

Meridian City Council Work Session

August 9, 2022.

A Meeting of the Meridian City Council was called to order at 4:30 p.m., Tuesday, August 8, 2022, by Council President Brad Hoaglund.

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

Members Absent: Robert Simison.

Also present: Chris Johnson, Joy Hall, Laurelei McVey, Warren Stewart, Tracy Basterrecha, Kris Blume, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<u> </u> X <u> </u> Liz Strader	<u> </u> X <u> </u> Joe Borton
<u> </u> X <u> </u> Brad Hoaglund	<u> </u> X <u> </u> Treg Bernt
<u> </u> X <u> </u> Jessica Perreault	<u> </u> X <u> </u> Luke Cavener
_____ Mayor Robert E. Simison	

Hoaglund: All right. Well, I will call this work session to order. For the record it is Tuesday, August 9th, at 4:30 p.m. Our first item of business will be roll call attendance.

ADOPTION OF AGENDA

Hoaglund: Our next item is adoption of the agenda.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: There are no changes to the agenda as published, so I move that we adopt the agenda.

Cavener: Second.

Hoaglund: I have a motion and a second to adopt the agenda with no changes. All those -- any discussion? All those in favor, please, say aye. Any opposed? The ayes have it and the agenda is adopted.

MOTION CARRIED: ALL AYES.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the July 19, 2022 City Council Work Session**

- 2. Approve Minutes of the July 19, 2022 City Council Regular Meeting**
- 3. Approve Minutes of the July 26, 2022 City Council Work Session**
- 4. Approve Minutes of the July 26, 2022 City Council Regular Meeting**
- 5. Fairview Row Townhomes Sanitary Sewer Easement No. 1**
- 6. Impressive East Ridge No. 3 Sanitary Sewer and Water Easement No. 1**
- 7. Lavender Heights Subdivision No. 3 Sanitary Sewer Easement No. 1**
- 8. Final Plat for Outer Banks Subdivision (FP-2022-0014) by JUB Engineers, Generally Located at the Southwest Corner of W. Franklin Rd. and S. Ten Mile Rd.**
- 9. Final Order for Briar Ridge No. 1 by Kent Brown Planning Services, Located on the West side of S. Meridian Rd., between W. Lake Hazel Rd. and W. Amity Rd., near the mid-mile point**
- 10. Final Order for Oaks North No. 12 (FP-2022-0019) by Toll Southwest LLC, Located at W. Burnt Sage Dr. (Parcel Number S0428325460)**
- 11. Final Order for Pine 43 Animal Farm (FP-2022-0017) by J-U-B Engineers, Located at the Southeast Corner of N. Webb St. and E. Pine St.**
- 12. Findings of Fact, Conclusions of Law for Bountiful Commons East (H-2022-0015) by KM Engineering, LLP, Located at 5960 and 5984 N. Linder Rd.**
- 13. Findings of Fact, Conclusions of Law, and Decision Order for Request for Reconsideration for Burnside Ridge Estates (H-2021-0070) by Kimley-Horn and Associates, Inc., Located Near the Southwest Corner of S. Linder Rd. and W. Victory Rd., Including 2365 W. Victory Rd., 3801 S. Linder Rd., and Parcels S1226142251, R0831430030, R0831430022, and R0831430010**
- 14. Findings of Fact, Conclusions of Law for Centerville Subdivision (H-2021-0046) by Engineering Solutions, LLP, Located at 4111 E. Amity Rd. (including the outparcel to the south) and 5200 S. Hillsdale Ave., at the Southeast Corner of S. Hillsdale Ave. and E. Amity Rd.**

15. **Findings of Fact, Conclusions of Law for Pickleball Court Subdivision (H-2022-0025) by The Land Group, Inc., Located at 4050 W. McMillan Rd. at the northeast corner of N. Joy Street and W. McMillan Rd.**
16. **Findings of Fact, Conclusions of Law for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Ave. (Parcel #S1210417400)**
17. **Approval of Purchase Order 22-0353 to Hughes Fire Equipment for One (1) new Pierce Velocity 100' Ascendant Ladder Truck for the Not-To-Exceed amount of \$1,698,277.00**
18. **Ada County Highway District Cost Share Permit: Eagle Rd., Lake Hazel to Amity**
19. **Amendment to State/Local Agreement for Meridian Rail With Trail Pathway**
20. **Project Agreement Between the Nampa & Meridian Irrigation District and the City of Meridian for Boring Under the Eight Mile Lateral at Lakeview Golf Course**
21. **License Agreement Between the Ada County Highway District and the City of Meridian Regarding Downtown Trees and Flower Pots Additional Water Connection**
22. **Interagency Agreement Between the Ada County Highway District and the City of Meridian for Water and Sewer Improvements for Locust Grove Road, Overland Road To Victory Road, ACHD Project No. 519034.001 & 319043**
23. **Resolution No. 22-2338: A Resolution Vacating a Public Utility Easement Between Lots 11 and 12, Block 3 of Fairbourne Subdivision No. 3, Located in the Northeast ¼ of the Southeast ¼ of Section 21, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho; and Providing an Effective Date**

Hoaglund: Next item is the Consent Agenda.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: I move for the approval of the Consent Agenda as published. For the President to sign and Clerk to attest.

Cavener: Second.

Hoaglund: We have a motion and a second to approve the Consent Agenda as presented. Any discussion on any of these items? If not, all those in favor signify -- of adopting the Consent Agenda, please, say aye. Any opposed? The ayes have it and the Consent Agenda is adopted.

MOTION CARRIED: ALL AYES.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Hoaglund: We didn't have any items moved from the Consent Agenda.

DEPARTMENT / COMMISSION REPORTS [Action Item]

24. Finance Department: Approval of the Revised Fiscal Year 2022 Amended Revenues and expenditures of \$194,955,456.00

Hoaglund: So, let's move into Department/Commission Reports. First up is the Finance Department and we have an item before us -- I think, Council, you received a memo on this from Finance about approving the revised fiscal year 2022 amended revenues and expenditures. So, it's just one of those items that -- I will -- I will read and, actually I will make it as part of a motion and, then, we can vote on that and -- and have the correct revenues reflected for this -- for this item -- amended revenues and expenditures. So, I move that Council approve the revised amended revenues and expenditures for fiscal year 2022 and that amount is 194,955,456 dollars.

Borton: Second.

Hoaglund: Motion and second to approve the revised amended revenues and expenditures. Any discussion? Hearing none, all those in favor of the revised amount, please, say aye. All those opposed? Any opposed? Hearing none, that is adopted.

MOTION CARRIED: ALL AYES.

25. Fire Department: Memorandum of Understanding between the City of Meridian and IAFF Local 4627 to Establish a Permanent Position of Captain – Logistics

26. Fire Department: Memorandum of Understanding between the City of Meridian and IAFF Local 4627 to Waive Time-In-Grade Requirements for Engineer Position

Hoaglund: Next up, Item 25, Fire Department. Chief Blume. A memorandum of understanding. We like understanding.

Blume: Good evening, Council President and Council Members. I guess I have Items 25 and 26 on there and this is just for an awareness for Council that we opened the contract -- or, actually, the union opened the contract to correctly reflect some verbiage that's captured in Article 1.3 that should the budget be approved as it's written there will be a captain of logistics that's represented in the CLA and so the terminology was updated to reflect that position in the CLA correctly. That's all that MOU is about. And, then, the second MOU -- if there is any questions about that --

Hoaglun: Yeah. Let's -- any questions, Council --

Blume: I'm sorry.

Hoaglun: -- on Item 25? Okay. Chief, go ahead. Item 26.

Blume: Okay. And, then, the -- Item 26, the second MOU, again, with the union working with administration -- obviously, the organization is growing exponentially. You know, 40 percent over the next year. We have figured out that there is going to be a -- we -- we won't -- would not have enough fire apparatus operators or engineers to meet the demand that's going to be up and coming and so working with the union administration and the union came to the agreement to allow for a waivering of -- a one time waiver of a time in grade to allow people who would not traditionally be eligible to promote, should they be successful through the engineer development program and a testing process, we wait -- they -- they intend to allow a waiver of that time in grade. So, that's what that MOU reflects and so that way we will be able to internally hire Meridian firefighters to drive and operate the apparatus versus hiring from outside the organization.

Hoaglun: Thank you, chief. Any questions?

Nary: Mr. President?

Hoaglun: Yes, Mr. Nary.

Nary: Mr. President, Members of the Council, I just wanted to make sure -- because we haven't had one of these for a few years. We have done this before. We have had situations, just like the chief has said, where we have grown and there is not enough people with the time to do the backfills to get these positions promoted, but they can pass the test, they can pass the programs, they meet all the requirements, but for that one condition. So, we have done this periodically over the years for the exact same reasons, so --

Hoaglun: Thank you, Mr. Nary. Any other questions, comments? All right.

Blume: Okay. Thank you.

Hoaglun: Thank you. Warren.

Nary: Mr. President, we do need a motion to approve both the MOUs.

Hoaglund: Oh. Okay. Let's go back then. Item No. 25, the MOU to establish permanent position of captain of logistics.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: As to Item 25, I move that we approve the MOU between the local and the City of Meridian establishing a permanent position of captain of logistics as stated therein.

Strader: Second.

Hoaglund: I have a motion and a second on this Item 25. Is there discussion? Hearing none -- Mr. Nary, is this a voice vote for an MOU or --

Nary: Roll call.

Hoaglund: Roll call. Okay. Mr. Clerk, will you, please, call roll.

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

Hoaglund: All ayes. Motion carries.

MOTION CARRIED: ALL AYES.

Hoaglund: Item No. 26. Councilman Borton.

Borton: Mr. President. I move that we approve the MOU between our local and the City of Meridian to waive the time-in-grade requirement for the engineer position as set forth in that MOU.

Cavener: Second.

Hoaglund: We have a motion and a second for Item 26. Any discussion? Hearing none, Mr. Clerk, would you, please, call roll.

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

Hoaglund: All ayes. Motion carries. And the MOU is adopted.

MOTION CARRIED: ALL AYES.

27. Ordinance Change Discussion: Water Recycling System Requirements for New Commercial Car Washes

Hoaglund: All right. Now, Warren. Ordinance change discussion. Water recycling system requirements for new commercial car washes.

Stewart: Yeah. So, I also have two items. This is the first one, Council President, Members of the Council. The Public Works Department would like to get your input on a proposed change to the ordinance that would require recycling systems for new car washes that go in in the City of Meridian. As you are well aware from this past year, water is a big deal and -- and conserving water is something that we want to make sure that we are cognizant of and that we are working to do our part. Car washes actually are one of the most major water users that we have here in the City of Meridian. In fact, I think one of the car washes is the largest water user in the City of Meridian. So, they use a significant amount of water. They discharge that water to our wastewater treatment plant. That also eats up quite a substantial amount of capacity in the wastewater treatment plant, which if we could, you know, slow that down would allow us to slow down the rate that we have to expand the treatment plant to accommodate new growth. So, we think it makes sense for us to require these. Most of the new car washes that have gone in in the last few years -- in fact, I -- I'm -- I'm not aware of any that haven't -- have actually installed car wash recycling systems, because they actually save them money on the assessments and their monthly bills and it's offsetting enough that they -- they do it. Just so you know, we did reach out to like Fast Eddy's and a couple of other of the car washes that -- bigger car washes that operate in the valley or here in City of Meridian and although most of them put them in because it saves them money, we -- we ask them if they would be willing to support necessarily this change and most of them, as you could expect, kind of said, well, we are not exactly giddy about adding regulations to ourselves, but we are going to do it as long as it saves us money. So, we are here tonight. We think it would be wise for us going forward to just have that as a condition of new car washes as they go in, that they do install the recycling systems, because we do believe that it's in the best interest of the citizens and certainly the Public Works Department from a water consumption, as well as treatment perspective. And with that I will stand for any questions.

Hoaglund: Thank you, Warren. Council, questions, comments?

Bernt: Mr. President?

Hoaglund: Councilman Bernt.

Bernt: I just want to take up a bunch of time, so I have a lot of questions for you right now. First one is what -- what about like existing car washes? Are they going to have to change over -- switch over or -- you mentioned that the largest water user is a current car wash. Are they going to have to switch over to this system?

Stewart: The way it's written we are not asking existing car washes to change. Only -- this would only apply to new car washes that come in.

Strader: Mr. President?

Simison: Yes, Council Woman Strader.

Strader: Unless Councilman --

Bernt: I'm good.

Strader: -- has more questions. Okay. What if a car wash changes ownership, would that be a requirement for the new owner or would that still be grandfathered under the existing car washes?

Stewart: The way it's contemplated is it would be a condition of approval for the car wash. So, I think it would transfer. Maybe that's a better question for Bill, but I think it would transfer to the new owner.

Nary: So, I guess in looking at the ordinance it seems clear to me, Mr. Mayor -- or Mr. President, Members of the Council -- I mean I guess I think it's still an existing business. I don't know that we would require it of a new one, because it may require retrofitting and other things. So, I don't know -- we hadn't discussed that. So, I would have to look at the specific language. But I don't know that that would trigger it, so --

Stewart: Pardon me. I may have misunderstood you. I thought you meant if one was already in would the new business have to continue to operate it or are you asking if an old car wash had a new owner would they have to upgrade?

Strader: Yeah. It's the latter. So -- or -- or if -- or if the ownership of the business changed. So, let's say that a previously existing car wash that didn't have a recycling system is sold to a new owner, would that trigger under the ordinance -- it wasn't clear to me. Would that trigger a requirement or that grandfathering run with the business?

Hoaglund: Warren or Mr. Nary.

Nary: So, Mr. President, Members of Council, Council Member -- Council Member Strader, this is clearly only to new construction, because there are things that have to be approved by the city, because it does require the city engineer to sign off. So, if it's an existing business -- unless they change -- like if they expanded the use -- the expanded use may require, at least for the expansion portion of it, but existing one that's already there, there is a number of them already here, no, they wouldn't have to change, because of the way this ordinance is written.

Strader: Mr. President?

Hoaglund: Council Woman Strader.

Strader: Yeah. Thank you, Warren, that -- that -- and -- and, obviously, thank you, Bill. That makes sense to me. I -- I think there is a -- a really good rationale for this requirement and I think it's grounded in a lot of discussions that we have had in terms of water being our most precious resource. The need for us to think long term about conserving our water supply, especially, you know, in -- here in Meridian and while we have a great water supply and we are very blessed that we have an excellent aquifer, which we are very happy about having, if we have huge water users come in that are not recycling, it could really put a strain on it. So, I appreciate you bringing this forward.

Cavener: Mr. President?

Hoaglund: Yes, Councilman Cavener.

Cavener: Warren, in -- in reading the ordinance -- and I guess I will -- I will kind of lead. I'm struggling with this one a little bit. When you read the first whereas, it's -- it's somewhat vague in that it just reduces the impact on the environment and city water and wastewater systems. I think we are really fortunate that the free market right now is -- is leading on this and doing it voluntarily and if -- if we are asking -- if we are going to now mandate them to do that, I -- I struggle a little bit that we don't have any metrics about what we are trying to achieve. You know, reducing water into our system by X amount percentage or waste by X amount percentage, because I think that there is a lot of ways that without -- I think some stronger sideboards on this, a less than ethical business could try and find a workaround to meet the intent of code with -- or to meet the letter of the code without maybe meeting the intent of what we are doing and so I'm struggling on this particular one, because the free market is already doing this, to, then, come in and -- and mandate them to do it, it just seems a little bit like a head scratcher for me. So, as staff have you guys discussed -- we want to reduce -- we want them to reduce their water by a certain amount? I mean is there a best practice in the industry that we would want to attain for? What are our car wash owners in the valley -- what are they achieving by the systems they have already implemented?

Stewart: I appreciate the -- the question, Councilman Cavener. We did ask some of those questions in fact and we talked to a lot of the -- the manufacturers -- or some of the manufacturers who -- who produce these systems and there is a -- there is a -- there is a fairly good range, although, you know, 20 percent difference between certain manufacturers of this equipment and other manufacturers of this equipment and we -- we struggled with the idea of actually saying, okay, it has to recycle -- recycle, you know, 70 percent or 60 percent of the stream and -- and we thought about putting it in here. But ultimately we thought, well, maybe that's a step too far -- too far at the moment and we just asked them to go ahead and put in a recycling system. It appears that most of the -- the manufacturers of these systems have a targeted range that all seems to be acceptable and that gives them more flexibility than us saying it has to be this and, then, they come back and say, well, we got this manufacturer we would like to use and -- and they are, you know, a few percent one way or the other of that. Is that okay. So, I

appreciate that. It's certainly a conversation we had, but we struggled with trying to set that number and, you know -- you know, felt like it would -- might be a little onerous at this stage, but that's why we didn't put it in there.

Cavener: Mr. President?

Hoaglund: Councilman Cavener, go ahead.

Cavener: Warren, who -- if -- if car washes are our biggest user, what industry is our second largest user of water?

Stewart: That's a fair question. I don't know the answer to it off the top of my head.

Cavener: And -- and Mr. President. The only reason why -- why I asked that is it feels like that we are doing this because they are the largest user and to me if -- if this is the direction the Council wants to go, I want to make sure that we are kind of forecasting. This is the reasons why and if other users and other industries start to eclipse the same amount, would we, then, impose the same expectations on them? So, we are not just focused on the industry, we are -- we are -- we are focused on users. Does that make sense?

Stewart: Yeah. I think that's a fair question. I think the reason that we are looking at this one is we know that the technology exists for them to recycle.

Cavener: Okay. Thanks.

Hoaglund: I -- I would chime in, Warren. And you want -- want our thoughts and whatnot. I think there is incentive built in, as you mentioned, for them to install recycling. If they are coming in building a new one it's in their best interest to do so. It does save them money and it hits the bottom line. The better ROI. From the city's perspective I think we want to do this, because that -- you mentioned it. The treatment cost and the capacity that we have, that's huge on our end and for all users, because that's going to have a major cost if we have to increase that -- add capacity to that. So, anything we can do on that front end and they have that incentive, I -- I think is a good thing to -- to require this just to make sure that you don't have one person coming in just trying to, you know, do whatever. But -- but there is that incentive for industry already to do it, but -- and it -- I think it's a big savings to everybody on the back end and so I -- I think it's a good thing to do, so -- any other comment on this one?

Borton: Mr. President?

Hoaglund: Yes, Councilman Borton.

Borton: Just to the whereases. Sometimes the ordinances are -- are strengthened, because they are referred to over time to have a few of those. You -- you have probably done it to -- to lay out some of the -- the business case to it using examples, numbers;

right? If you are able to say whereas a -- a -- a car wash has a hookup fee and -- and monthly bill of approximately X and installation of these systems often cost -- cost Y and it saves them -- something that recounts that analysis that you have done, showing that it's not only great for the environment, but it has a business case that you have described. Probably already have that data. I think that's helpful in ordinances like this when they are referred to seven years ago -- or seven years down the road and we are wondering what was the reason behind its passage, a little more meat in the whereas tells some of that story. It doesn't change the underlying regulation, but I think it helps the future users to understand why we got there.

Hoaglund: Okay. Thank you. Any other comments on this one? All right. Got good feedback, Warren? Have any questions?

Stewart: No. If I understand correctly, bring it back with a few tweaks and we will go from there. Is that --

28. Ordinance Change Discussion: Maintenance Responsibility for Sewer Services on Private Property

Hoaglund: I think so. All right. Item No. 28. Now we are going to the other end of things. Maintenance responsibility for sewer services on private property.

Stewart: Council President, Members of the Council, this is an item that actually came before you several weeks ago and there was a lot of debate. It kind of went down a singular path of talking about common driveways and so we went back and prepared a little more information and I'm going to talk about that tonight and share some other things with you. It's -- it's -- I want to let you know that the actual nexus for the change here had nothing to do with common driveways when we did it. So, the ordinance as it currently reads basically talks about when you cross a property line the jurisdiction of your sewer service changes and that works great in most single family residential home type situations. But what about commercial or multi-family where there -- we have sewer -- or sewer lines that go all over inside that development and they are all on private property. They never cross a -- a property line. So, we felt like we had to provide some other side boards to this or some clarification, because we have had some questions about, okay, in an apartment complex where does the responsibility of the homeowners association or the apartment complex owners start and stop? And so all we did was we wanted to add language that said, basically, it's -- if it crosses into the public right of way we are responsible for it. If it's on private land you are, unless it's in an easement. If it's in an easement, then, we are responsible for it, because we have no legal right to essentially maintain and operate our system outside of an easement. So, it's where the easement boundary is. So, that was our desire. See if I can figure out how to make this work. That was not it. Which button do I push? Oh, it didn't go. That's what it does. I am not seeing it, but if you are seeing it that's -- well, there is the first one. I had to hit it twice. Okay. So, this is kind of an example, just a quick little sketch of the example of an apartment complex where we have a sewer and a water line that comes in, we have an easement that covers those. If we had a service coming from either one of those buildings the

jurisdictional boundary would, essentially, be where the easement begins and ends and that's what we wanted to address. So, that's what the -- the tweak to this actually accomplishes. It just basically says if it doesn't cross into a public right of way, then, the easement language applies and the easement says where that boundary line is. So, that's what we were hoping to clarify. Now, because we -- the -- the conversation went to the common driveway thing, I have some scenarios for you that I want to talk about and share with you just a little bit, because common driveways have been a conundrum and a problem for a long time from a Public Works perspective. They present a maintenance difficulty and I think we came several months ago with Bill Parsons and had a conversation about that and shared some of the -- the challenges that we have. Those are very narrow. Getting the -- the big vac truck up in and out of there is very -- is not very convenient and it's also a little scary when you are trying to back that thing in and out. Sometimes there is cars and one thing and another around. So, we will talk a little bit about that and where we have gone and -- right now. So, this is the typical picture of a common driveway without any of the utilities in the private -- or in the common driveway. So, they are out in the public roadway and, then, one of the things that we used to do -- this is kind of the evolution, if you will, of where we have gone when it comes to services, sewer and water, in common drive. We used to put a public sewer main that's represented in green with the little green circles being manholes and that went all the way up the common driveway and the services ran off of it. It's -- I think it's important to say that the water lines have always had meters out next to the right of way and private services that went down the common drive. That's the way they have always been and they still are today. The only thing that's changed is how we deal with the sewer and the reason for that is under this scenario we had to get vac trucks and CCTV trucks back to the back of that common driveway, which was not fun and -- and not convenient for the neighbors either. So, we went from this scenario to another scenario where we put services from the main lines out in the main roadway, both sewer and water all the way through there. That meant for this little example where you have three houses you had a total of six lines -- Public Work -- or water and sewer lines. They were private, because they were the service lines. But you also had gas, phone, power -- all these other utilities in this 20 foot swath and it was a bunch of spaghetti running underneath the roadway and it presented some challenges as well. So, where we are now, just so we are clear, is we now -- the water lines haven't changed, but on the sewer line we actually install a jurisdictional manhole at the right of way and, then, the line -- the rest of -- the balance of the sewer line going up the common driveway is actually private and it is the responsibility of the homeowners association or I will say the homeowners to operate and maintain that. That's -- who maintains that is up to the -- to the -- essentially the developer and how he puts it in the CC&Rs. Most infrastructure that is in a common lot is maintained by the HOA, but I think they have the ability to write those in -- however they see fit. So, whether they, you know, write it up so the HOA cares for it or whether they write it up so that the homeowner cares for it, I couldn't tell you. It's outside of our ability to control. But I think most of them are probably, essentially, maintained by the HOA, because they are in a common lot. That's the current practice, because that keeps our trucks and our maintenance vehicles out of the common driveway. Now, I know some of the concern that you guys had was, well, that puts a burden on those -- potentially on those three homes to maintain that segment of sewer line and that could be correct or it could be the

entire HOA. I'm not sure. Depends on how they set it up. But I also want to kind of give maybe just a little piece of information that's prospective. These sewer lines when they put -- when we put them in we expect them -- PVC lines and -- and these manholes to last a hundred years. If they are CIPP lined they can go another 50. So, it -- and that's a fairly inexpensive process in comparison. So, just for some perspective, with relatively little maintenance that line will last 150 years, which will probably be as long as some of those homes will be there. So, I just wanted to provide that as a piece of information that might be valuable to the conversation and to your consideration. But this ordinance change really doesn't change that at all, because we are still saying the jurisdictional boundary for the service is at the public right of way. Without an easement in that common driveway we couldn't go in there anyway. Not legally.

Strader: Mr. President?

Stewart: So, I would just stand for questions.

Hoaglund: Council Woman Strader.

Strader: Just so I understand, the biggest concern I would have is trying to get multiple homeowners to work out how to pay for something at the same time. That -- that would be more my concern. So -- now I'm looking at your diagram. So, then, is it true that now the way we do it each homeowner has a line coming off of the main sewer and so they each individually would be responsible for their line to the public street or do they all share one line that branches off?

Stewart: So, each home would have a four inch sewer service that would come from their home out to the common driveway. In the common driveway there is going to be an eight inch sewer main, although it will be a private main. So, they will all tap into that private main. So, each homeowner would be responsible for their service for sure, their four inch service that goes to the main, but it could be the homeowners association -- association or the -- the homeowners -- those three homeowners responsibility to maintain that eight inch main for that common driveway segment. It would depend on how the developer set that up in the CC&Rs. I can't tell you how they -- they are going to do that. I don't know. Usually -- I will just say this. Usually infrastructure that's in a common lot, which a common driveway is, is maintained by the homeowners association. For instance, they have asphalt there. It's an asphalt drive. Who maintains the asphalt? Is it the three or is it the HOA? Typically it would be the HOA that would come in and do the asphalt. It's the same kind of a scenario. Who is maintaining the asphalt driveway back there? Is it the three owners or is it the HOA, because it's in a common lot. I think that's up to the developer how they set it up, but, typically, that's the HOA.

Bernt: Mr. Mayor?

Hoaglund: Councilman Bernt.

Bernt: So, walk me through this then. So, first question how -- how often are we -- are we fixing these -- these lines that go up common driveways? Is it a common occurrence? Are we spending too much money on this? It's sort of a pain in the butt. We don't want to deal with it anymore. I mean what's -- what's --

Stewart: Well, fixing it probably the -- you know, it depends on which scenario you are talking about, whether you are talking about the four inch lines that run all the way out to the road or whether you are talking about a main line. We don't -- if it's a main line like this we don't go in -- we have some of them where we do have a public main that goes up the common driveway. That's the way we used to do it. We haven't done anymore. We don't do it anymore. The issue is not that it is a maintenance headache, the issue is that every three or four years we go in and we clean it and we do a CCTV inspection of it just preemptively to make sure it's functioning and working correctly. That means we have to have access clear to the back of that common driveway with that big vac truck and I don't -- I'm not necessarily speaking of you guys, but I don't think people a lot of times appreciate how big that truck is. It is big. And when you see it try and negotiate some of these easements and things and get down on the manholes in other places, it -- you know, I have even been surprised when I'm like, holy cow, there is -- you know, we have had to make changes to how we require easements when they go around corners, because it takes a lot of turning radius to get that thing around there, so --

Bernt: Mr. President?

Hoaglund: Councilman Bernt.

Bernt: So, when -- when these developers submit plans for development, instead of putting -- like, again, the burden on these homeowners or HOAs, couldn't we require them to design their subdivision so that our trucks could get back there a little bit easier, so we could still work on it without any problem? If it's happening three or four times -- or, excuse me, every three or four years and it's -- is it a day? It's an afternoon? Is it a morning? Is it a pretty quick process or --

Stewart: I couldn't tell you. It's not a whole morning just to do that one little segment. They will -- they will come in and maybe do a subdivision and they will -- they will work on it. That will take, I don't know, probably the better part of an hour to get back in there, set up and clean.

Bernt: That situation -- I would rather -- I would rather deal with the little noise and a little inconvenience, as opposed to potentially having to fix a problem that could cost quite a bit of money for a private citizen that doesn't have access to the type of equipment that we have and the resources that we have, so it seems a little bit -- I don't know. I don't know about this one.

Hoaglund: Warren, question. If -- let's say Lot No. 4, we got six kids and one of them has a habit of flushing the teddy bear down the toilet all the time and they call the sewer service, they would come in and they could clean out that line to where it's plugged. I'm

assuming some of these sewer companies have ability to go into the eight inch line to also clean that out or to unplug that?

Stewart: Yeah. Councilman -- or Council President Hoaglund, yeah, many of them -- many of them do. They have the same kind of equipment that the city does or in some cases smaller versions of that equipment.

Hoaglund: Okay. Yeah.

Perreault: Mr. President?

Hoaglund: Yes, Council Woman Perreault.

Perreault: So, the -- the newest structure that you described how -- how they are being installed currently, how long has it been city -- the city been installing with -- with that particular process? And can you shed some light on the timing of why -- why we are having the discussion now versus when this method started being used? Is that question clear?

Stewart: I think I understood the first part, but I don't know if I understood the second part.

Perreault: Okay. So, your -- you are describing that there is a main section of sewer. There is an eight inch line that goes up the common drive and, then, there is four inch lines to individual homes; right? That -- that method of -- of installing the sewer lines, when did that begin?

Stewart: Council Woman Perreault, I -- I'm not sure, but we have been doing it I think at least a couple of years that that's been in the process. So, it was a matter of how we put -- maybe it was in the last update of the design standards. I can't remember. Or the specifications. But we -- we have modified that at the request of our operations team, because they came back to us and said they didn't like maintaining these sewer lines at the back of these common driveways. Especially they don't like backing out of these common driveways, because there is nowhere to turn around. So, they have got to pull in there with these great big trucks and, then, they have to back out of these common driveways and it's narrow and there is lots of -- sometimes things around and -- and they just felt like it was unsafe, so -- yeah.

McVey: Council Members. So, I think we are getting a little bit off on the topic of private drive. So, the ordinance change doesn't change anything that we are doing with private drives. We are following this last picture that Warren described and have been doing it for some time. The only way to fix the private drive problem is to not have private drives. There is consequences to that; right? Developers are not going to like that proposal. In our world, in Fire's world, we would love to have just regular streets and subdivisions that have full access for our vehicles, their vehicles. So, I think the private drive issue is a -- a bigger issue; right? I don't know that we can solve that. What our ordinance change

is, though, as Warren described, was specifically related to where we are required to do maintenance and where the resident is required to do maintenance. So, all it's doing is changing it from saying the property line to saying the property line or an easement and so -- like the apartment building, we would be in charge of it within the easement. On the private drives we are not responsible until it crosses the property line or an easement. What Warren mentioned is we do have some of -- when we first started doing private drives and we didn't know all the things about private drives, we did have some of our city infrastructure that would go up into the private drives. Those would have easements and we would be responsible in the easement. So, hopefully, that helps clarify a little bit, is that we aren't actually trying to change anything about private drives. They are a problem. But we are trying to clarify under most conditions where we are responsible and where the homeowner is responsible.

Stewart: Yeah. I think -- I apologize if -- and -- and thank you for coming up. So, this ordinance change really wouldn't change anything in the common driveway. The discussion that I think you are having -- and -- is around do we want the infrastructure to go up the driveway as public infrastructure or do we want it to be private. The jurisdictional boundary, even if we wanted -- if you decided you wanted it to be public, we would just require an easement and this ordinance language would remain the same, because it would either be at the easement boundary or the right of way. So, they are kind of two separate issues. They are related, but they are kind of two separate issues.

Perreault: Mr. President?

Hoaglund: Yes, Council Woman Perreault.

Perreault: So, I was following that. I didn't -- I wasn't confused about what it is that we were discussing. The reason I was asking about the timing of when this method started was because -- I'm trying to understand if we have been doing this for a while why the ordinance is being brought now versus earlier versus -- was there something that spurred this, like an event that caused it? Was there -- I mean that's the context I'm trying to get, not about what we are doing with private driveways, as much as why are we having this discussion currently? What has brought this about?

Stewart: I appreciate that, Council Woman Perreault. The -- the main reason that we actually started discussing this had to do with apartment complexes, to be honest with you, and we had conversations from owners of apartment complexes who were like is it the back of curb at the edge of the parking lot that we -- is the jurisdictional boundary? Where is it? And -- and we were like, well, it's the easement. We can't go outside the easement. But, then, we realized it doesn't actually explicitly say that in the ordinance. So, we just wanted to provide some clarification that said in an apartment complex type scenario or a commercial development, like, you know, a shopping center, it's where ever the easement boundary is, because there won't be a public right of way or a property line and that was the nexus for the change. It had nothing to do with common driveways. That just happened to get into the conversation.

Borton: Mr. President?

Hoaglund: Yes, Councilman Borton.

Borton: To that point that's spot on. I thought it makes good sense. It provides clarity up front early on with a literal legal description from the easement, the public right of way description, to know where the responsibilities -- who has what on either side of that line. It seems like a really good clean up improvement. Not that drastic of a change.

Hoaglund: Any other comments? Mr. Stewart -- oh, yes. Laurelei.

McVey: Let me ask for I guess some additional -- I know this is not necessarily -- but do you guys want to have additional conversation around the bigger common drive issue or is that something -- I know that's probably not -- okay.

Borton: Mr. President?

Hoaglund: Yes, Councilman Borton.

Borton: Do we put easements on all private driveways? Those common drives?

Stewart: Not at all.

McVey: Not anymore.

Borton: Okay.

Hoaglund: So, that would be a future discussion topic among Council if they want and, then, we -- we can put this in and, then, that -- if we go that route, then, that's in place and move -- move forward, so -- Council Woman Perreault.

Perreault: Thank you, Mr. President. I apologize that I missed Councilman Borton's question. What did he ask?

Borton: The last one?

Perreault: Yeah.

Borton: Do we put utility easements -- water, sewer easements in the common driveways.

Perreault: Okay.

Borton: As a requirement.

Stewart: We do not.

McVey: Not anymore.

Strader: Mr. President?

Hoaglund: Yes, Council Woman Strader.

Strader: Do we have any common driveways in Meridian that are not covered by an HOA that we know of? I guess that would be the follow up I would ask for, because -- not like to hold this up, but just as a detail to check up on, because I'm just -- I understand this is like very unlikely, but let's say in 50 years there is a common driveway where there is no HOA and something breaks and the three homeowners can't agree or something like that. Like would we accept payment from one of them? Do the work on behalf of all of them and, then, when those other homes are sold we would expect them to pay in or I -- I'm just -- I understand that's really like out there in the thread, but I'm just -- those are the kinds of things I'm worried about, things that we don't anticipate yet that are just -- those fringe cases where somebody gets saddled with a 20,000 dollar bill, because the two other homeowners in their HOA common driveway can't agree with them or -- you know, we can't have something like that happening, so -- because I'm just asking for like -- maybe not for the ordinance, but just like I think you guys need to think ahead of like the playbook of like how are you going to handle those scenarios.

Stewart: I'm not aware of whether there are common driveways out there that are not part of an HOA. Common driveways are a relatively new thing. I have been here at the city 13 years. In the first few years I was here I never heard of them and, then, all of a sudden they became the in thing, because they were cheaper than cul-de-sacs to put in.

McVey: So, Council Woman Strader, one of the things that we can do in that scenario is -- if it became a public health emergency we are able, with proper legal noticing, to tell them, hey, we are -- we are going to come on your property and fix these things and you will be responsible for the cost and we can put those costs as a lien on the property with all the proper noticing. It has to get to the level of creating the public health emergency. But we do have the ability to fix it and make them responsible for the costs.

Hoaglund: Council Woman Strader.

Strader: I'm sorry, I am really worried that we are just going to go down a rabbit hole now, so I'm trying really hard to hold myself back from that, but, you know, like not that different than remember I -- before my time there was a whole subdivision that had a problem with like their -- oh, hello, I'm blanking. Their septic tanks and didn't we have to come in and we had to like bring sewer to that neighborhood. It was an emergency, but like how did we work that out with them? I'm curious. Did we expect them to pay for it all at once? Was it a condition of annexing into the city? Like how did -- how did that happen? Because it's not that different than this.

Hoaglund: I think you are referring to the place below Kentucky Ridge.

Strader: I think so.

Hoaglun: Forgot the name of that -- that subdivision. Yeah. Meridian Heights. And that was -- that was a very involved process. I was on Council at the time and -- yeah. I don't want to go through that again.

Stewart: Yeah. So, Members of the Council, Councilman Strader -- or Council Woman Strader, yeah, Meridian Heights and Kentucky Ridge. They -- the city went through a process -- they had their own sewer -- it wasn't septic tanks. They had their own sewer lagoon that they operated privately. But they pumped the solids from that and land applied them to the farm adjacent and the farmer was -- the -- the agreement was coming to an end and the farmer didn't want to allow them to do that anymore. He wanted to sell the property and develop it and -- and so there was a -- that process took years in the making. But, ultimately, the city did enter into an agreement where they took over the system. The -- the -- the landowner that owned the land application side, as well as those people, all contributed to the cost of that and they were required -- I think they ended up passing a bond that they -- it was a 20 year deal where they had 20 years to pay their share of the cost, unless they sold their home and, then, it was due on sale and so they are still in that process. Some of those homeowners out there are still in the process of paying for that via a bond, because -- because the Kentucky -- the Meridian Heights-Kentucky Ridge organization -- I can't remember their official name now. But they actually had gone through the process to become an entity that could bond or ask for a bond. So, they paid for it. It was a very convoluted process, but, yeah, it took years in the making.

Strader: Okay. So, I guess it -- yeah. I -- I -- I guess I would just ask you to take -- take away that scenario I gave you and think through how you guys would recommend that we handle it, especially if a bond is not an option for a private homeowner and it's a significant hardship, you know, especially for an older resident like how -- what would we do? Like we would have to figure that out; right? So, I don't think it affects the ordinance, but I -- I think that is just something to -- we need to think of through now, not when it happens. Thanks.

Hoaglun: Council Woman --

Nary: Mr. President?

Hoaglun: Yes, Mr. Nary.

Nary: Mr. President, Members of the Council, Council Woman Strader, I mean I -- I think some of that scenario we have thought through. You have situations where you have older homes that are in the county that have a failed septic system. We have sewer available to them, so they want to hook up. We have worked with property owners in that scenario. You have county subdivisions off -- say off of Franklin or off of Overland that are all on their own systems as well. Many times it is going to be developer driven. I mean if a developer wants to rebuild that subdivision or -- or enhance the subdivision in some way they are going to be a participant in that thing. So, unless the entire system

was failing, which is what was happening in Meridian Heights, most of them are going to be very small, one at a time type of -- of situations and we have resolved almost all of those I can think of with -- with the property owners.

Hoaglun: And just -- I might weigh in on that. I -- I think there would be a way through the billing process to work out payment plans, because they are hooked to the city systems -- I mean we -- we would have to explore that to see if that's the mechanism, but -- so, if they have a big -- big bill they can't pay -- they want to pay, but they can't come up with a lump sum, you know, is -- is that -- is that an option? I -- I don't know. Fortunately, it doesn't sound like it happens that often, but I think there would be options out there to explore.

Bongiorno: Mr. President?

Hoaglun: Yes, Deputy Chief Bongiorno.

Bongiorno: Thank you. Mr. President --

Hoaglun: Common lot -- driveways; is that correct?

Bongiorno: I am going to go there, since Council Woman Strader brought in the 50 year scenario. We have a lot of subdivisions -- I'm sorry if I'm yelling. We have a lot of subdivisions where we have the common driveways and part of my requirements is that common driveway has to be maintained 365 days a year for fire, police, and EMS and if that HOA goes away and we get another snowmageddon and house number four catches fire, I mean we have no recourse. So, I think common driveways should be a -- a topic that we all should talk about. You know, get with Planning and everybody, because I'm -- I'm with Warren, I was like what are these things and -- I mean I can see why they do it, because it's -- it's a -- an efficient way to get more bang for their buck. But for Fire, Police, these guys, Public Works, it -- it's a pain. It really is.

Hoaglun: Appreciate that, chief. I think we did about a year ago cut the common lots from six to three. We -- we halved it, so -- so, part way there. But anyway. Anything else that you need, Warren?

Stewart: So, I understand correctly, just to -- to reiterate, bring it forward pretty much as is, because it really is irrelevant to the common driveway conversation and if you guys want a common driveway conversation you will tell us in the future.

Hoaglun: That's right.

Stewart: Thank you.

Hoaglun: You got it. Thank you, Warren. Thank you, Laurelei. All right. That's the end of the agenda. Do I have a motion to adjourn?

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: Motion to adjourn.

Hoaglund: Have a motion to adjourn. All those in favor say -- say aye. All ayes. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 5:20 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____/_____/_____
COUNCIL PRESIDENT BRAD HOAGLUN DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK