loop. It's -- roughly if you were -- if you can watch my cursor, you can walk down this, take the sidewalk, this will be a path up here with some amenities with some benches and stuff like that. You can also get in from a common lot here. You can walk down this lateral here. Eventually there is hope that this will connect, come back down here in a circle and that's roughly about a quarter -- about a quarter of a mile. So, I guess if you wanted to do enough loops you could do that, but I know there is some other projects coming in where they are actually looking at trying to connect all this together as well. The Planning Commission was overall okay with this. Their only concern was that not every -- there is children that don't always want to go on a quarter mile walk, they need more things to do, so they had a recommendation that the applicant provide a second amenity. The applicant was perfectly amenable to that. That's what you will see here. This little white dot, if you can see, is sort of where I'm moving around, they have agreed to put in a tot lot there. With that they have already done what staff has suggested and, then, they went on and did what the Planning Commission suggested as well. At the time that this project was heard we did not have a staff report from ACHD yet and there was some hesitation at the Planning Commission about whether they should hear this or continue this without a staff report from ACHD. Since that time I have gotten a staff report from ACHD. It was all just general comments in regard to road templates. They did not express any concerns. At the Planning Commission meeting, the Planning Commission made a few recommendations, all of which have now been addressed. The first one was for the applicant to add an additional amenity, which they did. They also made a recommendation -- there was -- the -- the Highway 16 alignment is what you see here and this piece of property is what is going to be given from the applicant for this highway alignment. Originally they were just proposing a berm here. There is a requirement that you have to do this in our code. The Planning Commission commented that in the Gander Creek Subdivision to the north there is a berm and a wall of a certain height -- at the time they didn't know -- and they wanted this applicant to tie into that. The applicant was perfectly amenable to doing that. So, one of the conditions of the Planning Commission is that the applicant construct a six foot berm and a six foot wall on top of that of materials and style to match Gander Creek. In your staff report, but not on this presentation, you will notice that there was a detail of that. So, they did include that on their plat. And the last thing was that the -- the Planning Commission had some original concerns with these common drives. There is three of them. There is one here. There is -- let's see. One -- sorry, I have a tendency to turn my head. My apologies about that. There are several common drives and those -- originally those common drives had more than one house being served on them. The Planning Commission was not comfortable about that. They recommended that common drives only be limited to three houses. The applicant did a little bit of tweaking and so that condition has been met as well. So, all of the conditions have been met. Staff recommends approval on this, as well

as the Planning Commission, and the applicant I think in their presentation will request about that addition being made that more than 30 homes could be built if they are sprinklered and with that, Council, I will conclude or answer questions.

Simison: Thank you, Alan. Council, any questions? Okay. If not I will invite the applicant to come forward and be recognized for 15 minutes. I assume that's Mr. Adams who will be presenting?

Adams: Good evening, everybody. This is Matt Adams. Let me get my screen up for you.

Simison: And, Matt, if you could state your name and address for the record, please.

Adams: Yes. Matthew Adams. 462 East Shore Drive, Eagle, Idaho. All right. And, Council, I assume you can see the title slide of my presentation. Thank you, Council Member Cavener, for nodding. All right. So, I am really excited to be here presenting this tonight. This is a great project and it's really the culmination of work I started with the Owyhee High School in 2017. The project is adjacent to -- so, the project -- here is a picture of the project and this is adjacent to the school district parcel for the high school and the future elementary on the west. It's adjacent to Gander Creek South, as Alan mentioned, on the north and there is a couple projects coming soon to the east and, then, you will be excited to hear I met with the property owner south of this project this afternoon and they will be working toward bringing an application before you in the coming weeks and months. So, this -- this project is starting to fit into what this part of west Meridian is becoming. There is lots of great housing and great schools and great transportation with Highway 16. The advantage of not going first is you can address a few things that came up in earlier presentations. We have got sewer and water on this project that was constructed by the high school and so we already have all of our sewer and water stubs to this location and we just connect to it, run it through our streets and stub to the south with the next neighbor that needs to pick up those -- those services. The West Ada School District -- I know they didn't respond in writing. However, this particular property owner and this project has been partnered with that development from the start and they are intimately familiar with what's being planned here and have been in favor of this project throughout its -- its development. This project is focused on affordability and affordability achieved through slightly smaller square footage, focused on quality and focused on amenities. As you heard Alan say, the -- you know, we had a pathway amenity system we are really excited about. We came to P&Z. Planning and Zoning suggested an additional amenity and the developer, my client, said let's do it. It will make our project better and we are in favor of that. This is a bit of a rehash, but I think it's important to understand, because it's your first time seeing this. The Planning and Zoning Commission did, in fact, recommend approval, but there were five key points that they brought up during that meeting that we want to make sure we address. First is adding the six foot high fence -- sound wall. Excuse me. With six foot height berm on Highway 16. Being consistent with Gander Creek South. To reduce common driveways to serve three lots maximum. To comply with ACHD. To establish secondary access for emergency vehicles. That's critical. And to add a second amenity. And I'm happy to say

I get to come and tell you we have done all these. I'm not going to argue or beg or plead. Here is, again, the same size that you saw, it says revised, it's different than the plan that was before Planning and Zoning. The blue arrow indicates the location of the six foot berm with six foot sound attenuation wall and this is a rendering of what that will look like. The one thing about this project that might not be intuitive when you first see it, there are so many trees on this project that it is going to be unique from day one. We have -- there are a lot of trees there now, so we were able to keep several, we are excited about that, and we are mitigating a lot of trees and so the street buffer to Highway 16 not only has the wall and the berm, but it has about two to three times the number of trees that code actually requires and we are excited, because that's going to add to the sound attenuation. The driveway -- this one's an easy one. Shared driveways you are limited to fit lots -- each one, however, that's both sides. So, it is correct, Planning and Zoning said, hey, let's do three maximum on each shared driveway and we were able to achieve one driveway has three and the other two have two and two of these driveways on the northeast and northwest provide connectivity and walkway to connect into our pathway to the east. The ACHD staff report. Just did slightly -- I mean it was just general internal circulation system. However, it did indicate -- one thing we were unsure of, which was the widening of McDermott Road at our frontage, we weren't sure what was happening there. It does indicate we need to do that and we will be doing that. That's not a problem at all. All right. Let's talk about probably the most important thing and Alan and Joe Bongiorno have been excellent to work with as we worked to resolve this. This is circulation secondary access. As Alan indicated, we do, in fact, have secondary access from McDermott and that will be in place and will remain in place until Highway 16 is developed. We don't know when that will happen. Indications from their consultant and from Merrill over at ITD is two years would be the fastest and it could be longer than that. They won't say. The fact that it could go away is enough to motivate us to find another option. So, that's where the Gander Creek connection comes in that Alan pointed out. Gander Creek will stub a public roadway to this location, our northwest corner. We have reserved right of way -- future right of way to bring a public roadway along the edge of the elementary school site. There are utilities in that corridor and we will -- if we decide to exceed 30 lots we will, one, is build that or we will sprinkle -- fire sprinkle all of the lots after number 30. So, Joe asked -- and he's like, okay, that sounds great, but I need to know which 30 lots you are going to build and when you are going to stop until you have this secondary access. So, we took a look at it and what this demonstrates is that we would construct -- construct these 30 lots, we would not go beyond this until we had the secondary access constructed in place or we would start to build them with fire sprinklers and as you noticed in the center of the screen, we are picking up our tot lot amenity, because with this approach we may or may not be able to get all of our passive. This is what Alan had talked about our suggestion for a slight change to the condition of approval. So, the way this reads is that we will construct no more than 30 homes with current secondary fire access from McDermott Road. So, 30 lots. That's it. If we want to exceed that we will do one of three things. We will cross the McFadden Drain and connect to Gander Creek South. We will construct a connection out to Ustick Road. And that one's a long shot, but, you know, we want all our options open. For, C, we will fire sprinkle all structures in excess of 30 units. The reason we are asking for some flexibility here is because we don't know if Gander Creek stub will be to that location. So, we could commit

to building the crossing, but it could not go anywhere to the north. Well, we could commit to going to Ustick and not be able to get through the two parcels south of us. We could commit to fire sprinkling and, then, have a different roadway option available. We will not exceed 30 homes until one of these three mitigation factors is in place. Common areas and amenities. So, we know that there is a focus in the comp plan and a focus among Planning and Zoning and Council to provide livable communities with great quality and this project is dedicated to doing that. Our common area amenity pathway system -- Alan kind of gave you an overview of the connectivity and looping. This is a really clean quarter mile loop, but there is also a half mile loop if you are willing to walk down the gravel on the ditch bank. And, you know, if you look at the recent parks -- or I guess it was Planning, they did a survey about amenities and open space and in the top seven items that people want pathways is one of them and so we are excited to be contributing to that. The upper left of your screen is the view down that six foot berm and six foot sound wall and that's what that pathway would look like at that location as it heads north and, then, we have just got some great images of what we expect to see happening in the pathway system. We are also really pleased that we can kind of hit maybe a bigger age range, because we have not only pathways, but we are providing a playground system and tot lot and this is a view looking south into our central common area and what that tot lot area could look like. Again, it is halfway through that section as well. And, then, the image in the top center is the actual piece that we have suggested to the developer and they like the natural look with the number of trees and the open ditch and the natural amenities in this subdivision. We are really excited also. They -- this developer knows -- even though a house can be smaller, less square footage, hit a better price point and provide affordability, it can still be a nice and quality product with very attractive features. So, you see some examples of what they are planning in this area and it is two story. There are some single story, but mostly two story to get the number of bedrooms that people are desiring in the market right now and garages -- two car garage, driveway, and we think that these will be a very nice product. They will blend well with The Oaks and with Gander Creek and the other projects in the nearby area. The Chukar Ridge Subdivision is a quality community. It provides affordability and quality of life in west Meridian. The common open space and site amenities will improve the livability of this neighborhood. We have a strong buffer on the Highway 16th Street edge and we will -- we are protecting adjacent natural amenities as we leave the McFadden Drain open to promote wildlife, cooling of the area, et cetera. And just a quick recap on these Planning and Zoning comments. We are excited to say that we have hit all of them. So, that is the end of my presentation and with that I'm happy to answer any questions that anyone may have. Thank you very much.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I thank you for the great presentation. I just wanted to make a comment and, then, a request from you. The first comment is about the sprinklers in the homes greater

-- or after Lot 30. So, thank you very much for considering that, because as I'm sure you have heard, Council has been having a lot of conversations about supplying fire service in that area and so that's something that was totally on my mind as I was reviewing the application and so that makes me a little bit more comfortable, although I think in general we -- we don't want to see a huge amount of residential growth out here until we can get fire and police services closer in that direction. So, I'm glad that the applicant is willing to consider that. The second -- the small request I wanted to make is that -- regarding the tot lot area, thank you for considering that second amenity. That was much appreciated, because I know there is not a lot of parks out there yet, although I imagine some of the children in the area will use the school, the -- you know, the playground at the school if it's open when the elementary school finally goes in, which may be a while. I noticed in my own neighborhood that parents wouldn't really go to the -- the community park or -- or hang out at the tot lot. If there weren't benches there, they just didn't want to stand and didn't want to haul their chairs out there, so I didn't see it in your rendering, but that doesn't mean you won't do it, but if you wouldn't mind throwing a couple of benches in there, that would be great, too. So, thank you.

Adams: Mayor -- Mr. Mayor and Council Woman Perreault, thank you very much. Appreciate those comments. I have a note right at the top of my page to point out the benches. We -- but I'm going to take a look at that with the owner, because what I show in the plan is like four benches and there is two at the tot lot and, then, two where our open space widens up for the pathway in the northeast corner. You know, we will take a close look at that, see if that seems like the right number or right fit. But, yes, some seating amenity I think is -- is important and Alan and I have talked about that as well. Thank you.

Simison: Council, any additional questions for the applicant? Okay. Mr. Clerk, do we have anybody signed up to testify on this application?

Johnson: Mr. Mayor, we did not.

Simison: Okay. This is a public hearing. Is there anybody in the audience who would like to provide testimony on this application or is there anybody online who is waiting to testify on this item, if they will, please, indicate by using the raise hand feature at the bottom of your screen. Seeing no one who wishes to testify on this item, Matt, would you like to make any final comments as the applicant?

Adams: You know, the only thing I want to say, I -- I don't know if it matters much, but I never hear it in presentation. I know Bob and Judy Spriggel who sold this property and it's -- their dream is to be able to retire from the sale of this and their -- their son was helping them and he passed away last year. He was a young guy, 50 years old, and this has been a really kind of chaotic process for Bob and Judy. I have become friends with them, just by being their neighbor, went to high school. Well, they had already bought a new house and this project was moving slower than it was supposed to and they were going to be in a financial crisis. Our client, the developer, fronted them the money to purchase their new home, so that they wouldn't end up basically homeless, because my

office and I wasn't moving as fast as we should have or -- it was quite amazing and I think sometimes it's fun to hear that there is really amazing things that happen in the -- in the mix or amidst this -- the development community, what you don't always hear on the presentation. So, I wanted to thank my client for that and I'm excited that Bob and Judy are able to retire now. Thank you, everybody. Appreciate your time.

Simison: Thank you, Matt, for sharing that.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we close the public hearing.

Hoaglund: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: To confirm was -- what was the final verdict on what Matt said in regard to the benches and such by the -- by the playground?

Hoaglund: Mr. Mayor, I had heard him say that he had four total, two at the tot lot and two on the pathway.

Bernt: Okay.

Simison: That was my recollection as well.

Bernt: Do we need to include that in the motion or --

Simison: It can't hurt.

Bernt: Okay. Mr. Mayor?

Simison: Councilman Bernt.

Bernt: After considering all staff, applicant, and public testimony, I move to approve file number H-2020-0025 as presented in the staff report for the hearing date of July 21st,

2020, with the addition of the secondary access considerations. The applicant will construct no more than 30 homes with current secondary fire access from McDermott -- from McDermott Road prior to constructing home number 31 to the end of the project. Applicant will provide one of the following additional solutions to mitigate the future construction of -- of the Highway 16 Expressway. Option A, construct roadway crossings of the McFadden Drain to connect to Gander Creek South. Option B, construct connection South to Ustick Road. Option C, fire sprinkle all structures in the excess -- in excess of 30 units -- unit 31 until the end of the project. Also to include park benches specified by the applicant in -- I believe there was a couple by the tot lot and two others in another location that was mentioned on the public record.

Hoaglund: Second.

Simison: I have a motion and a second to approve the item, with a very well thought out motion. Is there any discussion on the motion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion passes. Thank you very much.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

I. Public Hearing for Lupine Cove (H-2019-0133) by Penelope Constantikes, Riley Planning Services, Located at 4000 N. McDermott Rd.

1. Request: Annexation of 7.09 acres of land with an R-8 zoning district; and,
2. Request: A Preliminary Plat consisting of 26 building lots and 6 common lots on 7 acres of land in the proposed R-8 zoning district.

Simison: Up next we have Item 8-I, a public hearing for Lupine Cove, H-2019-0133. I will turn -- open this public hearing with staff comments and turn this over to Mr. Parsons.

Parsons: Thank you, Mr. Mayor, Members of the Council. The next item on the agenda this evening is the Lupine Cover project. The applications before you is a request for annexation and preliminary plat. The site consists of seven acres of land, currently zoned RUT in Ada county and is located at 4000 North McDermott Road. Adjacent land uses and zoning. We have approved existing residences zoned R-4, R-8 and RUT in Ada county. Comprehensive Plan future land use designation for this property is medium density residential in which the city can anticipate a density range between three to eight dwelling units per acre. The plat that's proposal before you this evening consists of 3.7 dwelling units to the acre, which is within the lower range of the density desired in this

area. If you recall, the applicant was before this body on April 28th to discuss a remand, so that Planning and Zoning could have a look at a revised plat in hopes that the -- both staff and Commission can bring forth a recommendation of approval for this body. I'm happy to note that the staff report was updated to reflect staff's recommendation of approval for this project and the plat before you this evening also is endorsed by the Planning and Zoning Commission. The subject plat before you consists of 26 residential lots. One of them includes an existing home that will remain as part of this project and six common lots on a total of seven acres in the R -- proposed R-8 zoning district. Lot sizes range from 4,353 square feet upwards to 13,924 square feet. The plat is proposed to develop in a single phase and I'm happy to report that all of the lots do comport with the R-8 dimensional standards. One of the items that was discussed at the Planning and Zoning Commission hearing was whether or not there was adequate transition along the southern boundary. If you had a chance to look at the aerial here you can see that there is -- there are five acre lots that abut the southern boundary of this particular project. That was discussed by Planning and Zoning Commission in their finding of that -- during that hearing they did find that there was adequate transition between this development and the county residences to the south. Access to this development will be from McDermott Road, which is designated a collector roadway. One of the main reasons for staff's recommended denial for this project and ultimately endorsed by the Commission, was the fact that it had more common driveways and less stub streets to the adjacent properties. The plan that's before you this evening does provide a northern stub street that ties into an adjacent development called the Aegean Subdivision and that is in the development process as we speak and, then, also the applicant for the Comprehensive Plan and UDC we require interconnectivity, so we do require stub streets at the southern boundary, too. Those five acre pieces as well. And if you note on this plan you can see that the temporary turnaround is on the common lot and that does meet the Fire Department and ACHD requirements for a temporary turnaround. So, my cursor here -- you can see it here, there is the temporary turnaround for that stub street. Originally staff had recommended that they flip the temporary turnaround and restrict the buildable lot from developing until the road is constructed. However, Planning and Zoning Commission sided with the applicant and was fine with it remaining on -- become an open space lot that you see before you this evening. Open space for this development consists of approximately .83 acres of land. Half of that is the buffer along McDermott Road -- or all of it is the buffer along McDermott Road, because it is a collector street and they get to count all of that as part of the code and, then, the two central open space lots you can see there meet UDC standards. One of the unique things about this development -- it's similar to what you just acted on with Chukar Ridge directly to the west of this project is the fact that the applicant is seeking of Council waiver to leave the McFadden Lateral open and that was something that the Commission -- or the Council did grant the Aegean Subdivision to the north. So, the applicant is asking for this body to leave that waterway open and, then, as part of this development they are creating an HOA over that waterway so that it can be owned and maintained by the HOA in the future. There aren't a lot of improvements within that easement area due to Nampa-Meridian's requirements, but the applicant is willing to at least maintain the weeds and keep it more of a natural state just like the Chukar Ridge development across the street from this particular project. The applicant is proposing more amenities than required by code. So, essentially, there is going to be a gazebo area

in the northern central lot here with micro paths that feeds to it and, then, also on the southern boundary there is also a proposed micropath that stubs to the south for interconnectivity. Also ties into the temporary turnaround and also provides an access to the tot lot that's also proposed with this development. You can see on the graphic before you I have a couple of tan arrows and this was a recommendation of staff that the applicant -- although the Nampa-Meridian Irrigation District does not want an official city pathway within the common lot, there will be an access road that residents will be able to walk along if they want to, more like a nature hike, if you will, and so staff thought it would be a great amenity to at least provide some micropath stubs to that -- to those common lots for access. During the Planning and Zoning Commission it was testified that Nampa-Meridian may not allow that, because they want to deter people from walking along the canal, if not invite them to go along that with waterway. So, the Planning and Zoning Commission did recommend or modify those conditions of approval and said those pathways could be constructed if allowed by Nampa-Meridian, so -- so, what you are seeing here -- if Nampa-Meridian doesn't allow it, then, these pathways -- micro paths will not be stubbed to the waterways along the perimeter of this project. The other unique feature with this development is that there is over 1,900 caliper inches of mature trees that need to be mitigated for. The applicant is working closely with the city arborist to make sure that they can preserve as many mature trees on the site as possible. I can let this Council know that the first rendering did not take into account a lot of the mature trees and that was some of the reservations -- the hesitancy of staff to recommend approval of this project with the first rendering, because we were just losing too many mature trees on the site. I mean the intent of the code is to preserve and enhance those mature trees and so this plan before you eliminates a lot of the common driveways, but it also losses lots and preserves a lot of those mature trees on the site, at least more than what the other plan did. So, the applicant as they work through their final plat, they are going to have to come forward with their mitigation plan and we will take a look and see how many caliper inches they are actually saving with this proposed development. Again, here is the landscape plan. The two amenities as I mentioned to you. Here is the amenity detail for the tot lot and also the gazebo area on the northern lot and, then, the applicant is proposing these style of elevations for you. Like typical developments, anything up along Meridian Road -- or, excuse me, McDermott Road is going to require some design review from staff, at least we are going to look at that before we issue building permits. We want to make sure that two story homes have a mix of materials and the backs of those homes modulate along those -- those roadways. As I mentioned to you, the Commission did recommend approval at the June 18th hearing. They found that the revised plat was a substantial improvement over the previous one. Speaking in favor was Penelope Constantikes and Derek Kerner. There was no one speaking in opposition or commenting. Written testimony was submitted by Sue Wagg. Her concerns dealt with the development affecting the wells and water quality in the adjacent county subdivision. The applicant's engineer confirmed that this would not be the case as this development has to provide its own municipal water service. So, it should not impact their wells or their water quality. Key issues of discussion by the Commission. Again, lot transition on the southern boundary, coordination with the Nampa-Meridian Irrigation for the walking path connections to the Five Mile and McFadden Drain easement area. Relocation of a turnaround on a buildable lot and, then, also the Commission spent some time talking

about the feasibility of that southern stub street being extended in the future and whether or not those five acre lots would develop further into the future. Key changes to the staff recommendation. The Commission struck condition 2-E and 3-C requiring the relocation of a temporary turnaround on buildable lots, as I mentioned in my presentation, and, then, the Commission also modified condition 2-B requiring the pathway stubbing to those open waterways if allowed by Nampa-Meridian Irrigation. So, really, the only outstanding issue for you this evening is taking action on whether or not you approve the existing waterways to remain open, as allowed in UDC 3A-6. Staff looked at the public record before the hearing this evening and there was no additional public comment since the Planning and Zoning Commission. With that staff and Planning and Zoning Commission are recommending approval and I will stand for any questions you have.

Simison: Thank you, Bill. Council, any questions for staff at this time?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Quick question just for my own education. It seems like a great amenity to have it open and kind of in a unnatural setting. I was thinking there is some sort of fence that comes along with it. Is that the concern why it wouldn't be approved? Is it a safety concern or -- just give me a feeling for why I guess the Nampa-Meridian Irrigation District doesn't view these as a natural pathway or a natural amenity.

Simison: Does anybody have a quick answer? Because this is a -- its own couple year topic, but, Bill, do you want to try?

Parsons: Mr. Mayor, I'm happy to provide some content on it. I mean I have worked closely with the irrigation district over the years and I think Council Woman Strader hit it on the head, it's -- it's safety. It's public safety. As you are aware every year they come out with their public messaging about drowning and not swimming in the canals. This body has the ability to require fencing if they deem a safety issue is present. I can assure you this area is fairly -- fairly wide. The applicant is proposing fencing along the perimeter of the buildable lots, but nothing up against the canal. So, again, that's within your purview if you think there is a safety issue, the applicant can work with the irrigation district to erect fencing along that waterway and try to minimize some of that concern, but these waterways are pretty much open throughout the community. So, short -- short story is it's safety. But long answer the -- to them it's just water delivery. It's not considered an amenity, like the city would use it.

Simison: Thank you. Council, any other questions for staff anyways? Okay. If not, we will turn this over to the applicant and I will apologize and not try to state the last name of the applicant, but you are recognized for 15 minutes. If you would state your name and address for the record, please.

Constantikes: Thank you, Mayor. Penelope Constantikes representing the applicant. My address is Post Office Box 405, Boise, Idaho. 83701. (Unintelligible) that northern (unintelligible) water feature and the gazebo and the pathway.

Simison: Penelope, you need to hold on one second. We are having a hard time hearing you.

Constantikes: Can you hear me better now?

Simison: Yes.

Constantikes: Okay. Sorry. In my next life I will be louder. But this one I'm kind of quiet. Sorry. I just wanted to backtrack. On that northern open space that is adjacent to the drain easement, the applicant is proposing to put in an open vision four foot fence along that perimeter for safety reasons, because we will be more likely to have families in that common lot and -- and the fence will provide them from -- or prevent them from just wandering into the drain easement area without being -- I mean -- but it will be open vision, so -- anyhow, last time we were here you remanded this back to Planning and Zoning Commission and we thank you for that, because we had a successful P&Z hearing and we are here before you this evening. Just a couple of notes. As Bill mentioned the shared driveways have been removed. The stub street to the north was added. We increased our open space and we have more than enough amenities. There was a decrease in density and the geometry of the site is greatly improved. So, with Planning and Zoning Commission approval there were some changes as Bill outlined. This cul-de-sac is going to remain where it was proposed. There was quite a bit of discussion about the landscape plan and the tree mitigation. I will get into that in just a few minutes. The pathway connection is Lot 5, which is the northern open space. It's not required, but the pathway that's following the stream feature that we have will be terminated at the Gazebo area instead. I just wanted to mention -- we do have a stream feature in this -- on this plat in the open space. There is a -- an artesian well located on this site. If you look at the -- the subdivision plat and the landscape plan, it's along the western boundary of the southern open space about midway and it produces a lot of water. So, the open spaces, the common lots in the subdivision will be irrigated with available artesian water and the leftover will be routed through the stream feature that we have in the open space and Lot 5 I believe it is and -- and its pre-development flow, so it will discharge into the McFadden Drain at that location. Let's see. I will reference the pathway in Lot 14 in a few minutes. With regard to the tree mitigation, the applicant's representative and I met with the tree -- the arborist on site on July 2nd and we spent quite a bit of time there. Well over an hour. We walked around and looked at all the great, nice, healthy, stable, mature trees and -- and talked about keeping as many of those as we can. So, he's updating the mitigation plan. We are actually backtracking all the way to the beginning again, because the arborist felt that maybe some caliper inches were included in the tree mitigation plan that maybe should not have been. So, he's updating the mitigation plan. I think our caliper inches deficit is going to decrease as a result of that and so we will -- we will continue to work with the arborist. The updated landscape plan that was before you this evening has some of the trees that are existing that we are pretty confident we will be

able to keep and that will be expanded once the arborist is done updating his mitigation plan. He has free rein of the site anytime he wants to come out look and we look forward to working with him to retain as many of the caliper inches as possible on site and as stated, the applicant is very agreeable to that. Those trees are nice and they are a great amenity. So, we will work real hard to keep as many as we can. The open space is consolidated. We are still really excited about the way the open space turned out. There is a -- they are in close proximity, but they serve different areas of the plat and we have provided multiple amenities. We have a child's play structure. You just saw a cut sheet for that a few minutes ago. We have a gazebo. We have the water feature, which is the stream and the pathway that connects to the gazebo will follow along that stream feature. There is a 50 by 100 foot grassy area. We have linear open space and -- and, then, there was a micro path within the two open -- the open common lots. I would be happy to answer any questions you have about the irrigation. The applicant's very fortunate and the future residents are that this site has an artesian well on it. So, it will be utilized to the greatest extent possible. Regarding the pathway in Lot 14, Gennie Fishburn and I went to Nampa and we -- we followed Greg Curtis around until we could actually stand face to face with them and talk to them about how they feel about the open -- the -- the drain easement. So, he submitted an e-mail in which he stated that he felt the path -- the pathway on the drain easement wouldn't go anywhere and that it wasn't part of the master plan for the City of Meridian pathway, either current or proposed. So, based on Greg Curtis' comment it's -- it's really quite unlikely that a connection along the south boundary of Lot 14 would be approved. It -- it encourages people to go where they are not authorized to be and -- and I don't know that we can in good conscience put something in the plat that would encourage people to go someplace that they weren't supposed to be. So, let's see. What else would I like to tell you about? So, as it stands now, a path on Lot 14 would -- would not probably be the best idea. So, other than the caveat about the pathway in Lot 14 and even implicitly encouraging people to walk along the drain easements, we are in full support of the Planning and Zoning Commission's approval and their conditions of approval. We would like to leave the drain open. It provides quite a bit of habitat that will benefit the residents in the subdivision, because those birds will be looking for seeds and fruits and things that they will be able to find at the homes. There were no objections from the neighbors and with that I would be happy to discuss anything that you would like. So, thank you for your time.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Penelope, I remember this application very well for some reason. I remember when it came before us it really stood out to me. So, I'm glad that you stuck with it and brought back -- I think it's a much much better design and appreciate the connectivity that you agreed to with the -- with the access on -- on both sides of the development. I do have just one clarification about -- about the creek and safety. It sounds like that there will be solid fencing all along the north side of the back of the homes and, then, in the

common area you are going to have open fencing or maybe wrought iron fencing, four foot, so no one should be able to essentially access that drain area from the development unless they go outside of it; is that right?

Constantikes: That is correct.

Perreault: Okay. Okay. That's basically what I wanted to make sure of.

Constantikes: Thank you, ma'am.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Penelope, quick question regarding the artesian water. That's -- that's fantastic that you have that, that you are going to use it. However, I know things change. I remember when I was a younger man at the northwest corner of Ustick and Linder there was a fantastic flow of artesian water that used to be there. Has long since disappeared. And what are your plans if -- if that's the case with this artesian water down -- down the road? What will you do to replace that -- that water? Do you have a system in place for that?

Constantikes: Mayor, Councilman, I guess I would start by saying it's unlikely that it would disappear. Probably what happened with the site that you have referenced is that it ended up being piped underground and for some reason sometimes things disappear because they -- they go underground and they are not convenient to deal with. As far as I'm aware the -- the applicant is planning on retaining the artesian well. There is really no reason to remove it. If in some unfortunate instance that that well did go away, all of the infrastructure would be present to sprinkle the houses, they would just have to change the connection to domestic water.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: And that's -- that's good to know, Penelope. I appreciate that. And I do hope it doesn't go away. It's always nice to have -- have something like that on the property to use, so -- and it sounds like you do have the infrastructure -- it could switch out if that were the case and, like I said, I hope not. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I like the idea of -- the idea of passive open space, so to speak. You know, using native grass and keeping as many large trees as possible. Penelope, do you have -- I

would like to see what that looks like around the perimeter -- you know, along, you know, the -- the easement along the canal there or whatever there. Is it -- is it -- is it pretty wooded? Is it pretty open or is it -- is it -- is there existing native grass? Are you going to put -- I mean are these plans that you are going to do, is that -- or is it already there?

Constantikes: Mayor, Councilman, passive open space is a great idea and at this time there are some trees in the easement area that we are showing on our landscape plan as being trees to retain. Obviously, the irrigation district has the authority to take anything out of an easement area that they deem as inconvenient for them. These trees that we are proposing to keep are pretty close to our -- our subdivision boundaries, not our property boundary, and so there is really no reason for them to go away. The applicant is amenable to planting fescue, which would be a natural plant and it's drought resistant, so it doesn't -- it doesn't require any irrigation. But we are planning on leaving it as natural as -- it's a great habitat area. I'm sorry, I might not be answering your question. If not perhaps you would restate it for me.

Bernt: Mr. Mayor, follow up.

Simison: Councilman Bernt.

Bernt: I live in a subdivision where there is a lot of native grass and a lot of cool walking space where you -- you wouldn't necessarily play there or recreate there, but it's just a great amenity to have where people walk and they just -- it's peaceful and it's -- you almost feel like you are away from the city when you are walking through it. So, I -- I'm just sort of trying to picture what -- if that's what you are talking about and what you are proposing along the perimeter of your -- of this -- of this project.

Constantikes: Mayor, Councilman, I will refer you back to Nampa-Meridian Irrigation District's position on the drain easement. This -- this drain easement area is not included on any of the City of Meridian formalized pathway plan and there is no existing agreement between Nampa-Meridian Irrigation District and the City of Meridian to permit any kind of recreating along that drainage. So, it will be more of a visual amenity. The -- I know folks do go walk on irrigation district easements in -- across the valley. I'm guilty of doing that. But at this point in time there -- any kind of walking activity along that drain easement would not be authorized by the irrigation district, so -- so having said that, if people do walk it -- it's -- it would be between them and the irrigation district. We can't encourage it or in some way support access to that easement. Does that answer your question?

Bernt: Mr. Mayor, follow up?

Simison: Councilman Bernt.

Bernt: I guess I'm not promoting, you know, having a walking path on that easement per se, just sort of wanting to know what it's going to look like. That's it. But if you don't have that information --

Constantikes: Mr. Mayor?

Simison: Yes.

Constantikes: I apologize. So, the easement will just retain its natural condition as it is now, which there are some trees and some bushes and the fescue will be planted and that's just basically throwing the seed out there. It will take hold on its own, because it's a natural -- naturally occurring species. So, it will just retain its -- its current condition, which is, essentially, some open areas, some bushy tree areas. You can see in the lower right-hand corner there is quite a few trees there and there are quite a few trees in the middle section of the northern boundary. If you look at the land plans, we are planning on retaining as many of those as we can. When we talked to the tree arborist and talked about keeping trees that were on boundaries of sites of building parcels and also trees that were in side setbacks where there won't be any utilities. So, a lot of effort will be put into retaining trees, but if you look at the landscape plan we submitted, the cluster of trees that are shown along the midsection of that northern boundary, those are all depicted on our current landscape plan as being trees that we would like retain if possible.

Bernt: Perfect. Thank you, Penelope.

Constantikes: You're welcome. Thank you.

Perreault: Mr. Mayor?

Simison: Council woman Perreault.

Perreault: So, Penelope, if I'm understanding this correctly, so the HOA is going to be responsible for maintaining that natural landscape in the -- in the area -- in the easement area; correct?

Constantikes: That is correct.

Perreault: And what if the property owners insist on being able to use that space, because they feel like they are paying for the -- I have seen this happen in other subdivisions. It's happened in my own. I'm curious how -- or if that's going to be addressed through covenants and how that will be -- you know, like -- I don't know what the right word is. How that will be followed up on with the HOA. Have a management company that will be tracking that? Just -- you know, if it's being owned and maintained by the HOA now there is a liability element to it, et cetera, et cetera.

Constantikes: And the liability is the reason why the -- any kind of pathway connection would be an issue and I apologize, Mayor and Council Woman, other than doing some weed management -- and, I don't know, whatever incidental work would be needed occasionally to maintain the general natural condition of the easement, I don't believe that there is any other plans for managing the easement area. Mayor?

Simison: Yes.

Constantikes: The applicant would like to add some comments. Is that possible?

Simison: Yes. Just state your name and address for the record, please.

Fishburn: My name is Gennie Fishburne and my address is 4000 North McDermott. I'm the actual subject property. Mr. Mayor and Council -- Councilmen, I just wanted to mention that, you know, we have kind of talked about that. A lot of people will walk on the pathway probably because they want to. It's really hard to police that. What we will probably do in our CC&Rs is make note in there that it is not an official walking path and it's recommended that they do not use the pathway, but we really aren't going to have any means of monitoring that and chasing anybody down if they choose to go on that pathway as people do sometimes. You know, we see -- we -- we really can't make the HOA be responsible for chasing people down, but we will have that in the CC&Rs. It will be pointed out that it's not an official walking path. That's why we are going to have the fencing as well, is so that we encourage them to do the right thing and there is lots of walking paths within the subdivision. So, to hope that that will be adequate for them and encourage them to stay on those pathways. Thank you.

Constantikes: Mayor?

Simison: Yes.

Constantikes: If I could add another -- if I could add just another comment on that. Thank you. So, not too far to the north of us is the Five Mile Creek and there is a beautiful formal pathway along that that's part of the Meridian pathways plan and with the stub street that's going to lead north to Aegean Subdivision, the residents in Lupine Cove can easily walk through the Aegean Subdivision and get up to that formal pathway. They can bike up there or walk up there and -- and it's not very far away. So, their accessibility to the formalized pathway system in the City of Meridian has been enhanced with that stub street. So, they won't have to go out to McDermott Road to get north to this pathway along with Five Mile Creek, they will be able to do it internally walking through neighborhoods instead.

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

Johnson: Mr. Mayor, we did not.

Simison: Okay. Well, unless Madam Deputy Clerk wishes to testify, we have nobody else in the audience. Is there anybody online?

Johnson: Mr. Mayor, there is not.

Simison: Okay. Well, then, with that I will turn this over to the applicant for any final comments.

Constantikes: Thank you, Mayor. I would just be happy to answer any additional follow-up questions that the Council may have.

Simison: Okay.

Hoaglund: Mr. Mayor?

Constantikes: Thank you.

Simison: Councilman Hoaglund.

Hoaglund: Penelope, real quick. It sounds like on -- on that -- it won't be allowed by Nampa-Meridian Irrigation District, the access and the pathway conditions, and I know the Commission had modified condition 2-B requiring that if allowed. Do we know that's official or do we leave that condition in in case they change their mind. What -- what are your thoughts on that? Where do you come down on -- was that an official communication or just -- they told you that and that's going to be likely they won't allow permission?

Constantikes: We do have -- excuse me. Mayor and Councilman, we do have official correspondence from Nampa-Meridian Irrigation District. They indicate that they haven't seen any design for any kind of connection to the easement area, but Mr. Curtis was pretty specific about the fact that there is no authorized pathway that could be utilized along the drain, so --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, Penelope, thank you for that. I just wanted to clarify that that truly was a communication that indicated that -- and make certain that was -- was being communicated. So, thank you.

Simison: Council, any further questions or a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move we closed the public hearing for Lupine Cove, H-2019-0133.

Strader: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would be happy to kick off a little bit of discussion. I just want to say it's clear from all the applications you have seen tonight, the Planning and Zoning Commission is rocking and rolling, doing a great job improving things before they even get to us and just super appreciate that. So, it seems like a nice project. I don't know where everyone else is headed, but I'm in favor of allowing it to remain open, even that it's fenced in. It feels like it resolves a big safety concern and I would hope one day people can view these as sort of a natural amenity, even if they are not in the pathway plan, but I'm inclined to keep it open and, yeah, it seems like the right thing to do and a little bit of a habitat for some wildlife there. So, overall I like this project and I don't know if Council Woman Perreault is going to make a motion. If not, I'm happy to do so.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I will make a motion, unless there are other -- I see a lot of heads nodding, so I assume -- I myself agree with Council Woman Strader. I think she said that well. I -- I'm -- I am disappointed that the -- that the homeowners won't be able to use that -- that pathway, but I understand the safety concerns and as long as there is something there and they are protected, I am comfortable with -- with that remaining open as -- as she mentioned. So, with that in mind, after considering all staff, applicant, and public testimony, I move to approve file number H-2019-0133 as presented in the staff report for the hearing date of July 21st, 2020. I don't believe we had any modifications.

Strader: Second.

Simison: I have a motion and a second -- I have a motion and a second to approve Item H-2019-0133. Is there any discussion on the motion?

Hoaglun: Mr. Mayor, do we -- do we need to go ahead and the one modification is to allow them to not cover the -- granting a waiver to the Five Mile Creek -- McFadden Drain remain open I think is what -- the only thing we need to condition. So, if the maker of the motion would include that in her motion.

Perreault: I will. So, the proposed modification is that the Council agrees to leave the -- the area -- the McFadden Drain area open and not require it to be -- to be tiled and buried.

Simison: Does the second agree? We have a head nod and yes.

Strader: Agreed.

Simison: Okay.

Strader: Can you hear me?

Simison: Yes. Is there any further discussion on the motion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion passes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Item 9: Future Meeting Topics

Simison: We are to Item No. 9. Is there any items for future meeting topics?

Item 10: Executive Session per Idaho Code 74-206A(1)(a) To deliberate on a labor contract offer or to formulate a counteroffer; 74-206(1)(d) To consider records that are exempt from disclosure as provided in Chapter 1, title 74 of Idaho Code,; and 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

Simison: Okay. Then we will move onto Item 10. Mr. Nary, we did not vacate this item early on.

Nary: We did not, but we can vacate it now.

Simison: Do we have a motion to vacate Item No. 10 off the agenda?

Bernt: I would like to make a motion to vacate Item No. 10 off the agenda.

Hoaglund: Second the motion.

Simison: I have a motion and a second to vacate Item No. 10. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Do I have another motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting this evening.

Hoaglun: Second.

Simison: I have a motion and a second to adjourn the meeting. Is there discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 8:07 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK