

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Tuesday, August 24, 2021, by Mayor Robert Simison.

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

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

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call the meeting to order. For the record it is August 24th at 6:02 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next item -- we did not have anyone signed up under the community invocation.

ADOPTION OF AGENDA

Simison: So, we will move on to the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the August 10, 2021 City Council Work Session**
- 2. Approve Minutes of the August 10, 2021 City Council Regular Meeting**
- 3. Apex Southeast Subdivision No. 1 Sanitary Sewer and Water Main Easement No. 1**
- 4. Creason Pedestrian Pathway Easement - Waterbury Park Subdivision**
- 5. TM Crossing Subdivision No. 5 Sanitary Sewer and Water Main Easement No. 1**
- 6. TM Crossing Subdivision No. 5 Sanitary Sewer and Water Main Easement No. 2**
- 7. Full Release of Easement for 1256 and 1308 S Rackham Way**
- 8. Final Plat for The Landing No. 13 (FP-2021-0040) by Rock Solid Civil, Located at 660 S. Linder Rd.**
- 9. Findings of Fact, Conclusions of Law for TM Creek Apartments Phase 3 (H-2021-0035) by Brighton Corporation, Generally Located South of W. Franklin Rd. and East of S. Ten Mile Rd.**
- 10. Development Agreement Between the City of Meridian and Triple D Development, Inc. (Owner/Developer) for Prevail North Subdivision (H-2021-0021), Located at 5150 S. Meridian Rd.**
- 11. Development Agreement Between the City of Meridian and Viper Investments, LLC; Open Door Rentals, LLC; Corey Barton; Endurance Holdings, LLC; Schweiger, Gary R. and Schweiger, Judith L. Trust; and Johnson, Casey J.L. (Owners); and Challenger Development, Inc. (Developer) for Foxcroft (H-2020-0113), Located Directly West of Ten Mile Rd., on Both Sides of the Proposed Pine Ave. Extension and East of the Ten Mile Creek**
- 12. No Build Easement and Agreement Between the City of Meridian and the Joseph B. & Carolyn R. Chandler Trust 3/20/20**

- 13. Renewal of Agreement for Fire Department Communication Dispatch Services Between the City of Meridian and Ada County for Fiscal Year 2022**
- 14. Resolution No. 21-2282: A Resolution Vacating a Public Utility, Drainage, and Irrigation Easement That Was Initially Established with the Mussell Corner Subdivision (Recently Replatted as the Victory Commons Subdivision No. 1) Situated in Government Lot 4 of Section 19, Township 3, Range 1 East, Boise Meridian, Ada County, Being Located in Lots 1, 2 and Lot 4, Block 1 of Mussell Corner Subdivision on File in Book 95 of Plats in Pages 11624-11626, in the Office of the Recorder, Ada County, Idaho; and Providing an Effective Date**
- 15. City of Meridian Financial Report - July 2021**

Simison: Next up is the Consent Agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

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

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, there were no signups.

DEPARTMENT / COMMISSION REPORTS [Action Item]

- 16. Public Works: Proposed 2022 Solid Waste Fee Discussion**

Simison: Okay. Thank you very much. So, we will move into Department/Commission Reports. So, Item 16 is Public Works proposed 2022 solid waste fee discussion and we will turn this over to Joanna.

Hopson: Good evening, Mayor, Council Members. Before I speak this evening about rates, I would like to introduce our solid waste coordinator Sarah Schultz. She started this week on Monday. Thought it would be good that you can recognize her face. Before I -- I want to -- in two weeks Republic Services will be presenting their fiscal '22 rate proposal to you. This year there are two fees that have MOUs attached to them. One is the continuance of the recycle processing fee and the other is a one time market labor adjustment. Those MOUs have been sent to you through e-mail in advance. This evening we are not asking for any action, but wanted to provide you with the opportunity to outline any questions or information that you would like us to prepare for the presentation that's in two weeks. So, please, if there is any information that you would like us to add let me know.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Joanna. I know one thing that came up in the discussions for the SWAC committee was getting a schedule of all of the cities -- some of our surrounding cities and what they pay on residential. So, I was hoping you would have -- have that maybe in a couple of weeks for context.

Hopson: I do have that information. I don't have it with me, but we can make sure we include that.

Strader: That would be perfect. And, then, maybe just -- maybe just like a little flavor or background for the discussion --

Simison: That's what I was going to go to, see if you wouldn't mind summarizing the information that's been provided to Council for the public and the record.

Hopson: Absolutely. Actually, I brought Republic Services in this evening, so that they would be the best to describe the rates that they are requesting.

Simison: Okay.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor as Republic Services representatives are coming, just to give context to the Council -- so, we have had an ongoing collection services contract MOU dated back a number of years and their predecessor SSC was the recent one that we did some

amendments to and since Republic Services has been our provider since 2012 we have had a few occasions to have some MOUs memorialized -- some of it was to memorialize existing services that had already been provided previously, but it had never been memorialized in a document, predominantly dealing with recycling, but the -- the two that are in front of you -- one, again, is a continuation of -- as Joanna mentioned -- a few years ago we started doing a small charge because of where recycling had landed worldwide and the cost of both -- not just the collection, but the processing of recycling had increased significantly and the return had diminished significantly. The city agreed annually to review that request from Republic to share some of those costs of the processing fees. So, that's what that MOU is capturing. The second one, again, is a new fee that Republic's asking to add to the base rate and, then, again, asking the city to share in that -- some of that cost of -- basically around the collection side. Again, I think Republic can get to more specifics in what our intention, again, to come back in two weeks to do a full blown presentation after we have noticed the fees appropriately as required by code before they can be implemented. So, that's kind of the background of where we are today and so I can turn it back over to Republic.

Simison: Thank you. If you can state your name and address for the record or whoever is going to be commenting.

Bennett: Okay. I am Bob Bennett, general manager, Republic Services. Address 1101 West Executive Drive in Boise. I'm going to comment specifically on the labor increase and what is an ask. It's no secret that businesses -- not just here in the Treasure Valley, but across the country are having a really hard time with labor today. It's a very big deal and more specifically commercial drivers. It's a nationwide problem and one of our challenges has been here in the valley everybody's scrambling to get drivers, so those wages have went up. We have had people offered crazy amounts of money to jump and so we started a process back in November of last year where we did a labor analysis to make sure that we were at or slightly above market and we were able to not just get the best candidates, but retain the talent that we have got on our team. So, you know, one of the things that, you know, I have noticed since getting here -- when I started with this company, when I would post a position I would get 25 applicants at least per position and I have seen that change over time. So, we went through this -- this market adjustment process. We actually did the adjustment already and what we are asking for is consideration to share 50 percent of that adjustment through our rate increase this year. So, Republic is going to, you know, take part in 50 percent and we are asking as a business partner that Meridian takes 50 percent of that in their rates. I will tell you since implementing this we are now in one of the best staffing positions we have been since COVID started and provided everybody makes it through the background checks going into leaf season this year we are going to be close to fully staffed, which is a -- you know, hasn't been the case for the last, you know, couple years. So, I feel really good about it. Our drivers -- and I have a passion for this. These men and women work really really hard and we have got to pay them a wage that allows them to own homes, have a life, raise their families and so thank you for your consideration. Are there any questions?

Simison: Thank you. Council, any questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Bennett, I was just kind of curious, besides wages it is also benefits packages or is it just primarily the pay rate?

Bennett: This is just pay rate. So, benefits, as our -- you know, we have our company benefits package that doesn't change. What we did is for drivers across the board two dollars an hour and for some of our other hourly employees it was less than that, but somewhere around the dollar mark on average and we did it for all hourly positions. Nothing in the management or salaried labor side.

Hoaglun: And, Mr. Mayor, just --

Simison: Councilman Hoaglun.

Hoaglun: -- a comment was -- I remember I was on Council when previous contractor came before us and announced that they wanted to switch out trucks and go to automatic lifts, you know, and whatnot. So, I think that was a good decision back then, even though some people were concerned about the loss of jobs and people, you know, out of work when, really, that's the way you have to go, because you have less manpower and -- and, of course, the weight that some of them lifted and what it did to their bodies, so, yeah, anything we can automate now looks like is the way to go.

Bennett: Yeah. And we are going to continue to be an innovator with the automation, because I agree with you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe just to give some background information, like additional background if it's helpful. So, the way that our contract works currently -- it's based on 90 percent of CPI and so that's the allowable increase that they can request. They have in the past had a federal -- basically fuel offset credit that they have credited back to the city that you could argue partially -- does it partially or wholly cover the cost of increase? Wholly covers it?

Bennett: Almost exact.

Strader: So, there was some debate on SWAC about whether, you know, one path could be to say, okay, just hold on -- let's not make a change, you can request, you know, CPI and, then, you can just not cut us a check for the federal tax credit. There is also some discussion about -- if we make this change ensuring it's for one year only and that it's not actually added to the lease going forward. I think Republic would like it to be added going

forward and there was some discussion on SWAC about whether that was appropriate. So, I just wanted to give that, you know, kind of context for everybody. Some of the discussion. My -- my question in -- not the last meeting, I was in another place, another meeting, but the previous meeting my question was, you know, how much of the labor cost are you passing through; right? So, you are running a business, very profitable business, and Republic Service is doing well and some of our commissioners are checking up on your quarterly financial filings and so forth to see how you are doing and one of the questions I had was, you know, you need to do better, too, right, to control your costs and manage your way through an inflationary environment. It's not realistic to pass through like a hundred percent of your labor costs and so my primary question was how much of this are you going to go ahead and take on the chin and eat into your own margins and do things better and faster and more efficiently before you come to the City of Meridian? So, I just wanted to kind of give that -- that background.

Simison: Thank you. Council, any additional questions for --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Bob, just a comment, I guess. I appreciate several things from -- from this. The perspective that your company has taken to be proactive to ensure you have got the right labor force to provide the services. There have been occasions in prior years when there has been challenges and citizens are understandably irate and we get calls, understandably so. So, you have been very proactive to -- to avoid that problem. So, I commend you for that. You have been proactive in solving it first and not coming to the city and, you know, solving it only if the city participates. I think that also -- it just shows a good partnership and relationship with the city and, then, the -- the idea of -- of sharing that expense, it's not all being passed on to the ratepayers necessarily, we are all sharing the struggle with trying to have the manpower to provide the services that we are required to provide. So, I appreciate that approach. I think it's consistent with the way your company has been a partner with the city. Look forward to the discussion in a couple of weeks, but that was well taken.

Bennett: Thank you.

Simison: Council, anything else?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sorry. Maybe just one more comment. So, I -- I think it makes -- I echo Councilman Borton's comments and I think it makes sense to help you guys right now through what has been a little bit of a shock probably to your business plan. I do think it would be important context when we make the decision, if we are going beyond what our

contract outlines that we get grounded in how much we are paying per resident, you know, how much we are paying for each type of service compared to our surrounding cities to make sure that if we are going outside of our contract we feel like the Meridian taxpayers are still getting really good value for the service that -- that they expect. So, I just wanted to state that.

Borton: Good point.

Simison: Thank you for being here and for the update and the service you provide.

Bennett: Thank you as well.

17. Finance Department: Fiscal Year 2022 Citywide Fee Updates

Simison: Next item on the agenda is No. 17 from our Finance Department. Fiscal year 2022 citywide fee updates.

Purser: Thank you, Mayor, Council. I will try and make this as painless as possible, because we are talking about fees.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You have had -- you have had -- you have had a lot of practice up until now though.

Purser: Right. You know, I stretched before I got up here, so we are good. Appreciate it. Thank you. So, today I stand before you, we have a total of 123 fee changes. To break that down, you can see 121 of those are related to water meters, water repair fees, those are basically to pass through. The price of X meter changed. So, we are rolling that up, so we make sure we capture what we are paying for. We have one new planning fee that -- a remand fee and, then, we have a building fee update. I think it's related to QLPE. That one's contractual. It goes up like eight dollars and that's based on the contract. So, in summary, that's the -- the total number. If we break this out a little bit differently, when we look at the updates we have 28 of these fees are greater than five percent, which means we have to notice these, which we will be doing over the next two weeks. Forty-eight of them are less than five percent, so we don't have to notice those, but will be included in the resolution, and we have 47 new fees, which I will break down here in a few minutes -- or seconds hopefully -- that are -- that are new. When I look at the -- at the fees that are greater than five percent and see that, you know, 28 of them are related to the mentioned earlier fees that are basically a pass through, the building fee is the one where it's just a contractual change. It just happened to be that the change is greater than five percent than what we have been charging. When I look at the new fees, you see about 46 of them are related to those fees that are strictly pass through and we have one remand fee with our Planning Department that is new that we will be noticing. So, with that the next steps really -- we need to publish those fees that are new or over

five percent. I will be back in front of you again for public hearing after we have noticed for two weeks, you know, seeking your approval and a resolution and whatnot on the fee updates for the year and if we have the public hearing I'm setting up for 9/21 with the -- the idea that these fee changes would be effective October 1. And with that I will stand for any questions.

Simison: Thank you, Brad. Council, any questions at this time?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: One question. It may not be for you, but that -- that remand fee doesn't have a dollar amount associated with it. Am I --

Purser: It should be 705 dollars.

Cavener: Okay.

Purser: Sorry about that. That one must have not gotten included in that. We were working on the -- the basis for that, basically. There is like a little bit of clerk's time involved with that and, then, you know, to re-noticing -- there was something else. I can't remember offhand, just because I'm standing up here.

Cavener: Fair enough. Maybe when we -- when we come back for the public hearing just kind of clear the air on that particular piece if you can.

Purser: Yeah. I will do that.

Cavener: Thanks.

Purser: Thank you.

Simison: Council Woman Strader.

Strader: Thanks, Brad. Just a couple of questions. When is the last time we updated our fees? Does it happen annually? Does it happen every five years?

Purser: Thank you, Mayor, Councilman -- Council Woman Strader. We try to do this once a year. We collect all the fees that need to change annually. So, it's an annual process that we go through.

Strader: Got it. And, then, you know, I was looking at some of the fees in the schedule and there were several that were changing by 40 percent or more. In one case for hydrant meters it was like 70 percent. So, a significant change. What is driving the cost increase? Is it the -- you know, commodity prices or the equipment costs? Is it labor? Is it both?

Like -- especially with these ones where we are seeing a big change, kind of what are the drivers of that?

Purser: Thank you, Mayor, Council Woman Strader. I do have Public Works here to help with that. I believe it's simply pass through. So, you know, if you would like to come and make comment on that, but my understanding was it's pass through on that.

Tiller: Yes, Council Woman Strader, it is pass through, but it has to do with the -- the polymers of the meters, trying to get that at this particular point. It's just a general increase each year. With the hydro meters in general --

Strader: Speak into the mic very close, because it's hard for everybody to --

Tiller: This one?

Simison: Either one.

Tiller: Hello? With the hydro meters in general it's -- they have changed the design. They are more modular. In the past we have been able to buy just say a meter register head. Now they have built that into the whole measuring chamber, so that increases -- it's the fact that that's the only thing we can now purchase for that particular meter.

Strader: Got it. So, there -- really you just have one option available. The manufacturer has increased the price and it's a pure pass through in terms of whatever equipment -- whatever we -- whatever price we get we simply pass that through.

Tiller: Correct.

Strader: Okay. And do we add any additional charges for labor or anything?

Tiller: No --

Strader: Okay.

Tiller: -- we do not.

Strader: Thank you. Makes sense.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Before Dennis goes too far. You might answer this. Maybe you, Brad. But I was just curious, you know, the bottom half of this they talk about new fees and it's adapters and bushings and different things. Is this -- is this because of some changes in the types of things used or are they because we are breaking things out now, where

before it was just part of that meter and we knew that they needed that stuff? Tell me a little bit about the new fees, what -- why some of those are -- are there, so -- the five dollar parts and whatnot.

Tiller: So, yes, Councilman Hoaglund, that's -- that's a very good question. It's -- it's no secret there is a lot of construction going on now and we are starting to see that in damages to our utilities. So, these -- these new fees are to cover the cost of the different fittings and materials needed to repair these utilities and we -- and we -- we are seeing that -- that the little items, like these that you are seeing, are definitely adding up on these repairs. So, we are trying to capture that cost and pass those along to those who have damaged it and not onto our ratepayers.

Hoaglund: Okay. Good. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: What part of the discussion early on in the fee -- the fee update process includes what fees to cut or eliminate? Is that part of the standing agenda for the annual review of fees before we increase any of them?

Purser: Thank you, Councilman Borton. There are -- I don't have them listed here. There are several fees that we are actually deleting or removing. I want to say that's above 20 -- between 20 and 30 I think. So, there are fees that -- if we haven't charged are no longer -- they are obsolete, you know, we do clean that up as part of the process.

Borton: Okay. And a follow up to that.

Simison: Councilman Borton.

Borton: Is there -- is there a reason why when we publish the fees that are changing by five percent that -- since we are publishing anyway we don't publish all of them or include publishing the ones that are being eliminated --

Purser: Great question --

Borton: -- if it's not required.

Purser: Yeah. Maybe that's a preference, Councilman Borton. You know, in one way we will have all the changes in a -- in a resolution. We are required -- I think by state statute to publish any new fee or any fee that is increased greater than five percent, so maybe to cut down on paper, since there are a lot, but -- there is a preference either way, you know.

Borton: The reason I bring it up is I think part of -- part of the process that's important is the validity in -- in the structure of what you go through to end up with these fees and it's

not -- there is several steps that the public really doesn't see, we don't see, but there is a lot of work behind the scenes that vets them and part of that important process that I think it's helpful for the public to know is that you look at fees to reduce or look at fees to cut or they are now obsolete. I think it's important -- an important part of the story and it lends credibility to the end result, the same as any outreach you do to stakeholders. I just think all of that is an important part of the story. So, if publishing it just makes the public more aware that -- that some fees are going up less than five percent we are letting you know and some fees are getting eliminated, it just -- it makes the public more receptive to the process and, therefore, the end result. So, I appreciate you doing that. I'm glad -- I'm not surprised it's part of the process, but I think it's really good stewardship to make sure that anytime you can eliminate or reduce you do so. So thank you.

Purser: Thank you.

Simison: Well, if it's Council's desire to publish every fee, I would rather make a code or policy change citywide, not just applied to here and put it in the ordinance if that's what your desire is. I just can't tell. It's --

Borton: Mr. Mayor, it could be a future meeting. Just something to discuss, just it's -- it's a notice concept where code has a minimum requirement, but you don't have to do it for this one off, but there is an opportunity for us to provide additional notice that fees are changed. Might be worth doing. It could be a future meeting topic.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, again, just for some context, Council, the -- the primary reason to not publish every fee is cost. I mean, again, it's just an additional cost and it is very expensive printing it. But to Council Member Borton's point, on the solid waste fees, Republic absorbs that cost. So, they do print all the fees, regardless of whether they are -- well, they, obviously, do new fees and increased by five percent, but even increases less than five percent they print those as well. But they do absorb that cost, so -- so, we do do it that way for those and we have done it differently for the citywide fees. But to your point, Councilman Borton, I think it's true is that part of the conversation has to be that there is -- there is a method to that. I mean, again, we don't simply randomly pick the number, I mean it's based on some formula and math and accounting practices and needs, so, you know, it is -- sometimes you will have folks that object to the cost of something that's 1,200 dollars, well, again, it's been vetted significantly and that is a cost recovery. So, that's -- they are not -- they are not making a profit, it's simply based on what it costs to process that or notice -- notice up the public hearings and the notifications and all of those things. So -- so, good -- good information for future discussions as to whether or not to do that.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Maybe it's just as simple as, you know, having that discussion on the public record during a presentation, just so that people are wanting to know what that is and what we are cutting, like Council -- Councilman Borton mentioned, just maybe even just that I think might be -- suffice.

Purser: We will do that.

Simison: Council, any additional questions on this topic? Okay. Thank you. We will see you back here in --

Purser: Three weeks.

ACTION ITEMS

18. Public Hearing for Creason Creek Subdivision No. 3 (SHP-2021-0003) by ULC Management, LLC, Located on the East Side of N. Linder Rd., South of W. Ustick Rd.

- A. Request: Short Plat consisting of 2 buildable lots on 0.4 acres of land in the R-8 zoning district.

Simison: -- a month. Okay. We will now move on to our public hearings for the evening. First up is a public hearing for Creason Creek Subdivision No. 3, SHP-2021-0003. We will open this public hearing with staff comments.

Tiefenbach: Good evening, Mayor and Council. Alan Tiefenbach, associate planner with the City of Meridian. So, yes, this is a short plat for two lots. The subject property is just a little less than half an acre. It is zoned R-8. It's located near the southeast corner of West Ustick Road and North Linder. It's over to the southeast as you can see there. I have got these exhibits so -- because it's a little confusing, so I can sort of describe this to you. In September of 2015 the subject property was part of the Creason Creek annexation and preliminary plat. This plat consisted of 51 single family lots and eight common lots on 16 acres. The entire property was zoned to R-8. At this time the subject property was identified as Lot 1, Block 1. If you can see my pointer, this is the subject property here. Again, it was identified as Lot 1, Block 1, and at the time it was designated as a common lot for the purpose of a dog park. The first final plat for the subdivision allowed 34 buildable lots. That was approved in 2016 and, then, there was the next filing, which was filing two. That was approved for 13 residential lots in 2018. In 2019 the City Council approved a modification to the previously approved final plat number two to relocate the dog park. So, the dog park was originally here. This modification to the final plat allowed this dog park -- let me close -- allowed this dog park to be moved over to here and also adjusted the boundary to incorporate a little more land and it allowed this lot to become two buildable lots. Originally this was buildable -- buildable lots. This one was an open space. This was basically a land swap where this -- this dog park moved over here and allowed this to be buildable. This increased the common open space slightly. This current proposal now is a short plat to complete that subdivision that was

allowed for that buildable lot and it would be, then, subdividing it into two new lots, 17 and 16. Access will occur by a common drive, which is here. Actually, our regulations say it has to be a common lot. The applicant's aware of that. That will be, again, a tract for the purpose of the drive. Staff has reviewed this short plat -- short plat for substantial compliance. Staff notes, like I said, that the access is a -- is an easement -- I -- this is a -- sort of a -- we asked the applicant to demonstrate how the buildable area would go here just because of the strange configuration of the lot, which is what you see here. We wanted to make sure they had adequate parking and that they were able to make the parking work if they can. As I said, the -- the access right now is a common easement or as UDC requires all common driveways to be on a common lot, we asked them to provide this exhibit. One thing I want to mention is that we have received one letter in opposition to this request. This is -- the issue that's at hand here is that the property owner directly to the south was told during the hearings for the original preliminary plat that the property -- the subject property was to remain an open space park, sort of like what I said. However, when the final plat modification happened a public hearing and notification are not required, so he wasn't sent notification, so he was not aware that this lot was converted to be a buildable lot, which now it's, for the most part, entitled to do that. So, I believe the -- the -- the neighbor is here tonight to talk about that, but certainly he has an issue he wants to express with that. Other than that, speaking purely from the code, it meets all the regulations and, therefore, staff recommends that Council approve. And I would stand for any questions.

Simison: Thank you, Alan. Council, any questions? Okay. Would the applicant like to come forward. If you could state your name and address for the record, please.

Unger: Mr. Mayor and Council, my name is Bob Unger. My address is 9662 West Arnold Road -- Road, Boise, Idaho. 83714. And I represent CS2, LLC, who is the owner of the property. I have gone through the staff report and we concur with the staff report and their presentation and we also agree with the conditions of approval. So, we would stand for any questions that you might have.

Simison: Okay. Council, any questions? Okay.

Unger: Thank you.

Simison: Thank you very much. This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony?

Johnson: Mr. Mayor, yes, Steven Kiser.

Simison: If you could state your name and address for the record and be recognized for three minutes.

Kiser: Thank you. My name is Steven Kiser. I live at 1354 West Claire Street in Meridian. My property backs up to this -- to this proposed amendment, which from the very beginning I was told that it's a done deal and nothing I -- and none of my concerns would

be -- ever be addressed to my satisfaction, but I wanted to bring my concerns here. I can't read this very well. Concerning to existing dog park in Creason Creek phase one, in 2016 when the sub plans were presented to the city, the -- the developer was -- was told that in able to use this property and the -- the property that he's giving as the alternate dog park area, that they had to tile in Creason Creek from 13th Street over to Linder, which would cover the whole thing, so that there would be access and he told me at that time that it wasn't cost effective and that the -- the section that is in question today would be -- remain a dog park and they told me that in person at the on-property land meeting that they had. Oh, I'm sorry. And the sub was built and the dog park, which was presented to the city as was constructed -- this took out the ditch that provided water -- our water rights for irrigation to my subdivision out of play. We hadn't been using it for a few years, but we still -- if I sold my land now I would have to tell them you have water -- water rights, but you can't get to it anymore, because they built the houses here and stuff and nothing was done about that. The -- I believe that the dog park should, then, belong to the HOA that -- and all the -- the people in that subdivision, because they pay the fees that maintain the -- the management group, as well as the lawn care and pay the water and I presumed the taxes as well. So, I don't understand how the original developer can come back and say that he owns that land. It should be owned by all the HOA people in the subdivision and I found out in talking with different neighbors that originally he did not own the land that was the access -- it's only about 30 feet, but it's from 13th Street, which is where the new driveway that has to be shared by these two -- two homes is now located. But after the subdivision was built he was able to purchase that piece of land for a dollar from the HOA that owned it and they -- they all -- the people that I talked to -- I went door to door and asked them about it and they told me that they sold the land with the understanding that this was going to remain a dog -- dog park for the area and that they use it and it's my backyard, so I know that people use it and stuff and they were very upset about that, because they felt like their agreement wasn't being followed. When the houses in Creason Creek were being marketed I went through almost every open house that was there and talked with the realtors and not one of them knew about the dog park there. So, they -- they hadn't been told that this is -- which now, in retrospect, tells me that he had planned this from the very beginning. The piece of land that is going to be a dog park now has absolutely no access for a vehicle from all three sides. It's a big triangle there. It has Linder Road and Five Mile Creek on one side, a subdivision on the other, and Creason Creek on the other side -- that goes along the entire thing. So, the only way that it will be able to be used at all is after the footbridge is built, which it isn't yet.

Simison: If you could conclude your remarks.

Kiser: Yes. Thank you. I guess that's about it. Thank you. I put it all in the e-mail I sent out anyway.

Simison: Council, any questions?

Cavener: Steve?

Simison: Councilman or --

Cavener: Sorry, Mr. Mayor. Sorry.

Simison: Councilman Bernt.

Bernt: Mr. Mayor, I appreciate your -- Steve, I appreciate your comments, because the e-mail that we had in the public record -- like maybe like an inch of the e-mail wasn't -- and so it wasn't able --

Kiser: Sorry.

Bernt: -- I wasn't able to read all of is, so I wasn't quite following exact -- but I -- thanks for your comments. I understand what you are saying.

Kiser: I -- my last comment is I have lived in this -- in my property for 38 years, so I know I'm prejudiced. I want a view and all this stuff, but I do -- every person that I talk to that borders there do not want a two story house built there and, personally, I can't stand the fence that they put in all the other properties, so I was wondering how I could have an input to let that be known, too, so thank you.

Cavener: Councilman Cavener, do you have a --

Cavener: Steve, maybe one more question for you real quick. Sorry. You are getting -- you are getting your steps.

Kiser: I'm sorry.

Cavener: Thank you, Mr. Mayor. Steve, you talked a little bit about that the dog park was owned by the homeowners association.

Kiser: Wouldn't it be if they paid the fees to -- my -- I always thought that when they put a park in the subdivision or whatever the subdivision owns it, not the developer that can come back four years later and say, hey, I want to put a couple more 550,000 dollar homes on this.

Cavener: Mr. Mayor, maybe a follow up. Steve, what -- you indicate in your testimony that -- that you said the homeowners association sold the land for a dollar. Is that the same homeowners association or --

Kiser: One that owned that strip of land, which -- there were two brothers that owned the land. One of them subdivided his six years ago and that included 13th Street and the second one died just a few years ago and now his property is subdivided, so --

Simison: Council, any additional questions? Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I know we will have the applicant come and discuss it further, but just so he has the benefit of the question and answer here to Alan, one of the things I'm curious about is that these -- these homes will be along the Creason Lateral and the driveway and I noticed in the agency comments there weren't any comments from Nampa-Meridian Irrigation District. I didn't know if it's because of the short plat situation or what, but, you know, there is that requirement along laterals and ditches of a certain amount of easement on both sides from the centerline of -- of those facilities, so I want to make sure that everything is copacetic with the driveway and buildings and everything else for that, since I didn't see their comments on this.

Tiefenbach: Thank you, sir. Alan Tiefenbach, associate planner. If you are looking at this plot right now there is easement for the Creason Lateral, that's what you are seeing.

Hoaglund: Mr. Mayor and Alan, follow up. Okay. That -- it's easement, see note 11. That 20 feet is -- is the driveway, then, is part of the --

Tiefenbach: Correct, sir. That's -- that's -- that's part of this property, but, actually, staff is recommending that that easement -- we are not recommending -- the code says that we no longer have common lots in easements, so what you are seeing there, the 20 foot wide common drive easement, will need to be an actual lot, a common lot. So, what -- that's our recommendation is that this be converted to a lot.

Hoaglund: Okay. I follow that. Thank you, Mr. Mayor. Thank you, Alan.

Simison: Thank you. Council Woman Perreault.

Perreault: Mr. Mayor, thank you very much. Question for staff. I'm trying to figure out -- I have looked at just about every document in the -- in the file and I don't see where there is pedestrian access to the other parts of that -- of the subdivision. I -- this is phase three. I assume that this is going to be a part of Creason -- Creason Creek overall. Can you talk to us about what obligations there are? Is it different as a short -- part of the short plat process or -- I don't see where this connects at all to the other portions of the subdivision.

Tiefenbach: I don't know if I would -- Council Person Perreault, I'm not sure if I would say it connects to the subdivision, it connects to 13th Street. The -- the access to this lot is to the east of 13th Street. I would have to defer to the applicant, but I do not believe there is a pedestrian bridge or anything like that across this part, although I do know they are building a pedestrian bridge across the park to the north. So, there is access off of 13th, but not directly into the subdivision.

Perreault: Mr. Mayor, a follow up?

Simison: Council Woman Perreault.

Perreault: If a resident lived in that location they wouldn't have direct access to any of the amenities.

Tiefenbach: Again, I might defer that to the applicant. My understanding is you would have to walk on 13th and go around and go in, but the applicant might be able to describe that better than me.

Perreault: Thank you very much.

Simison: Is there anybody else that would like to come forward and provided testimony on this item at this time, either in the room or anybody online? If you are online and you would like to provide testimony use the raise your hand function at the bottom and we can bring you in. We do have someone online who would like to provide testimony.

Johnson: Mr. Mayor, they are unmuted.

Simison: Can you state your name and address for the record?

Wilfong: Sure. It's Merrily Wilfong and my address is 1235 West Lowry Street. Can you hear me?

Simison: And you are recognized for three minutes.

Wilfong: Yes. I'm in the subdivision to the east of Creason Creek. I'm in Southwick and my house sits across 13th from the dog park and, anyway, we were given notification of possibly multi-units going in there or, you know, single level dwellings and it just didn't make sense to me, because of the close proximity to that canal there. I just think that there is a lot of wildlife, there is a lot of -- we have seen raccoons over there, we have geese, a lot of birds use that area and it just didn't make sense to make that a part of Creason Creek Subdivision in developing it, adding more units there, instead of leaving it as a buffer zone, because of the close proximity to that canal.

Simison: Okay. Council, any questions?

Wilfong: I -- I did leave a message on the phone as well for my testimony. I just -- I just wanted to check in and hear, you know, how the hearing was going, how the committee was going and what their views were on that. But I totally agree with the gentleman that did make an appearance, that -- that backs up to that lot. I have seen many people use it as a dog park and I don't know -- you know, that was presented at the time when I went over there to discuss it with them, hey, what are you guys doing over here? They said they were making a dog park, that they weren't going to develop that and I'm not sure who I was talking to at the time, but -- and I wasn't even sure that was a part of Creason Creek, because it's kind of divided by the canal there, but, anyway, I was surprised when talking to a neighbor in Southwick, because he received a notification, too, as far as what our views were and it just didn't make sense. I mean slam a couple of more single levels in there and maybe earn some more tax dollars or, you know, the developer makes some

money off it or a builder or whatever. It just -- it just is an odd piece of land there to really consider developing and not leaving it as a buffer.

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

Wilfong: You are welcome.

Simison: Is there anybody else who would like to provide testimony on this item at this time? If not I will ask the applicant to come forward for closing remarks.

Unger: Mr. Mayor and Council, Bob Unger again. Just very briefly we are proposing -- you know, we do -- or we are building a new pedestrian bridge for the new location of the dog park. The new location -- well, the old location was -- we kind of thought it was a poor location as it turned out, because we were being told by the residents of Creason Creek that nobody even knew it was there, it wasn't -- the word wasn't getting out. The HOA didn't -- wasn't aware of it and kind of based on that and also the fact that the location -- the new location was originally identified for three future building lots and we decided that the location -- the new location was a better location than the current one and with the purchase of the common area, the small strip there on 13th from the adjacent HOA, it gave us access to this lot to where we could produce two lots to make up for the three lots that we got rid of, to put in the new dog park and also the new dog park is located adjacent to the future nature park that was a part of our approval. That is to the west of the dog park. We have already put in the pathways for that portion of the project and also to the dog park area and as soon as we get the bridge installed, then, everybody will have access to the dog park, the nature park, and also the children's park and everything will be located in that area. So, all of our park amenities and everything will be in one general location that everybody is aware of and they can find and they can get to and utilize. The -- let's see. The lateral -- the Creason Lateral, which is to the north of this -- of the subject site has been fenced. It has been fenced with a wrought iron fencing and that is established on the easement of the lateral and it was approved by Nampa-Meridian Irrigation District. Let me think here. I think overall, you know, this is -- this is a win for the Creason Creek HOA and the residents of Creason Creek and it's also an opportunity for the developer to recoup the -- some of his cost in the loss of the other three lots and with that I will stand for any questions that you might have.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Could you address that -- the question I had asked the staff regarding the residents of these lots, how they would access the amenities, how they would access the rest of the development by foot. Do they need to walk out onto 13th Street and, then, come up across on Lowry?

Unger: Mr. Mayor, Madam Perreault, the old dog park, okay, where we are currently proposing to build two homes, that park had to be accessed via 13th Street, so you had to walk up Lowry and, then, over to 13th and, then, into the park area.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Yes, that answers my question. It's just kind of unusual for us to see neighborhoods where individuals walk on to a public street to get to access other parts of the neighborhoods amenities, but it's -- I understand that was always -- it sounds like that was always the intent if that was going to be a dog park that -- that everyone from that neighborhood would access it on -- off of 13th. Was there going to be any parking on that site? And can you talk to us about where individuals will park at the new dog site? They have to be -- they have to access the actual lot by foot, but is there a place for -- for residents to park their vehicles?

Unger: Okay. Mr. Mayor. The original dog park had -- had no parking, other than on 13th Street. Okay? The new dog park, although we haven't specifically, put in any parking, it is only a large cul-de-sac that goes nowhere. So, there is -- there is more parking there than -- than there was on 13th Street and it's much easier to -- to access these parks via foot traffic than -- than actually driving there.

Hoaglund: Mr. Mayor, if Alan could go back --

Simison: Councilman Hoaglund.

Hoaglund: -- to the other slide that showed both. I'm just kind of curious on how that -- excuse me -- access -- excuse me. I'm assuming -- is there a pathway along the Creason Lateral? Is that covered in where it matches the red area to the north -- northeast, the angled part? Is Creason Lateral covered there and, then, it opens back up or how do they -- to Council Woman Perreault's question, how -- how do they access that? It's not real clear where that access point is?

Unger: Okay. Mr. Mayor, the -- the plan that he -- that is being shown by staff here is -- is not the correct phase two plan. Tumble Creek and the other street that is being shown, which is Northwest 13th, which actually isn't Northwest 13th, there is a large cul-de-sac there now. Okay? So, there is a pathway on the north side of the Creason Creek Lateral and that has been paved. It's currently also being fenced with wrought iron fencing on both sides of the lateral. In fact, I was out there today and our crew was out there installing the -- the fence and where you have this -- this turn to the north, that is where the cul-de-sac is and it -- well, it's actually a little further to the -- to the east. That's where the cul-de-sac is and that is where the pedestrian bridge will be installed.

Hoaglund: Mr. Mayor and --

Simison: Councilman Hoaglund.

Hoaglund: -- Bob, thank you for that clarification. Yeah. What you were saying and what I was looking at just didn't seem to make sense. So, that helps quite a bit to know where that cul-de-sac is and that's where the crossing over the Creason Lateral will be and it will be fenced and open, so -- okay. Appreciate that. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Question for the city attorney Bill Nary. There was a comment made that the gentleman who was speaking had an issue that the ditch that provided his water rights got to taken out. Do you want to just give some context as to how he would resolve that?

Nary: So, Mr. Mayor, Members of the Council, Council Member Strader, yes. Idaho Code requires that where ever the original source is that it maintain. So, if it's not, then, that's an issue both with this developer, as well as with the irrigation district, if his source of water has been cut off or diminished because of development. I don't know if that's true, but that's where the redress would be, because certainly the code does not allow it. Normally there -- they are piped and, then, they -- may be moved potentially, but that's usually an agreement with the property owner as to where the source has to go. But, yeah, certainly if there is an issue there that's a conversation with both of Mr. Unger and the irrigation district.

Strader: Got it. Thank you. And so if -- if there is a concern that his water rights have somehow been breached or removed or what have you, then, would that -- how would he resolve that? Would that be with the irrigation district? Would that be in the courts? Like how would that get -- just for my own education.

Nary: Yeah. So -- Mr. Mayor, Members of the Council, Council Member Strader, I mean the first conversation he should have is with Mr. Unger. If he has gotten an access issue that his access has been diminished or changed in any way by the development probably that's the first conversation. Again, with the irrigation district -- the irrigation district can enforce that as well. So, if he had an access to water that now no longer does, the irrigation district will help enforce that as well to make sure his rights aren't cut off. So, again, not knowing the -- the situation on the ground, that's the two places he should start, is conversation with the developer and the district.

Strader: Thanks a lot.

Unger: Mr. Mayor?

Simison: Mr. Unger.

Unger: If I could clarify on that, please. We did discuss this with Nampa-Meridian Irrigation District when we were constructing phase one of the project and also putting in the original dog park. We were told by Nampa-Meridian that people were pumping out of the Creason Lateral for irrigation, which was illegal as far as they were concerned. So, consequently, Nampa-Meridian didn't require us to do anything to provide access for water for -- for these folks, because they were illegally pumping water from the ditch. Now, that's what we were told. Certainly we can go back to Nampa-Meridian and clarify it and if we need to do something we will do it.

Simison: Well, correct me if I'm wrong, I mean ultimately water rights it's not our purview to make or not make decisions --

Unger: Right.

Simison: -- because it is a -- other party resolution through other means, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Totally agree. Was just for educational purposes for me and, then, I thought for the gentleman that had the concern, so he would know kind of where he could take that up. But I don't think that's a piece of our decision. But, hopefully, being neighbors you guys can chat and it's always better to resolve things personally, but whatever it is they will, hopefully, get worked out one way or another. Thanks.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To the question for legal to kind of frame the decision making, the final plat was approved in 2019 where a lot of the content of discussion would come. Now, it's just a short plat for this lot. What discretion, if any, does Council have to condition, approve, deny or -- these are extremely narrow scenarios.

Nary: Thank you, Mr. Mayor, Members of Council, Council Borton, you are exactly correct. I mean it appears that everything was discussed in 2019. I'm looking at the original development agreement -- I wanted to just verify there wasn't any reason some additional notice should have provided and -- and looking at the development agreement, if I'm looking and I -- I'm a lawyer, not a planner, but if I take that dog park that was recently proposed and swap it with that three lots that are down below and it connects it exactly to the original open space that was part of the DA, the numbers seem to align as to what was required by the DA. So, no DA modification was necessary to notify about the change of the use at the time. So, at this juncture it is an entitled lot to build on. Really, the only decision for the Council is whether or not the Council is okay with them basically subdividing it into two lots and that's really the only decision point today. So, the fact that

is a buildable lot has already been determined and just the issue is whether it should be two.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: With that is there discretion, if any, two -- it's a single buildable lot, but for the right to short plat it into two and build two that come with conditions potentially or is this truly administrative?

Nary: Mr. Mayor, Members of the Council, Council Member Borton, I mean normally the plat conditions are -- already have been determined on the plat itself, so this is just really are you allowing them to be two lots instead of one and, then, they would have to adhere to all the other plat conditions that already exist.

Simison: Council, any additional questions? Thank you, Bob. Don't go too far. But let you go for now.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question for Alan. What's the -- the size of the lot when you factor in that easement piece that has to be a -- its own lot? Does that count as the .4 or is it .4 minus the amount that we have to cut out for the -- for the easement?

Tiefenbach: It's .4 minus. At the time that this came forward they had the easement shown and they weren't aware that that had to be a common lot. That's a relatively new regulation.

Cavener: Thank you.

Tiefenbach: Not relatively. It is a new regulation.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question to Alan. So, what we are looking at here -- two -- two lots, 6,516 and 7,090 for the buildable portion and they meet all the setback requirements for -- for the lots. They have a common drive. It looks like the parking is doable. Staff had asked for that and to make sure that that was doable. So, that appears to be doable as well. So, it -- it's just difficult to see what -- what issue there would be to not allow two lots to occur.

Tiefenbach: Correct. We requested this exhibit, because it was a tight property and we weren't exactly sure how they were going to make it work, especially with the easement now having to become a common lot, but they have demonstrated to us that it will, in fact, work and, actually, he could get a house 1,800 square foot footprint'sh there.

Hoaglund: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Question for Alan. Were there any conditions in the staff report that this discussion necessitates any change or update to or -- those conditions in the report still remain part of the recommendation for --

Tiefenbach: Yes, sir. I think the only significant one was that it had to -- the common drive had to be on a lot versus an easement. It doesn't change anything, if that's what you are asking.

Borton: Just to make sure if there is a condition of approval that -- or a condition in the staff report that if we need to reference it in a motion or not.

Tiefenbach: No. It would -- you would be -- if you are inclined to approve this you would be approving this with the conditions as listed in the staff report.

Borton: Okay. Thank you.

Tiefenbach: I'm sorry, I didn't understand the question.

Borton: It wasn't very well worded. No worries. Mr. Mayor?

Simison: Councilman Borton.

Borton: If there is no additional discussion from staff or the public, I will make a motion that we close the public hearing for Item 18, SHP- 2021-0003.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: This is as -- I have commented on it briefly. It's a very narrow application, narrow consideration. I think the -- the adjacent property owner's concerns with regards to the change in property was a 2019 discussion that we had to consider when the final plat was modified. So, this now is to allow two buildable lots. Councilman Hoaglund I think hit the nail on the head that the conditions in the staff report adequately permit the request and I don't see any reason to deny it. So, I'm going to make a motion that we approve Item 18, SHP-2021-0003, as set forth in the staff report of August 24th, including the conditions set forth in that report.

Hoaglund: Mr. Mayor, I will second the motion.

Simison: I have a motion and a second. Is there any discussion on the motion? All right. I will ask the Clerk to call the roll.

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

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

MOTION CARRIED: ALL AYES.

19. Public Hearing for Horse Meadows MDA (H-2021-0050) by Riley Planning Services, Located at 710 N. Black Cat Rd.

- A. Request: Development Agreement Modification to amend the draft agreement approved with Horse Meadows Rezone and Preliminary Plat (H-2020-0060).

Simison: Next item up is a public hearing for Horse Meadows, MDA H-2021-0050. We will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor. Sharing my screen real quick. Okay. Good to go. All right. The application before you tonight is for a development agreement modification. The subject property is 4.7 acres in size. It's currently zoned R-4 and is located at 710 North Black Cat, which is the southeast corner of Black Cat and Pine. We discussed this multiple times at the end of last year, so I'm sure you remember it. The subject site was granted approval for a rezone and preliminary plat in late 2020. It was to rezone it to R-8 and include a plat of 26 building lots. The existing access is actually on the south side from West Quarterhorse Lane. It also provides access for three parcels to the east and southeast. To help ensure this access was removed, a DA provision was included that required all servient parcels to relinquish their rights to the private land easement prior to submitting for final plat approval. One of the servient sites has declined to -- to relinquish their easement rights and with the current DA language the refusal of one of these easement holders to relinquish their rights functionally renders the property useless.

Therefore, the applicant is requesting to modify the draft DA, so that they may submit a signed DA and, then, officially rezone the property and continue platting it by submitting a final plat and they will maintain the Quarterhorse Lane access for the one easement holder until such time that that property redevelops, which, then, we would have the opportunity to require that property relinquish their rights to it. As part of this DA modification and request to amend the provisions of the concept plan for the green space area abutting Black Cat must also be revised to show the travel lane remaining. In addition to restrict access to and front Black Cat, the applicant is proposing to install a gate approximately one hundred feet into the site from the edge of pavement that will be accessed only by the city and the remaining easement holder. So, it will, essentially, be access for emergency only access for the city and Public Works if they need to get to the site from there. Very unlikely. And, then, the easement holder that is not wanting to relinquish their rights. Staff does find that the requested changes to the concept plan are feasible and that the latest circumstances with the easement holder not relinquishing the rights makes it a feasible option to amend the DA and finds the proposal to gate the access to Black Cat and keep the traffic as only one rural residential home through this access as appropriate. Frankly, I believe that with a gate and maintaining the access they will still use the public road internally and they just don't want to relinquish their rights right now. That's where I think we are at at this point. There has been no written testimony on this application. Therefore, staff does recommend approval of the DA modification.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Thank you, Joe. Just wanted to clarify a couple things. So, this is exclusive use and not ownership. Does that go away when that property is sold? It -- or is -- what are the limitations that -- is it exclusive use permanently or does -- is there a limit on that once the property changes hands or the current owner is no longer the owner? And, then, also how much does this affect that open space and is that property still within it -- still within code? If I remember -- if I remember right this is -- their open space was pretty substantial in comparison to what our code requirements.

Dodson: Council Woman Perreault, great questions. First, you are referring to the servient site; right? The one that's not wanting to relinquish their rights?

Perreault: Yes, I am.

Dodson: Correct. Okay. So, as -- since they are in a county lot, if they were to request annexation and plat we would require with that approval to say, hey, you don't need this access anymore and they also -- that property, because it's the furthest one from the site, actually has a public street connection stubbed to their site, their east boundary anyways. So, there is multiple ways for them to get in and out should that site redevelop, which, then, we would require them to close that access. This access. Or the rights to it.

Secondly, this open space was in excess. It was extra open space. So, removing, frankly, 22 foot wide, which already exists as gravel, is going to make a minimal difference at all in any of the open space.

Simison: So, how do we ensure this converts away from that roadway feature in the future? You know, Google Maps is going to show this as a road and -- and that was kind of my other thing is like why the gate at the back as compared to more at the front. I mean, yeah, you don't want it too close so you are blocking traffic, but just curious.

Dodson: Mr. Mayor, the code would say the closest it can be is 50 feet. That's generally what we have for emergency vehicles, any of the emergency accesses. So, if that's something that the Council wants to do, to bring it a little closer to show that, hey, this isn't really a road and you are not going to be able to access the site, that -- I can understand that. I do believe that because it's a gravel road people might assume it's going to be private and they -- they are not going to want to try to access those 26 lots that way anyways and they are going to have the access off of Pine, which is what ACHD required. Future, we have DA provisions in there that have proposed some new ones, as well as the existing, that are going to say that -- basically as soon as it can be this will just be closed off and be open space again. So, there is no timeline on that, unfortunately. It's going to be heavily dependent on when the other site redevelops. Hence the dominoes are falling.

Simison: I guess the question how do we ensure that it actually -- the gravel goes away and it goes back to what it was originally intended? Who -- who is going to make sure that occurs? Or is that not going to be an action if we move this, it's just going to be, sorry, you are going to have gravel in its place for the rest of eternity.

Dodson: Great question, Mr. Mayor. I don't know how we specifically enforce it, other than it is a DA provision, which is enforceable, as we have discussed with other projects lately, but I will leave the applicant to answer that a little bit more in depth and see if they have something else in mind to help us enforce that, because I understand your point.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a question. Have we ever like escrowed or reserved for something like this? Is that how we would normally ensure that something happens or -- like I know sometimes we bond for like landscape improvements. But that's kind of a different situation. Just wanted some context.

Dodson: Council Woman Strader, good points. I don't think that we would be able to bond for it. Usually this occurs on like a potential building lot and that's what how we can get them to do it. Say, hey, this is a nonbuildable lot until such time that you get this. This is not intended to be a buildable lot anyways. So, that kind of takes that approach out of the equation. Unfortunately, I don't have a great answer for you on these questions.

Simison: Council Woman Perreault.

Perreault: Not a question, but a comment. So, as most of you know I lived right next to this for many years and frequently would see people try to drive down Quarterhorse Lane thinking that it is accessing property back there and it doesn't. So, you see a lot of people pull in there and pull out and pull in there and pull out. So, I agree with the idea of moving that fence further forward. I think that would be really wise. I don't know that we can require it unnecessarily, but I think it's -- would be a good idea to just make it even more clear that that's a private lane.

Simison: Council, any additional questions for staff at this time?

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, I mean since this is a DA modification, where the location of that gate is certainly is a consideration the Council can make, so -- on the other question, the future enforcement -- again, it is a DA provision, so certainly it -- when it comes to the city's attention that, again, that property is sold, that will come to our attention that that property wants to get -- if it was to get redeveloped, I guess. It could get sold as a house and remain a house. But if it wants to redevelop into something else, certainly that access point will, then, trigger there -- again, it will be a little clunky; right? It could be a number of years from now. You are going to be dealing with an HOA that now is going to be required to move the fence and create a landscape portion in the -- in the width of this -- of this road. So, it could be kind of clunky, but I don't have a better solution. I mean, otherwise, you are simply -- again, not to put words in Ms. Constantikes mouth, but you are going to let one property owner prevent the development of the entire parcel versus putting that burden on the future HOA by the development agreement that they will have to do that. Certainly it could go as far as the city having to sue them for performance to do it, but there may be other considerations at that time that the -- that they may want. By adding this to their future open space that may allow another buildable lot in the subdivision or some other use of a subdivision. So, hard to know the future, but that's kind of where you would be landing, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't know if this question is for staff or the applicant, but since it's been owned by the development is -- are they responsible for maintaining this gravel road or is there going to be an agreement with the owner -- the homeowner for maintenance?

Dodson: Council Woman Perreault, it is my understanding that because of the easement it's maintained by the easement holders.

Perreault: Okay.

Dodson: So, that that's the way that I read the easement, which is in the original file. I didn't have them in the new file, but the original file that has the easement language in there. The applicant will be able to clarify that for you as well.

Simison: Council Woman Strader.

Strader: Mr. Mayor, yeah. Quick follow up there. So, if the easement -- I assume the easement sort of travels along legally with that property; right? So, wouldn't -- if that property redevelops, then, wouldn't -- at that time wouldn't they have the obligate -- couldn't we ask them to improve the gravel at that time then? Is that how that would work?

Dodson: Council Woman Strader, I might default to Mr. Nary on that, but -- because it's an off-site, but it is part of their easements, so I could assume if we can require them to relinquish their rights to it we could probably require them to help assist in the cost of resodding it. I'm not sure if by then the -- maybe fire will want that additional emergency access. I don't know.

Nary: Yeah. I mean --

Simison: Mr. Nary.

Nary: -- Mr. Mayor, Members of the Council -- sorry. Again, a lot of great questions. I don't know the answers. I mean definitely depending on what -- if it is simply going to be redeveloped as a single house in the city it may be difficult to have them do significant improvements. Again, as Joe said, there may be a desire at that point to still to have emergency access and, again, the Council certainly has -- has already made a determination once that without all of the -- of those properties relinquishing that access the Council wasn't willing to move forward. Again, Ms. Constantikes is asking you to reconsider that. Totally within your purview on whether to reconsider that original choice.

Simison: Thank you. With that we will ask the applicant to, please, come forward.

Constantikes: Thank you, Mayor and Council. Penelope Constantikes representing the applicant. Post Office Box 405, Boise, Idaho. 83701. On an amusing note, we have been on a long and torturous trail with this project and so I'm glad that we are going to go out with a bang here maybe today. So, as you know three of the four of the easement holders were quite happy to sign the modification of the easement agreement and we have one owner who is unwilling to do so. The stated rationale for that was it would be inconvenient to have a different access point, so -- and we have that agreement ready to record with the three different signatures at this time. We do appreciate the city's patience and persistence in helping us work through this process. I have got lots of notes here, so I will try and cover everything, but I would like to go over this image that you have on your screen now. So, there is a little bit of discrepancy. I have put in 22 feet wide and the

development agreement says 20 -- or the modification statement says 20. Either one is fine. So, that -- that would be the area where the access would be retained for that final property owner. There would be a locking gate. The reason I set that back at a hundred feet is because as a former transportation planner I was concerned about vehicle stacking, so if the property owner is pulling a trailer with a car on it, he would have sufficient room to pull in and it would not block Black Cat Road. That's -- actually, if you were interested in going on a little side trip, if you turn in here and, then, turn around and come back out again, that's really a very hazardous intersection there. You have to be very alert. People are coming off the stop sign on the railroad tracks on the south side and they just goose their car and so they are driving fast. There are some trees that obstruct the view. It's not a very safe intersection to begin with. So, I was thinking that for safety reasons we would push that back as far as we could. We can certainly put a sign up that says no residential entry or some kind of a sign that makes it obvious that that's just for one residence. And, of course, the gate needs to lock and we were excited that staff suggested this would be a good location for a second access for fire emergency services and there will be a couple of manholes in here, so if the Public Works needs to run a vac truck in there they have got someplace to do it. Then the third item is this three foot open vision fence and we will put a pedestrian pass through on that, so that people in the subdivision can get through the fence and use the asphalt pathway out to Black Cat. In -- consistent with Meridian Code we would put a four foot closed vision fence along the north side of that easement -- or the new open space with the lattice if they want the additional two feet, but -- and, then, just one other comment. Part of the discussion with ACHD that happened off radar was that maybe not putting a sidewalk across that gravel access drive at this time would be a good idea. The gravel is just going to chew it up anyhow. So, that would come later. So, I'm going to try and answer your questions. I talked about where the -- where we have decided would be a good place to put the gate. The easement right runs with the land, it does not run with the owner in this instance, so if the property owner was to sell their property to someone else that easement right would be retained. How to assure that it would be closed in the future. I would echo Joe's comment that they are more than likely going to be using our access out to Pine in fairly short order and there is that tube that you can put across things with a counter and it's easy enough to verify whether or not the property owner is using it. Looking forward into ACHD's plans for expansion of Black Cat Road, I don't -- I can't speak for ACHD and I understand that they are -- it's a little bit of a black box for them in terms of where their rights are, but I do think that the highway district has the right to close things if they are safety hazard and there is an alternative access point. So, I expect that when Black Cat is expanded and this subdivision, assuming that it's actually built out, that it will be closed through that process. That's the most likely one. And as Joe mentioned, this parcel back in the corner also has access to the subdivision to the west -- or to the east of them. So, they are not technically landlocked now. Let's see. What else? In terms of restoring that area to open space in the future, it's about 2,000 square feet and it would be turf at this time. So, we can certainly make it the responsibility of the HOA for Horse Meadows that they are in charge of restoring that area when it converts back to open space. I will say that the applicant went to an extraordinary level of effort to get this clarified and resolved, including offering financial incentives and -- and I know that representatives of the applicant went multiple times. I was there twice -- on two occasions with those meetings

and it just -- we just -- we exhausted all of our options. The applicant's rep did go back one last time and they asked him to leave the property. So, he didn't even have a chance to ante up the -- the incentive. So, we -- we did work hard to try and get that resolved.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I don't mean to interrupt, but if I'm remembering correctly, didn't you mention that this was already an agreement when you -- when this application was first brought before us?

Constantikes: Well, we were under the understanding that all four owners were amenable.

Bernt: What does that mean?

Constantikes: That they were willing to sign the easement modification. One of them just decided not to do it.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: What you are saying is is that after they just changed their mind. So, you -- you had -- you had an agreement with this and, then, for some reason they backed out of the agreement?

Constantikes: It was verbal. We talked to everyone and -- Dan might be able to answer that question, because I --

Bernt: Ms. Penelope -- and I don't -- you will get your time. I don't worry about your time. But I -- I just find it hard to believe that we would have allowed this to happen under, you know, just the head nod and -- and a shake. I feels like there is just a lot of, you know, potential problems with how this is working out.

Constantikes: I agree.

Perreault: Mr. Mayor?

Simison: Could we --

Bernt: I shouldn't have asked. I should have waited.

Simison: Let's let the applicant continue if we can.

Constantikes: No, I'm happy to defer to Council Woman. Go ahead.

Simison: Okay. Then we will go into Council questions at this point in time. Is there anything else?

Constantikes: Nope. I'm happy to answer any questions you would like to toss my way.

Simison: Okay. Council Woman Perreault.

Perreault: Thank you very much. If I understand correctly that it was a condition for final plat approval that had to be met, so it wasn't so much that the city -- I mean it would have been great if you had been able to have that agreement signed before our City Council hearing, but if I understand correctly was a conditional plat approval. So, somewhere between the City Council approval and final plat approval was where the -- the neighbor elected not to continue; is that right?

Constantikes: That's correct.

Perreault: I know you can't speak for him, but -- and I was kind of hoping that that individual would be here, because I would really like to hear any -- just to understand if there is any really important reason why they want to retain access. I mean that would have been really great to -- to know. I would also like to say I have been doing this for a long time and I think it's really great the effort that's been made here to -- to make this work for -- for the neighbor, because it's -- it's really hard to do and usually you have property limitations that don't allow you to still develop the property and retain it, so --

Constantikes: Mr. Mayor, if I might comment on that? The only rationale that I heard was that it would be an inconvenience to drive by the new houses that would be in the subdivision, as opposed to driving out on Black Cat or going out Quarterhorse Lane. I didn't -- there was nothing alarming or substantive or life safety, no critical comments, just -- just had to do with inconvenience and not wanting to drive by any houses.

Dodson: Mr. Mayor?

Constantikes: And I don't want us to throw -- I don't want to speak ill of the property owner. We did -- we -- we just tried everything. Guru Donuts is where we started. So, we tried everything.

Simison: Yes, Joe.

Dodson: I just -- I will try to tread lightly, but also be direct. I had a couple conversations with that property owner and it seemed to be that, frankly, they just felt bullied by development. Not -- not this specific developer, but just in general that, hey, development is happening and it's taking away their road. So, that -- that's kind of the feeling that I got from them, which -- which is unfortunate, but I do agree with Council Woman Perreault

that -- I haven't seen any applicants since I have been here that have pushed for some amicable remedy to the situation as I have Penelope and Dan.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To that point do you have this property owner's consent for the installation of a gate, regardless of where it is?

Constantikes: Mayor, Councilman, no. The last time that someone on the project team was on the property he was ordered off, so we have no mechanisms for communicating with them. You know, gates are -- if you live in an exclusive subdivision you have a gate and you have to wait for it to open. Whatever. But the only way we can preserve it for their exclusive use is to -- is to put a gate in. Otherwise, we would have people driving out, because it would be easy and they wouldn't want to use the public road and, again, I have been down that Quarterhorse Lane and tried to exit it several times. It's very hazardous.

Borton: But that -- Mr. Mayor?

Simison: Councilman Borton.

Borton: That's an -- that's an additional wrinkle that you are stuck with is even if -- if you were to get a condition today that modified it and included the installation of a gate somewhere that was locked, coded somehow, you -- you don't have permission yet to modify the easement to do so yet.

Constantikes: Mr. Mayor, Councilman, I think that the -- we retained the services of an attorney shortly after the City Council approval to draft the agreement and the read that we got from counsel was that there is no prohibitive element. In other words, the -- it's not an unreasonable thing to do and I would defer to Mr. Nary on that. It's not an unreasonable thing to do and it does not block them from using the easement. They have a gate and a key. So, we are not taking their access away from them. Essentially we are not doing anything other than adding a few minutes and that's for safety reasons. So, it's not done out of spite, it's done because we need to keep other people from using it.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor, I was just thinking about that where at some point in time you get tired of people coming up there thinking it's -- you know, it's going somewhere else and it doesn't. You know, is it the type of thing where you say we are going to require this locked gate at -- when they give permission and, then, at that point when they finally get tired of people coming up and down, then, you get their permission to go forward and -- and install

the gate. I don't know if that's the solution here or not. I mean to force that on someone who is already in that position of don't tell me what to do with my access, you give them that, yes, you will provide the gate once they give permission and there might be that point in time where they say I'm tired of this, you know. What would be your comments -- your thoughts on that?

Constantikes: Oh, sure. Well, we are kind of caught in between the city and the property owner and the highway district. The highway district has been very clear about really not wanting that to be used as an access point and if it's not gated, then, it will become an available thoroughfare for anyone to use it. There are maybe some options for giving him, you know, a high tech gate, so he just pushes a button and the gate opens. So, he doesn't have to get out of his vehicle which would minimize any inconvenience involved and, again, I would go back to my comment that there is no -- there is no substantive reason to refuse and I understand that he has the right to refuse. Absolutely. My guess is if we put one of those rubber tubes and a counter out there he wouldn't use it for very long and, then, he just start driving out the much safer route to get to Black Cat Road, which would be out to Pine Avenue. All valid concerns. I completely understand them. We would like to move forward with the subdivision. The parcel to the south of us, not the one that is immediately adjacent Black Cat Road where the old school is, but behind them, the Alexander parcel, they would also like to develop and so, you know, there is -- it's not just hanging up this subdivision, it's also impeding another individual's rights to develop as well within the extent of that being a right. I mean I understand all those things. I think this is the only solution really.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: I guess I am concerned only in one degree and Council Member Borton raised the point is currently the city is not a party to this easement at all and so the city has no role. What -- what the applicant is asking is for the city to, then, now require a condition on their development to gate this easement and now, again, if it's not clear that that limitation can be imposed on the easement holder, then, that embroils us in the middle of that litigation, because now we have required something that we may not have had the ability to do. Is there any way to simply gate Horse Meadows -- not the easement, but the Horse Meadows from accessing the easement, because the concern is people using the easement to access into Horse Meadows. You can certainly put the gates on your property and have completely unfettered access. The other option -- and, again, I don't know what your conversations have been. Have they considered just giving him the whole property. Just give it to him. Rather than buying it from him. Give it to him, he can deal with it, he can deal with it for the future. Is that not a possibility?

Constantikes: Mayor, I'm going to -- I'm not a hundred percent sure I understand your second comment, but the idea of putting a little jog in the fence, so that the gate is actually in Horse Meadows, as opposed to in the easement, that's absolutely an option.

Nary: That would assume to at least take the city out of an argument that we have interfered with the easement and, again, I was only thinking out loud on the other option when you said you have tried to acquire the easement from the easement holder. I didn't know if you had had a conversation to just simply give him that parcel, but -- make it into a parcel and simply give it to that property owner and, then, Horse Meadows never has to deal with it.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: This is something that -- to Mr. Nary's point that we won't have -- I don't know -- the eight layouts that we discussed -- kind of did that where you can see here is they would essentially lose Lot 8 and 9 and push the road up and, then, leave the easement as its own lot. For whatever reason that never got put forward. That was one of the potential options. But, again, in the terms of what we are reviewing tonight I don't know if with a DA modification you can require that the plat be modified. I don't know. That's outside of my purview. But that would be what you would be essentially requiring, because it's -- currently the easement is on this property and that's why they have some of the control here and the way that -- to answer some of the other comments that have been made, the way that I read -- again I'm not a lawyer by any means paid that much money. The easement is very broad in its like language -- very very broad and it doesn't really have any language to say what you can and can't do, it just says don't take away the access is honestly pretty much how I read it. I believe Mr. Nary read that easement as well when we first started all this to help ensure that we were okay with developing the site at all when you have four servient sites to an easement along the south boundary. Hope that helps the conversation.

Nary: Mr. Mayor, if I can clarify. Certainly I wasn't saying that you have to go and offer the properties to the -- it's just a solution. May not be a viable solution. But certainly it -- maintaining the limitation of access into Horse Meadows from that lane is more defensible to Horse Meadows, as well is the city than is the gate across this easement. I can foresee Waltman -- not Waltman -- the Wingate Lane all over again and we have had issues with Wingate Lane for a number of years that have eventually went away. I can see you simply starting that conversation over if you can limit the access from -- from this lane into Horse Meadows, I don't see the problem as we have been talking about of people trying to go down to get into their homes. They will figure out pretty quickly they can't get into their homes that way.

Constantikes: Mr. Mayor, that -- that would be fine. I don't -- moving in the gate and putting it on Horse Meadows instead. Part of the issue with just dedicating -- creating a rectangular area and giving it to the property owner that doesn't want to participate is that it -- it doesn't just impact Horse Meadows and it doesn't just impact the property owner, who doesn't want to participate, it also impacts two other property owners in terms -- himself, Mr. Morgan, who is directly to the east of us and one of the individuals that signed that easement modification, his -- he does have access to Pine Avenue, but it's over a

canal and he is reliant on either getting down on new public road or through Quarterhorse Lane to get to his parcel with anything that weighs more than a bicycle and, then, the other thing is that -- that would truly -- careful. That would truly -- I would do the same thing right now, so -- and the other thing is it would -- it would landlock the Alexander piece and so we are trying to be -- we are trying to thread a fairly small needle and make sure that everyone is being treated fairly. So, if we move the gate onto the subject site development, as opposed to in the easement area, and as Joe indicated the -- the content of the easement is a page and a half. It's very simplistic. There is nothing in there that would say that you can't put a gate in. We are preserving his access and I think that's our obligation is to preserve his access and nothing more.

Simison: So, correct me if I'm wrong from what I have -- at least one of the things was recommended as it comes to this -- one of the solutions I heard was basically eliminate two parcels, move the road up. In that scenario there is no gate. You are just, essentially, fencing off the property and there is no -- or is there a gate someplace else that would still have to be installed for some reason?

Constantikes: Mr. Mayor, there would not need to be a gate if you just terminated Horse Meadows essentially by drawing the line on the north boundary of the easement area and just running it all the way across. I don't think the district would agree to that, ACHD, and, again, we are -- we are creating problems for two other of the property owners. We would be essentially landlocking the Alexanders. They have a 30 foot strip that runs along the north side of the railroad tracks and connects to Black Cat Road, but the Purdam Drain sits in that 30 foot width and so the only way to turn that into an access, which would only be wide enough for emergency to begin with, would be very expensive, because the last time I talked to Nampa-Meridian about piping the Purdam Drain on a parcel on the other side of the railroad tracks, it's a 48 inch pipe and that's a deep drain. So, I understand the idea of just eliminating that easement area and making it go away, but there are consequences to two other property owners. So, at least in -- that's the way I see it.

Simison: Maybe -- maybe -- what I was hearing was you are not eliminating the easement, you leave the easement -- I don't know where the easement goes. I'm assuming it's on that bottom portion. You just don't impact the easement. You take the entire development outside of the easement and not address it in this application.

Constantikes: Mayor, the only problem with that is that it does still leave the Alexander parcel essentially undevelopable, because you cannot develop and use an easement access for more than one household. So, we are -- again, it's that needle thing. I got a little tiny needle and my magnifying glasses and I'm trying to find a way to get the -- thread through that. So, to just -- I'm concerned about the consequences to the other two property owners by just eliminating any connection between Horse Meadows and the easement area. If we do that, then, whether or not they are actionable inconveniences or not, we still are in a sense rendering a parcel nondevelopable.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: A question for Mr. Nary. What you said just confused me a little bit or maybe a question for the applicant and, then, maybe for Mr. Nary, but aren't you taking access for multiple households through the easement as well?

Constantikes: Mayor, Council Woman, at the current time there are four households -- there are three households that use that easement area. There is no residents on the subject site. They have agreed to use this northern connection to Pine Avenue, which is the point of the -- we are modifying the easement, we are only modifying it where it sits on the Horse Meadows parcel. The rest of it remains intact exactly the way it is now. So, that -- does that answer your question?

Strader: I think so. I guess. So, just to get like -- maybe dig into it like a little bit, I'm hoping Bill will help. So, the solution of adding a -- eliminating two lots, not using the easement and using a gate, I guess when future properties develop wouldn't ACHD have some purview over that; right? Certainly if the easement holder's property develops I would think at that time we would have some teeth to -- to do -- to require whatever we need to when they annex in the city. It's a question of order. Like the -- the additional property is -- you are saying this would make it developable. Not really. Yes, if it wanted to develop first; right?

Constantikes: Mayor, Council Woman, actually ACHD was very clear about this. They -- they can't get involved in that at all. So, if we did, for example, turn that into a rectangle and -- and block it off from development of Horse Meadows, in the future ACHD would not -- they would have no grounds to do anything to that area. That's the -- I mean I had fairly extensive conversations with Christy Little about this and they -- they have flat out refused to get involved at all.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Well, first to Councilman Strader's question, it's hard to tell on this map, because you are only seeing the platted area, but that easement -- the road -- the -- the dirt road goes back, what, at least double that length -- right there. That's the area that -- where the other property owners to the south get cut off; right?

Constantikes: So, are you talking about -- excuse me, Mayor, Council Woman. You are talking about what would be the southeast corner?

Perreault: Yes.

Constantikes: Yes. The easement will remain intact and untouched from that point forward. It's really an odd thing. The easement width is 50 feet where it touches Black Cat Road. By the time we get to the east property line in the southeast corner only 25

feet of the easement sits on the servient site. The rest of it resides on the Alexander parcel to the south of us. So, the easement starts here and, then, it trends down and extends all the way to the parcel that's south and east of us.

Perreault: Mr. Mayor, I have a follow-up question.

Simison: Council Woman Perreault.

Perreault: So, at the point in time that it's actually -- Joe, if you could bring that map up again. At the point in time in which that reverts back to open space, what was the plan for vehicle -- was there going to be bollards that were going to -- is there going to be some sort of blocking access from the road? Sorry, if you could bring up the plat with the green areas -- the open space areas again? The full -- the full -- there you go. So, what -- what's going to prevent vehicles -- yes. Right where your mouse is. What's going to prevent vehicles from accessing the open space right there? That's the area where you wanted the gate to go; correct? Is right where his cursor is?

Constantikes: Yes, ma'am.

Perreault: And so is -- could that gate be left, then, so that in the future when it's still open space that vehicles aren't accessing that open space or is there some way to do like a permanent solution that prohibits vehicles from accessing that without it having to be a gate?

Constantikes: Mayor, Council Woman, those bollards would be a good choice, something that sits in a -- whatever would satisfy the fire department. Absolutely it would need to be blocked. It would be easier for Public Works to drive down if we could put in grass crete. There is all kinds of things that could be done to obscure the pathway, the driveway through that, so it's not really visible, but it has the weight bearing capacity to handle vac trucks and a firetruck if they need to get in that way and using bollards, which is pretty standard, and, actually, I would think you would want bollards on both ends of that, not just in the interior, but at both locations to prevent any unauthorized access through there.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, the purpose -- so, was the request for the gate the -- the -- is that a request made by the Caseys or is that something that the applicant is offering to them as -- I guess I'm trying to understand like how a gate conversation started, if there is other potential options with keeping a vehicle out of that area, whether it's -- whether it's the -- the future residents of Horse Meadows, whether it's people coming off of Black Cat, whether it's somebody that's coming, you know, in either direction, is the -- was the gate a concession that was being made?

Dodson: Mr. Mayor?

Constantikes: Mr. Mayor, Council Woman, the -- there was two different scenarios. We have got the long-term solution, which would be bollards. The short-term solution, in order to preserve the parcel owners' access to Black Cat via the easement, while preventing unauthorized people from using it to access Black Cat, that's where the gate idea came from and, again, we can put the gate anywhere. I just know that Mr. Casey is a fan of -- I have been actually trying to avoid saying his name -- that parcel owner does like to restore vehicles, so I envisioned that at some point in time he would be pulling a trailer with a vehicle on it and we wanted to make sure, just for safety reasons that that was set back far enough that whatever vehicle or whatever he was pulling could safely be off Black Cat Road before they have to stop.

Simison: Before we -- I would like to see if there is any public testimony just real quick, because, otherwise, I think we can probably go on all night asking questions. We do have two people in the room. If you would like to come forward and state your name and -- we don't have anybody online, so it's just those in the room.

Constantikes: This is Mr. Morgan who is one of the easement holders that signed.

Simison: If you could state your name and address for the record, please.

Morgan: My name is Drew Morgan. Address is 4600 West Quarterhorse Lane. I have the property immediately east of the development. My issue with what has just been talked about of cutting off access to Quarterhorse from the development is it forces us to continue to use Quarterhorse, where this development solved a lot of our issues, because that is a real bad place to get out and I have been doing it for five years and it's getting worse, especially since the school was put in and so now sometimes I'm at the end of Quarterhorse Lane and I have to put the nose of my pickup almost onto Black Cat in order to see and, then, they are racing off that stop sign and when the school is -- in fact, this morning it was worse than it's been in months. The people just don't stop. They don't stop at the railroad tracks, they slow and one after another -- and like this morning I just goosed it out onto Quarterhorse in front of a car, because I had an opening from the other direction and forced him to slow down enough to let me out. So, my issue is the one applicant who won't sign is forcing the rest of us to give up what we were offered. I don't know -- I guess legally he has a right to do that, but Mr. Casey told me he was signing and he was willing and it was his wife that would not let him. So, she's holding up the whole program. But, anyway, I am willing to cooperate anyway I can. I have a big motor home, it's really tough to get in and out of there, and this would solve my problem. So, anyway, I just wanted to say that about -- I'm -- I really don't like the idea of not letting me have access into -- on Pine through the streets they are going to build.

Hoaglun: Mr. Mayor?

Simison: Thank you. Councilman Hoaglun.

Hoaglun: Question, Mr. Morgan. I was just curious. You said that the house -- the property to the east and there is -- there is a couple properties. Are you the one closest to Pine?

Morgan: Yes. I have the seven acres right there where the cursor is.

Hoaglun: Okay. And your -- your property has that bridge?

Morgan: I have a -- I have a gate onto Pine, but the bridge -- it can't hold my motorhome. I already broke through it once. Had to get a wrecker out to lift me off and so I can still -- it's -- it's a lousy bridge.

Hoaglun: Okay. Yeah.

Morgan: It's not --

Hoaglun: That's what it sounds like.

Morgan: It's not safe for weight.

Hoaglun: Okay.

Morgan: And our gate on Pine, I do have to stick my vehicle out into the street to see what's coming. So, it's not a very good access. But Quarterhorse has been our way in and out, but with the traffic -- and when they do Black Cat in the next three or four years, whenever they do it, they are going to make that four lanes -- the highway department is not going to want Quarterhorse used. It's not a good situation. So, anyway, I would be a fan of any way possible getting Quarterhorse cut off as soon as -- as you can. The gate would make him -- or her, I guess, more willing to use the paved road that's going to be there and -- and we wouldn't be very long before the -- the sign on the corner that says Quarterhorse Lane belongs to the Caseys. They are the ones that put it there. So, they -- that's -- you know. And they have the right to do that. But it's just really a pain for the rest of us.

Hoaglun: Okay. Thank you.

Simison: Anybody else that would like provide testimony at this time on this item? Okay. Then we will invite the applicant to come back up for further -- what I'm sure are questions and comments from Council. So, we will start with your -- any additional closing comments and, then, we will move into more questions.

Constantikes: I don't have anymore comments. I'm glad that Mr. Morgan came to add his -- his -- how it would affect him. That -- that was helpful information that I hadn't -- hadn't even occurred to me that we would inadvertently be taking something away that would improve their lives and their safety. So, I'm happy to answer anymore questions that you have.

Simison: Council, additional questions?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I -- I -- I'm looking at this application and what's being proposed this evening in my opinion it isn't legal. Putting a gate there wouldn't be legal, because the gentleman's not agreeable to it. So, what's being proposed this evening in front of me I'm not in favor of. I would suggest -- and I'm one of six -- but I would suggest continuing this application for you to go and figure out either further discussion with the property owner who is not agreeable to the easement first or, second, coming to us with a solution to your problem that's legal, instead of having to make this decision for you on the dais this evening. I just don't think that's fair for us. That's not our purview. I think it's important for you to come to us and say this is what I recommend. This is what we recommend. Something that's legal, something that can be binding in a court of law. I just don't see that this evening. So, I would recommend personally continuing this project for further discussion and solutions on your part.

Constantikes: Mr. Mayor, if I might. I don't know that there is another option. They are -- we can't even talk to them.

Bernt: Well, that was just one solution.

Constantikes: Yeah. And --

Bernt: There is -- there is many others that we have discussed this evening that can be put on paper and can be formalized. You know, I'm just not seeing a legal solution with -- that's being presented this evening.

Constantikes: Mr. Mayor. Could you maybe direct me as to which of the options that were discussed this evening that you find most palatable?

Bernt: I mean something that doesn't include the easement, because you don't have access to it.

Constantikes: I'm not sure I understand.

Bernt: What I'm saying is -- Mr. Mayor, do I have --

Simison: Yes. I'm just letting you go.

Bernt: Okay. Thank you, sir. I just -- I don't think your -- I don't think that your solution -- if you are saying that you are in a position where the one property owner is unwilling to even talk about relinquishing their easement, then, I think anything that you -- we have discussed tonight with regard to the easement, whether it's a gate, whatever, off the table.

So, either you need to close it off, either you need to put a gate, whatever the case may be, but I want to know what that looks like in writing formalized and agreed to by Joe -- by our staff before -- before -- I'm just -- I'm one of six. I mean I may be the lone wolf, but that's just my opinion.

Constantikes: I'm just -- I want to understand what you are saying is the reason I'm -- I'm asking questions is because I want to understand. So, if I understand correctly, what you are saying is that you are looking for a document that -- that specify -- I'm just -- I'm a little lost. I apologize.

Simison: Can I -- can I try?

Bernt: Sure.

Simison: I will to -- again, I'm even worse than his lone wolf, because I don't even --

Constantikes: I just -- I want to keep deep diving until I really understand what you are asking.

Simison: I think it is removing the easement from the plat from a design standpoint. You know, you can provide a gate on your property, so anybody further down Quarterhorse Lane can come right into the street that you do to go out to Pine. I mean there can be a gate that way, but just from a practical standpoint, having the easement as part of the plat or --

Bernt: No easement.

Constantikes: Okay. That -- that's very helpful.

Dodson: Mr. Mayor?

Constantikes: So, what you are -- what you are saying -- go, Joe. I will wait.

Dodson: Thank you. I just wanted to clarify, as I did earlier, I don't know if it's through the DA mod or you would require additional applications -- can the plat that has not been recorded, can that be modified through the DA modification? I would -- I don't know if we can require that.

Simison: Yeah. I'm -- I'm not asking -- from my standpoint as a nonvoting member, I don't care how you get there, if this needs to be denied, withdrawn, redone as an overall application, that's -- I'm just suggesting that the easement is a problem and have you find a solution --

Dodson: Okay.

Perreault: Mr. Mayor?

Simison: -- is a process.

Perreault: They -- they own the property.

Constantikes: Yes.

Perreault: They own the property. So, what are they supposed to do with it if they leave it out of a plat? It will just be a --

Simison: The development portion of it -- you don't have to --

Perreault: They own it.

Simison: But they --

Perreault: So, what, is it supposed to just be like an empty lot? I mean the section -- the section with the -- that's the dirt road area that's -- that's within their development, they own and that individual has an easement to -- to access across it, but they own it. So, I don't understand how it's illegal if they put a gate on a property that they own.

Nary: Mr. Mayor? So, I guess maybe to answer your question, what I heard and what I read and what I think Joe read is probably the worst thing from a legal standpoint is a very broadly worded vague document and what you have here is a document that does not say, as you said, you can -- it doesn't say you can't put a gate on there, it also doesn't say you can and that's my concern. So, you can certainly put a gate on your own property that accesses into Horse Meadows. You can give Mr. Morgan access through that gate. You can prevent your other property owners from accessing that gate if you wish and allow only Mr. Morgan access to that gate and that's perfectly fine, but I think what -- what I was hearing is the concern is in putting that gate across that easement without the consent of the southeastern property owner, that opens both Horse Meadows, as well as the city to engage in litigation to determine if you can and we don't know if you can or not. So, what you are -- where we started was no final plat until everybody agrees. Now, you are asking us to modify that to allow it to only be two people in agreement without the third one even agreeing to the solution you are proposing and that's what I think Council Member Bernt is saying is the third -- the other party has not agreed to even the solution, so, therefore, again, we are going to order a gate to be placed on that property, that person is going to come to the city and say, you now are preventing my access, not just Horse Meadows, but the city. So, without their consent, which is I think what Council Member Bernt is asking, is could you get their consent. You know, could you -- could your -- could your developer and Mr. Morgan have a conversation with the neighbor on at least consenting to the gate access? Again, he may be not willing and that's his right, but I think what -- what I'm hearing from the Council is the apprehension of involving us into that. So, again, if you put all the gates on Horse Meadows and the only person allowed through that gate is Mr. Morgan or that property owner, that's certainly within your purview. You can certainly do that. And, then, that affects nothing with the adjacent property owner.

He can come in and out, he can continue as the same. No changes for him. No reason to litigate.

Constantikes: Mayor and Council, I just want to make sure I'm really clear. Mr. Morgan is amenable to the easement modification. It's Mr. Casey and Mrs. -- Mrs. Casey who have declined to participate. I just want to make sure that's real clear.

Nary: I understood that.

Constantikes: Yeah. So, if I'm understanding you correctly, you are asking for two things. You are asking for the gate to be located on -- on the area that will become Horse Meadow Subdivision and that we obtained somehow permission from the Caseys to put a gate across there. Am I understanding this correctly?

Nary: No.

Constantikes: No.

Nary: Mr. Mayor, Members of the Council, what we are saying is if you put the gate on the Horse Meadows' property you don't need Mr. Casey's permission. If you do want to put it across the -- the easement, you will need their permission. So, it's either get their permission to put the gate across Quarterhorse Lane or only put the gates on the Horse Meadows' property and grant access to Mr. Morgan's property, if you wish and, then, he could have the access out to Pine as he's asking. So, that was what I was suggesting. Again, whatever the Council wants. It's their -- their call.

Constantikes: Mr. Mayor, Mr. Nary, I understand what you are saying now. More than -- more than happy to shift that. You know, I have never had a situation like this. I just took a snapshot of the plat and went for it. So, it wasn't -- I mean I gave it my best effort and a little bit of fine tuning is fine. So, we will just shift the gate into Horse Meadows and -- and as you suggest we can -- we would be happy to do that.

Simison: Well, in the --

Perreault: Mr. Mayor?

Simison: Yeah. I would says it's -- for that -- I mean I don't know how you can shift this without redrawing the plat and moving the roads and moving parcels to accommodate that, just -- unless Council thinks otherwise. I don't want to -- this is a bigger issue than -- so I mean maybe we should go back to the conversation of continuing this public hearing, allow staff to work with the applicant and if they can't get that, then, we can come back and withdraw this entire application for a different approach, if that's what is needed.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Help me understand. If there was never a gate shown -- I mean the gate -- it was on this drawing is shown here as a -- it's not really part of the application. It's just, hey, this is what we are going to do as a concession. If that gate wasn't on there -- that wasn't -- that's not something that's a condition of this applicant; right? Like we are not conditioning that? Okay. So, if the gate wasn't on there and there was not a gate conversation being had during this hearing and they chose to put the gate on their property after the hearing, is that -- then the city is not culpable anymore? Help me understand further the city's culpability in -- if they put their gate on their private property and they give access to Mr. Casey, I don't understand how the city is culpable, because the gate -- the gate is not part of the application, is it?

Nary: Mr. Mayor, Members of the Council -- and, then, maybe Joe can help me here, but the Quarterhorse Lane -- the attempt was to limit the access to Quarterhorse Lane to only the property owners that were there and that the other property owners in Horse Meadows aren't going to access into Horse Meadows through that. That was what the gates were for. But the direction from the City Council was all three of those adjacent property owners needed to consent to relinquish that easement before we would bring forward a final plat. That -- that didn't happen. So, now we are back with -- where does Quarterhorse Lane land, where do these access points into Quarterhorse -- or into the Quarterhorse -- or the -- this particular development end up and that's kind of where we are at. It's crossing that easement that now limits the access. Right now where this gate was I don't know what's going to limit the Caseys, but if it is going to limit their access, that's a concern, because now we will have ordered it. That's what they are asking for in this application, for us to order a gate to be there, to, then, only allow the Caseys the use of it, everyone else has to go through -- go through Horse Meadows.

Simison: And without limiting ACHD --

Nary: Right.

Simison: -- does not approve of this process --

Nary: Right.

Simison: -- which, again, I don't even know how much -- do we care? Curious right now. Okay. We do. Just want to be -- make sure. Okay.

Borton: Mr. Mayor?

Simison: Council Borton.

Borton: I think the idea of a continuance is -- if you are willing to give it a shot --

Constantikes: As long as it's not on September 9th, because I have a whole different hornet's nest I need to deal with a different agency, so I need to --

Borton: That's a Thursday, so it wouldn't be that.

Constantikes: Yeah.

Bernt: Penelope, I have the date for you.

Borton: And here is the reason I think -- the way I see it is working backwards it would never have been annexed. We would have had the comment at that hearing that says it's just not ready. This is such a fundamental piece. It's why the condition was in the DA prior to the final plat. It's just a fundamental part of this application being successful. You have done excellent work trying to craft a solution. It's going to take a little more time. If there is a solution at all that -- in the Mayor's point that might be the only option is to redesign the plat with a different application that -- that doesn't have this easement as part of it. I don't know if that's the case. But you getting -- I don't know what Council President has -- 30 days or something to noodle some alternative suggestions, because the one today doesn't cut it.

Constantikes: I will get my crystal ball out.

Bernt: Mr. Mayor?

Constantikes: My magic wand.

Bernt: Penelope, how does September 28th work for you?

Constantikes: I'm sure it's just fine. I don't -- I don't have my calendar right here with me, but I'm sure it's fine.

Bernt: Do you want to -- do you want to verify?

Dodson: It works for me.

Bernt: Thanks, Joe.

Dodson: I'm just an employee. I mean --

Constantikes: The 20th would be fine.

Bernt: Any other closing comments, Penelope, before we continue the public hearing? Okay. Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we continue this item, which is Item 19, which is H-2021-0050, to September 28th.

Hoaglund: Second the motion.

Simison: I have a motion and a second to continue this item until September 28th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued.

MOTION CARRIED: ALL AYES.

ORDINANCES [Action Item]

20. Ordinance 21-1940: An Ordinance Amending Meridian City Code Section 1-5-2, Relating to the Official Newspaper of the City of Meridian; Providing a Savings Clause; and Providing an Effective Date

Simison: Council, we will move on to -- just wrap this up this evening before we take a break. So, move onto Item 20, Ordinance No. 21-1940. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance amending Meridian City Code Section 1-5-2, relating to the official newspaper of the City of Meridian; providing a savings clause; and providing an effective date.

Simison: You have heard this ordinance read by title. Is there anybody who would like it read in its -- in its entirety?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm not requesting that it be read in its entirety, but would it be possible for us to have Mr. Nary explain the move from Meridian Press to Idaho Press?

Nary: Mr. Mayor, Members of the Council, I certainly can and Mr. Johnson can probably supplement that as well. We have had a few issues on publication with Meridian Press, because it's a weekly. So, we have looked into that and to cure occasionally, if there is a printing issue, it's another week, which can delay development agreements, annexations, and other things. So, the city has to have an official newspaper by code. It has to be -- and there is other particular specifics about it that have to meet that criteria. One criteria that trumps most other things is that it's printed within the city, printed within the county, or printed within the state. To be honest -- and the research, both at my office and Mr. Johnson's office has done, it is absolutely unclear to me where the Idaho Statesman prints the paper. I have no idea where they print it, but it appears that from all intents that we can find, the Idaho Press is printed either in Kuna or in Nampa, but it is printed here. So, we -- we talked about it internally, talked about it with the Council President and the Mayor -- felt that if we moved to the Idaho Press, because it's a daily -- well, six days a week, that it is a better opportunity if an error occurs or something needs

to be done quickly, we have occasions where we have passed an ordinance on a Tuesday and waiting ten full days is a long time for something we would like to have implemented sooner. So, this gives the city a little more options. It still is compliant with the state code. If I have missed anything certainly Mr. Johnson's done a lot of research on this as well.

Simison: Well, with that do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1940.

Strader: Second the motion.

Simison: I have a motion and a second to approve Ordinance No. 21-1940. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is agreed to.

MOTION CARRIED: ALL AYES.

- 21. Ordinance No. 21-1941: An Ordinance (H-2020-0113 – Foxcroft Subdivision) For Annexation of a Parcel of Land Located in the Southwest ¼ of the Northeast ¼ and the North ½ of the Southeast ¼ of Section 10, Township 3 North, Range 1 West, Ada County, Idaho, and Being More Particularly Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 24.567 Acres of Land from RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: Next up is Ordinance No. 21-1941. Ask the clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to H-2020-0113, Foxcroft Subdivision, for annexation of a parcel of land located in the Southwest ¼ of the Northeast ¼ and the North ½ of the Southeast ¼ of Section 10, Township 3 North, Range 1 West, Ada county, Idaho, and being more particularly described in Attachment “A” and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 24.567 acres of land

from RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1941, with the suspension of rules.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve the item under suspension of the rules. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: ALL AYES.

- 22. Ordinance No. 21-1942: An Ordinance (H-2021-0021) – Prevail North Subdivision) for Annexation of a Portion of Government Lot 1 of Section 31, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, as Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 5.63 Acres of Land from RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; Providing That Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: The final item of the evening is Ordinance No. 21-1942. Ask the clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to H-2021-0021, Prevail North Subdivision, for annexation of a portion of Government Lot 1 of Section 31, Township 3 North, Range 1 East, Boise meridian, Ada County, Idaho, as described in Attachment “A” and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and

contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 5.63 acres of land from RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Would anyone like it read in it's entirety? If not, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1942 with the suspension of rules.

Cavener: Second the motion.

Simison: I have a motion and a second to approve the item under suspension of the rules. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is agreed to.

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics? Then do I have a motion to adjourn?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn.

Hoaglun: Second the motion.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:19 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK