

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Tuesday, November 4, 2020, by Mayor Robert Simison.

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

Member Absent: Jessica Perreault.

Also present: Chris Johnson, Bill Nary, Alan Tiefenbach, Shawn Harper, 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: For the record it is Tuesday, November 4th, at 6:02 p.m. and we will begin tonight's meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next item on -- on our agenda is the community invocation, which will be led this evening Pastor Daryl Zachman of Calvary Chapel -- Calvary Chapel Treasure Valley. If you would all, please, take this -- take this time to join us in the invocation or take this as a moment of silence.

Zachman: Our Heavenly Father, we come before you this evening, acknowledging that our hope and trust are in you. As the psalmist says: Blessed is the nation whose God is the Lord. Our nation and our communities face many challenges, including a pandemic and political and racial divisions. We ask for your mercy, protection, and healing for our land. We lift up our Mayor and City Council Members. We thank you for their leadership and the many hours they devote to serving the people of Meridian. Help them in the decisions they make tonight. Guide them in protecting our citizens and improving our city for everyone. We ask these things in the name of your son Jesus Christ, amen.

ADOPTION OF AGENDA

Simison: Thank you. Next item is the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I would like to change up the agenda a little bit this evening. It has to do with Executive Session. We will be adding Idaho State Code 74-206(1)(a) and 74-206(1)(f) for discussion for Executive Session this evening. Other than that, I think everything looks good. So, with that I move that we approve the -- the -- the agenda as -- as -- as amended.

Hoaglun: Mr. Mayor, second the motion.

Simison: There is a motion and seconded to adopt the agenda with the additions. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the agenda is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

COMMUNITY PRESENTATIONS [Action Item]

1. Parks and Recreation Department: Service Recognition for Commissioner Creg Steele

Simison: Next item is under Community Presentations. Parks and Recreation Department service recognition for Commissioner Creg Steele. I'm going to turn this over to Director Steve Siddoway.

Siddoway: Thank you, Mayor Simison and Members of the Council. It is my pleasure tonight to be able to take this opportunity to recognize someone who has done a great deal of service to our department and our city and that is -- is Creg Steele. Creg, would you mind coming up and joining me. We were able to recognize Creg and give him a plaque for him -- as he stepped off the commission at the meeting in October. However, there was an award that had not come to us yet that I want to present to him tonight. That's from the Idaho Recreation and Parks Association, our state parks and rec agency, and I'm glad to see Treg here tonight, because Treg, Councilman Bernt, was formerly on the -- the Parks and Recreation Commission before he was on Council and I believe it was him that coined the term Godfather as our beloved nickname for Creg Steele for his numerous years of service. So, I just want to read a little bit for you of what we submitted that -- that won the award that we are going to present tonight. We call him the Godfather of Meridian Parks and Recreation and for a very good reason. Meridian resident and businessman Creg Steele volunteered as a member of the Parks and Recreation Commission continuously since January of 2000. Prior to being appointed to the Parks and Recreation Commission by the mayor then, Creg also volunteered with Meridian's

March For Parks program for two years. Creg also served two terms as the president of the commission and served as its vice-president numerous times as well. We have actually lost count, but we believe it may be as many as eight times. In addition to these roles, Creg has served the City of Meridian on its golf course advisory committee, downtown revitalization committee, and its pathways committee. In the community he also has served as a volunteer coach for youth athletics and for several years he donated his time and talents to the Friends of Meridian Parks organization raising funds for needed park projects. Creg will tell you his favorite projects over the years involved work on Settlers Park and Kleiner Park because of the wide variety of amenities these popular regional parks include and the wonderful assets they have become for our city. When we asked him why he served the city for so long as a volunteer, Creg replied it's for the kids. His commitment to preserving future park space in our community, developing quality neighborhood community and regional parks, and enhancing the connectivity of our city's pathway system has never wavered. Creg recently retired from a seat on the Meridian Parks and Recreation Commission and attended his final commission meeting last month. But he didn't get away without being recognized for his two decades of service to the Meridian Parks and Recreation and for the positive impact he had on our community. So, I would also like to note that earlier this year Mayor Simpson recognized Creg with the prestigious Meridian Mayor's Legacy Award and, as I was mentioning at the beginning, just a couple weeks ago was honored by the Idaho Recreation and Parks Association with the citation of merit award for outstanding individual for someone who has made a significant contribution to parks and recreation in the state of Idaho. Neither Creg nor I were able to be in attendance at that particular conference, so it's my distinct pleasure to take this opportunity to award -- to award this award to him tonight with all of you and here it is. IRPA 2020 Citation of Merit Outstanding Individual Creg Steele in recognition of outstanding service and achievement in the parks and recreation field. So, with that thank you, Creg, for your 20 years of service and dedication to parks and recreation in our community. I will turn this over to you and let you say a few words.

Steele: Thank you. Nice to see you guys here tonight and thank you. Yes, it's been a while I guess and I have said it before and I just think, you know, Meridian -- we have some awesome parks and it's because of what you guys do and the effort that you put in, the commission and our citizens and all of us working together we have been able to accomplish some -- some awesome things and our parks I think are some of the best in the state and we have always had that attitude here. Steve and his department -- gosh, what a great department they are and everybody treats it like it's their own, but with that, though, with everybody doing and working together, you know, our parks are just second to none and when we have had the ability to build a park we don't just build a park, we build something that we can actually look forward to and something that's better than just your average park. You know, you look at Discovery Park and Kleiner and all of these -- you know, Bear Creek -- any of them. Settlers. They are not just parks, you know, we -- we didn't have to have the tennis courts that we have out there, but we built it that way so we could have a tennis tournament to bring people together and these groups and same thing with the baseball fields there and stuff. So, I just thank you guys for working with us on the commission and being there and supporting Meridian like you have.

Simison: Council, the only thing I got is probably a standing ovation, but I will turn it over to you for some comments if you would like.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Along with the kiddos, Creg, I know that's the reasons why you said you do these things and you have donated so much of your time over the years, but just as important I believe you did it, excuse me, because you care not only for the kiddos, but the deep love that you have for your community. I have known you for a long time and consider you a dear friend. I know your family. Know your wife. Know your daughters. And you have been a great volunteer. So, just want to let you know thank you so much. I hope your tangerine color sells a lot in your neighborhood and business. Hope it's a hug hit for you. And I just want you to know I hope you are not a stranger. I hope that you continue to do what you do. I know it's in your soul. It's in your blood. I guarantee you that you are not going to be able to stay, you know, sitting on your hands for -- for too long, because you are going to get an itch to come back and do something and I want you to know when that happens that the door is always open for you. So, thank you so much. Thank you, Sandra, and thank you to your kiddos for the long nights away from home and all the hours that you have donated to this community. Thanks, Bud.

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor. Creg, thank you so much for your service to our community. I mean this is a true definition of someone who has a passion to see things done and they volunteer, they step up to serve, and I don't want people to be scared away thinking they have to serve 20 years, but you set the bar awfully high for everyone. But at the same time you are a great example of what it means to serve your community and we are so blessed with these outstanding parks because of service by you and others on the parks commission and like you said, the staff and -- and people that sit up here, all working together to make it better -- a better community and a great location. You know, just thinking back, you know, I think we first met in 2008 when -- when I first came on Council the first time and -- and those were -- those were tough times and I remember the discussion when we had the ability to purchase that 70 acres, what is now Discovery Park out there, and we just scraped pennies together to see -- it was such a great deal we had to do it and I remember thinking someday, you know, what, 20 years from now that's going to be fantastic. We will develop that as a park. It's going to be great that we did that. And here it was ten years later we have first -- the first phase open, you know, from that purchase time and it's -- you know, looking ahead of the foresight you had to make sure that we think to the future and what our kids and grandkids and those that follow us have and will it be something that's a quality and -- and the Kleiner Park is a good example. We were blessed with that wonderful gift. But the involvement of the park commission and staff on having that come about a reality in a way that's just beautiful, you know, you just -- you just had your hand in so many of these parks that it's just a blessing for our community, because -- because of you being involved. So, thank you for that, Creg, and

I'm glad to call you friend and, yeah, like Councilman Bernt, I don't know if you will be able to keep -- keep out of something, you know, but we would welcome your involvement. So, we much appreciate your efforts. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I would love to add a little bit to it. You are so loved around this community for so long, Creg. Truly appreciate everything that you have done for decades literally. That long-term vision that Brad talks about, Settlers Park is the example that -- that comes to mind for me, because I remember the work when it was planned and, then, constructed and, then, you know, both my boys grew up playing on it for years and years and years and years. So, that long-term vision and the ability to, then, you know, most recently with Discovery Park to know that -- that your efforts are to make the community successful for generations. I know I got a chance to live it with my boys and they are grown up. You served on the parks commission with one of them as he got older and I know their -- their kids will probably play on Settlers Park and the fields that you envisioned as well. So, appreciate all that you have done and it's -- it will last a lifetime in our community, so --

Steele: Thank you.

Borton: And Treg's right, do not be a stranger. I don't think you will be, but --

Steele: No. I don't think I can be, but --

Borton: Thanks, Creg.

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. First, Steve, thanks for doing this award presentation here at Council. Everything that's going on you could have easily taken it to Creg, sent us an e-mail, and all that stuff's really great, but the fact that you took time to let us share part of the celebration is really great and it speaks to I think so much about what makes Creg unique is that he's truly an ambassador of our community. A convener. He's the guy -- I think probably all of us on Council -- at least a lot of us that have been here for a little bit at one point or another have called Creg to wrestle with an idea. I know that I can count on -- on a couple of hands the times I have called him out of the blue say, hey, Creg, let me -- let me throw something at you and his commitment to our community extends outside of just the parks commission. Here is a guy who is really -- he's really on fire for Meridian and is I think a shining example of a great Meridian citizen and Council President Bernt hit the nail on the head, just thanking the family for -- for sharing him with our community, with -- with our kids over the past 20 years, leaving quite a legacy that all of us will be able to enjoy. Thanks, Creg.

Steele: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will just say thank you so much, Mr. Steele, and your great example to our community, especially because you gave the most precious resource, which was your time, and I hope that other people are inspired by that to do the same. Thank you.

Steele: Thank you.

Simison: And -- and while I do want to end this with a standing ovation for your service, you know, we are designed for living here and a lot of that has to do with the -- the parks and what they mean for our families and I think that it's safe to say, you know, we have a lot of people that volunteer in our community and a lot of people that make it special, but here at the city we -- I think there is certain people that are part of the city family and you definitely are part of that city family. So, whether you want to come back and help out or you want to come back and complain, you know, whatever families do, you have that right and when you have that and you will be respected for that whatever it is that you decide to do. So, I don't want this to be like you are going away from that standpoint, but we do just want to honor and respect all you have done for our community and say thank you.

Steele: Thank you.

Simison: And with that --

Siddoway: I think Shelly is going to want to get a quick picture.

CONSENT AGENDA

- 2. Approve Minutes of the October 20, 2020 City Council Regular Meeting**
- 3. Approve Minutes of the October 22, 2020 City Council Joint Meeting with Ada County Highway District**
- 4. Hill's Century Farm North No. 1 Water Main Easement No. 1**
- 5. Millbrae Subdivision Water Main Easement No. 1**
- 6. Apex Offsite Sanitary Sewer Easement No. 5**
- 7. Final Plat for Edington Commons No. 1 (FP-2020-0005) by Conger Group, Generally Located on the East Side of N. Linder Rd., North of W. Ustick Rd.**

- 8. Final Plat for Movado No. 9 (H-2020-0006) by DevCo, LLC, Located Approximately ¼ Mile South of E. Overland Rd. on the West Side of S. Cloverdale Rd.**
- 9. Final Plat for Quartet Northeast No. 1 (FP-2020-0003) by Kody Daffer of Brighton Development, Located on the East Side of N. Black Cat Rd., ¼ Mile South of W. McMillan Rd.**
- 10. Final Plat for Shelburne South No. 1 (FP-2020-0001) by Ian Connair of KimleyHorn & Associates, Located on the North Side of E. Amity Rd. Midway Between S. Eagle Rd. and S. Cloverdale Rd.**
- 11. Final Plat for Shelburne South No. 2 (FP-2020-0002) by Ian Connair of KimleyHorn & Associates, Located on the North Side of E. Amity Rd. Midway Between S. Eagle Rd. and S. Cloverdale Rd.**
- 12. Findings of Fact, Conclusions of Law for Jocelyn Park Subdivision (H-2020-0067) by Bonnie Layton, Located on the South Side of W. Victory Rd., Approximately ¼ Mile West of S. Meridian Rd.**
- 13. Agreement for Extension of Domestic Water and Sewer Service Outside Meridian City Limits at 2690 E. Franklin Rd.**
- 14. Agreement Between the City of Meridian and Kurita America, Inc. for the Purchase and Supply of Well 18 Iron and Manganese Removal Tank and Equipment for a Not-to-Exceed Amount of \$791,862.00**
- 15. Approval of Cost Share Permit with Ada County Highway District (ACHD) for NonTransportation Improvements Associated with Eagle Rd., Victory Rd. to Amity Rd. Widening Project**
- 16. License Agreement Between the Nampa and Meridian Irrigation District and the City of Meridian Regarding a Pathway in the Baraya No. 5 Subdivision**
- 17. Estoppel Certificate by City of Meridian in Favor of Lakeview Meridian Investors and Western Ada Recreation District Confirming Meridian's Consent to the Assignment of the Lease at Lakeview Golf Club to Western Ada Recreation District and Discharging Lakeview Meridian Investors from All Covenants and Obligations Under the Lease**
- 18. Memorandum of Understanding with Local 4627 and the City to Extend Specific General Employee Benefits to the Union Members through November 30, 2020**

- 19. Resolution No. 20-2240: A Resolution Vacating the 5 Feet Existing Property Drainage, Utility and Maintenance Easements Established Along the Interior Lot Lines of Lots 1-4, Block 4 of the Gemstone Center No. 3, in the City of Meridian, Ada County, State of Idaho**
- 20. Resolution No. 20-2241: A Resolution Authorizing the Eighth Continuance of a Local Disaster Emergency Declaration and its Terms for an Additional Thirty (30) Days; Authorizing the Continued Immediate Expenditure of Public Money to Safeguard Life, Health and Property; and Providing an Effective Date.**
- 21. AP Invoices for Payment - 10-27-20 - Special - \$51,803.31**
- 22. AP Invoices for Payment - 10-28-20 - \$5,283.50**
- 23. AP Invoices for Payment - 11-03-20 - \$786,413.41**

Simison: Next item is our Consent Agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Mr. Mayor, I don't believe that we have any changes on the Consent Agenda. So, I move that we approve the Consent Agenda, for the Mayor to sign it and for the Clerk to attest.

Hoaglund: Mr. Mayor, I second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Simison: Mr. Clerk, do we have anything -- nothing removed from the Consent Agenda.

PUBLIC FORUM – Future Meeting Topics

Simison: Do we have anyone signed up under the public forum?

Johnson: Mr. Mayor, we do not.

ACTION ITEMS

24. Public Hearing for Proposed Winter/Spring 2021 Fee Schedule of the Meridian Parks and Recreation Department

Simison: Okay. Then with that we will move into Action Items. Our first item is a public hearing for proposed Winter-Spring 2021 Fee Schedule for the Meridian Parks and Recreation Department. I will open this public hearing with staff comments and turn this over to Mr. White.

White: Mr. Mayor, Members of the Council, thanks for having me tonight. In front of you guys is the proposed fees for the 20-21 Spring-Winter activities that we plan to offer. With that I will stand for any questions.

Cavener: Mr. Mayor?

Simison: Council, any questions? Yes, Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Garrett, not necessarily a question about the fees, just maybe a quick overview for Council about kind of how the Parks Department's had to pivot around COVID, kind of what the plans are, backup plans related to the winter-spring activities and -- I guess I don't -- I don't see us necessarily coming out of this phase anytime soon and I think it would be good to know kind of how the department is responding.

White: Councilman Cavener, Mr. Mayor. Good question. We are constantly -- and we this past year have had to be flexible all the way through and adapt as the orders come down either from the CDH and/or the governor's office and, really, it's to keep our community safe. So, we collaborate with the Central District Health Department quite a bit on our programs, giving them an idea of what we want to do, make sure they are on board with it and make sure we are a partner with them as well in doing this. So, to answer your question, we just kind of -- kind of roll with the punches and see what we can offer and adapt to what we do. Sometimes we will limit numbers based on number of gatherings and things like that. But, ultimately, we do work with CDH to make sure we are being safe and providing programs or community engagement activities for the community. So, I hope that answers your question. Kind of. Do you have a follow-up?

Cavener: Mr. Mayor, follow up if I can.

Simison: Councilman Cavener.

Cavener: I guess, Garrett, taking all of the -- all that we have learned over the past year, one of the changes that the department has done in response to -- I mean to your point we are not offering programs the same way that we have, but I mean does -- in your opinion does this next rec guide look the same as years past or have we made changes and what do we do if -- if this doesn't get any better in terms of refunds or communicating with our -- with our customers?

White: Councilman Cavener, Mr. Mayor, some of the things we do -- we just try to communicate the best we can with our customers. If for some reason we have to go backwards and cancel classes, we put that information out as soon as possible. We offer things based on the current order and how we are going to proceed with those orders and adapt as we get towards the class. So, really, it's just a communication between the public and what we do. Our current activity guide we plan to -- we would like to see it the same as in the past. We are going digital with it to make it more -- I guess cost effective getting information out. A lot of things are going digital. We tried that this last time and it worked out very well. We got good feedback and it got out to everybody. A lot of information was posted. But when it comes to the actual protocols that we have in place, each program is different. Like I mentioned, we do limit the gathering sizes. We have hand sanitizers in place. We have the mask requirements there for all of our programs. We have the social distancing things. All while working with Central District Health while we are putting these programs on. And that's the key thing is we want to make sure our community stays safe.

Simison: Council, any other questions? This is a public hearing. Is there anybody that would like to provide testimony on this fee schedule or did we have anyone sign up, Mr. Clerk?

Johnson: Mr. Mayor, no one signed up and there is only one participant here.

Simison: Okay. If anyone would like to provide testimony, please, do so by using the raise hand feature at the bottom of Zoom. Just give that a second. Seeing no one, Council?

Hoaglund: Mr. Mayor?

Simison: Council Member Hoaglund.

Hoaglund: I move that we close the public hearing for the proposed Winter-Spring 2021 Fee Schedule for Meridian Parks and Recreation Department.

Bernt: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

25. Resolution No. 20-2236: A Resolution Adopting the Winter/Spring 2021 Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date

Simison: Next item is Resolution No. 20-2236.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I will move approval of Resolution No. 20-2236, adopting the Winter-Spring 2021 Fee Schedule of the Meridian Parks and Recreation Department.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I second that.

Simison: I have a motion and a second to adopt Resolution No. 20-2236. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it and the resolution is agreed to. Thank you, Garrett.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

26. Public Hearing for East Ridge (H-2020-0096) by Devco Development, LLC, Located North of E. Lake Hazel Rd. Between S. Locust Grove Rd. and S. Eagle Rd.

- A. Request: Development Agreement Modification to replace the approved clubhouse amenity with a dog park, water feature and park, and removal of additional requirements for berming, increased setbacks and fencing.

Simison: Next item on the agenda is the public hearing for East Ridge, H-2020-0096. I will open this public hearing with staff comments and turn this over to Alan.

Tiefenbach: Good evening, Mr. Mayor, Members of the Council. Alan Tiefenbach, Associate Planner. So, this is a proposal for a modification to an existing development agreement for reconfigurations to the second and third phases of the East Ridge plat, removal of a required clubhouse amenity and removal of a development agreement addendum that was approved to address neighbor comments. Put up a vicinity map here, so refresh your memory. It's at the northwest quadrant, basically, of Eagle and Lake Hazel. I'm going to run through a little bit of the history, because there is a lot here. The property was annexed, zoned, and platted for 139 residential lots. Let me close this. And it was platted for seven common lots. And that was done in 2017. The development agreement included general layout, amenities, building elevations. In 2019 it was discovered that additional concessions that were made by the developer during the public hearing had not been included into the original development agreement. In 2019 the Council approved a DA addendum that included these conditions and most of these

conditions were specific to the western property at 2310 East Lake Hazel. They -- they included wrought iron fencing, a one story height berming and increased landscaping. However, it's important to point out that some of the additional requirements were not just specific to the western property. That includes a one story height for all houses in the Village area -- and I will go through in a minute with some diagrams to kind of explain this to you. So, some of the additional requirements that weren't just specific to the western property included one story height for the houses in the Village area, increased setbacks at the northwest and east portions of the platted area, as well as an age restriction for properties in the Village area. I think it's important to note that that age restriction was one of the reasons why -- it was one of the justifications that was used by the applicant in the public hearings to rezone it to R-15, because there were some significant community concerns at that time. So, the filing one of the plat was approved in 2019 and the majority of this is built out. The applicant requested a pre-app to discuss filing two and phase three as well. The lot configuration for filing two did not differ enough to require revisiting the preliminary plat. You can -- you can do things -- you can make changes as long as you don't increase the number of lots or decrease the common -- or open space, which it didn't do, but the layout did differ enough that the design didn't match what was shown in the original DA exhibit and that also includes the elevations. They were different as well. In addition to that, at this pre-ap meeting the applicant proposed to remove the clubhouse. There was a clubhouse that's required to be built with filing two and this applicant wanted to eliminate the clubhouse and reduce it -- and replace it with a dog park, water features, and an outdoor shelter structure. Also this applicant requested that the DA addendum be terminated, because the property to the west is now under a different ownership. On the left here is the original preliminary plat and what really is different here, Council, is that the dotted lines you see there were common lots. There were common lots all over this plat and it became very difficult for staff to try to enforce setbacks on this. What you see on the right is what is proposed now. And, again, the major difference is that those common lots have gone away and you will see now that in that -- I guess that loop that you could call it in here, there is two new internal private roads that are taking the place for those common lots. Outside of that, the lot sizes and the lot numbers have not changed. This is the approved landscape plan and I just put a little label there to show you where the clubhouse is. So, Lake Hazel is down here and this is the entrance. Most of all of this up to the north and all of this to the east is mostly under construction. There are probably a third of the lots that are still vacant and being built on. I put this exhibit together to try to explain the addendum to you. So, the addendum has four sections to it. It talks about the whole development. It talks about the estate lots, the rim estate lots, and the Village area. I want to sort of go through and talk about this, if that's okay with you, Council. Starting on the left-hand side -- so, the applicant proposes to terminate the entire addendum. Staff had concerns with the entire addendum going away, because, as I mentioned, there are some restrictions that would apply to all of the properties, not just the western property. So, starting with the estate lots, the DA addendum restricts properties to one story in this area and rear -- rear setbacks should be 45 feet. So, there are -- there are numerous properties to the north here that would be affected by that as well, not just this property to the west. The -- in the estate lots the DA addendum requires all of these properties to have 45 foot setbacks and seven and a half foot side setbacks and there are -- there are a few lots that have not

been built on here yet. Staff looked to see if building permits had been issued and they have not yet. That's why staff is concerned about removing all of those restrictions. Those would affect actually all of the properties in the subdivision that's under development to the east. We recommend in addition -- this is the Village area here. It's in green. That's the area that's zoned R-15. It's supposed to be age restricted. The DA addendum restricts properties in this area to one story and it also requires it to be age restricted. There is numerous -- some 80'ish, maybe -- or maybe 90 lots there still to be built out here. Staff thinks that removing that addendum is a pretty significant change and that would affect a lot more than just the western property. And, finally, the DA amendment requires all of the specific properties -- it requires specific things for this western property and that's the wrought iron fencing, the setbacks, the berming, the landscaping, staff is okay with removing all of those requirements. In addition, on the left here you can see the elevations that were proposed with this DA. In general what you are looking at here is your duplex-type houses and on the -- on the right-hand side what is being proposed are these patio homes and you can see that these are being shown as one story. So, staff is fine with that. So, staff recommends termination of the development agreement addendum, referencing the staff report. Staff recommends the original DA be -- be amended and this DA amendment would retain the requirement for a clubhouse. So, we don't agree with the applicant on that particular thing. We also recommend that -- we referenced the new lot layout and the elevations and that is in the -- the recommendations in the staff report and it would also retain -- or I guess you could call carry over all those requirements that I talked about in the addendum that were not specific to the western property. Again, those are all listed in the staff report. And with that I will entertain any questions, Council.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you very much, Alan. I guess do you have a concern about the amenity that is specifically because this is age restricted housing and is that typical?

Tiefenbach: That's a great question. Thank you. Yes, we do. So, there is a few reasons why we -- we didn't -- we didn't support removal of the clubhouse. The applicant's justification -- and I think this is going to be the only issue that the applicant and staff are not going to be seeing eye to eye on. So, the applicant's justification for the clubhouse was that with the COVID pandemic there are less people that want to mingle indoors and their argument is that more people now want to do things outside. Staff's concern with that, first of all, is the -- the pandemic, hopefully, is going to be a temporary situation, I really hope. Not a long-term situation. We don't believe that the -- the desire for a clubhouse amenity for indoor gatherings is going to go away just because of this pandemic. The second thing, Council Person, is that the -- the -- this clubhouse is specific to the Village area, which is this R-15 zoned area, which are these patio homes and patio homes typically have very narrow side yards, not a lot of backyard. So, we think that's

even more reason why there should be some sort of community gathering place and, third, I guess -- and really importantly is that outdoor areas in Idaho are probably not going to be super useful in maybe November until April when it's cold and snowy and icy. We think that an indoor amenity, like a clubhouse, would be much more useful to the local population.

Strader: Thank you. Mr. Mayor, a quick follow up.

Simison: Council Woman Strader.

Strader: I guess my question would be is this typical that we would get this specific about a particular amenity. I know sometimes we require a tot lot, for example. I guess I'm just trying to wrap my head around it in terms of is there a precedent that we have set that we are specific to age restricted housing requiring a clubhouse for any specific safety reason or another overarching concern that's different because that population is different. Is there anymore to it than just usability and for it to fit with the community?

Tiefenbach: Not being here longer than seven months I'm not sure if I can give you a specific example. It's very common that the Council has approved development agreements with very specific requirements. There has been some additions to projects for tot lots or something like that within a specific area, so -- so, yeah, I think -- I think staff's opinion is that this is -- this amenity would -- would provide a much greater benefit to the -- to the residents than like a dog park. The other thing we are concerned about is that many of those lots have already been -- have been sold in the area and we are not sure which ones are already sort of in the pre-sale area now, so we do have concerns about maybe people thinking that there was going to be a clubhouse there and finding out that that clubhouse has gone away.

Strader: Thank you.

Tiefenbach: And if I can add, I want to give a little personal experience if I may. I just bought a house. Literally. I just closed on it on -- on Monday and in the -- in the neighborhood where I just bought a house there is a lot that has a clubhouse and a pool right now under construction. It's about half completed. And being a resident of that subdivision I can tell you that I'm very excited to know that I have a clubhouse and a pool that I can use year around.

Bernt: Congratulations.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Yeah. Alan, congrats again. How far away is this location from Discovery Park?

Tiefenbach: Yeah. It's pretty close. Is it right across the street? I don't have the GIS up, but it's -- if you are talking about the one that's under development, it's down Lake Hazel -- yeah, a quarter mile on the left-hand side.

Cavener: That was my thought. Okay. Thank you.

Simison: Council, any other questions for staff? Okay. With that I will recognize the applicant for 15 minutes and we will turn this over to Mr. Clark.

Clark: Thank you, Mr. Mayor. Can everybody hear me? Okay. Thanks. And I would like to share a presentation if I could. It looks like I have got a -- I'm competing -- oh, nope. Now it's -- now it's available. Thank you. Okay. So, Hethe Clark. 251 East Front Street in Boise and I am working with BlackRock Homes and Conger Management Group on the development agreement modification that Alan's discussed with you tonight. I thought I would start with a little bit of background. I think Alan has kind of given you that to a pretty high level, so I'm not going to spend as much time on that as I might have been thinking before. But as you know, this is an existing project. It is underway. It's been very successful through phase one. Some of you will be aware that phase one, which we call the estates -- and that's how I will refer to it through the course of the night. Those are the larger lots on the exterior. Those are -- that area is well on its way too being built out. What we are doing now is we are moving on to phases two and three, which is the Village. So, I will refer to these smaller lots in the age restricted community as the Village. It is not built, but we know a lot about how it will best function based on what we have experienced with other projects and I would point you to Movado as a very good example of that. What we are dealing with now is we are dealing with a number of things as we -- as we are moving forward. What we have learned in having conversations with folks in these communities that there are certain types of amenities that they want to see. One thing that they want to see is small, easily maintained backyards and that goes to the -- the lot reconfiguration that we have discussed -- that Alan has shown you. Another thing that we have learned from talking to folks is that the amenities that they want are not clubhouses anymore. The amenities that folks are looking for are outdoor amenities, like dog parks, and so we will -- we will circle back on that, but I wanted to point out that this -- this application comes from that -- the conversations that we are having with folks who either live in these projects or would like to live in these projects. So, as we -- as we look at this application and as Alan mentioned, we propose to modify the layout to respond to what we have learned from these other homeowners and from what we have learned through working through this process with the city, as Alan mentioned, the common driveway thing is pretty tough to manage. This application proposed to remove the old addendum -- and that came -- I want to be clear about that. That wasn't an attempt to try to affect some of these restrictions in -- in phases two and three that we have talked about tonight. That was done at direction of staff, because it looks like at this point you will recall that the -- it was the Baumgartner property to the west that drove those additional restrictions and -- and that is now part of the Lavender Heights project and so a lot of that's been overcome by events. You know, we -- again, there -- I just want to be clear that there is no increase in density here. It's the same number of lots. We are using private streets, rather than common drives. It simplifies life for us. It simplifies life for the

city and we are in agreement with the -- all of the points that Alan made tonight. So, there is no -- there is no debate about the drawing that Alan showed with the gold around the estate lots and around the rim, all of that. We are all on the same page when it comes to all of those standards. And, again, we appreciate Alan's work on that and there really is only one item for us to talk about tonight, which is this -- the amenity package for this project. So, let's cut to the chase with that. So, as you enter the property -- I want to give you a feel for -- for what folks would see here, because this really comes down to have we met your code and, then, are we responsive to what the market would dictate for this type of a project. So, as one enters the project they are going to see this entry monument that they will pass on their way into our amenity area. So, this is the -- the entry monument from Movado. It's going to look a lot like this as people come into the project. And, then this is what they will see once they get there. So, we are proposing for the -- for this 20 -- for every -- you know, for every 20 acres there has to be another amenity. So, for this area we are proposing three. The combination that we are looking at, rather than the single clubhouse from before, is a ramada or what I would like to call an open air clubhouse and why do I call it that? This is not just a picnic shelter like your code would speak to. It's going to be a substantial structure. It's going to be nicely designed with seating, with barbecue area, electrical hookups, extra parking and I will show you a photo soon of what that's going to look like in a moment. But I want you to see it in context with the rest of the amenity package. The second amenity would be the water fountain that you can see on the right. I have a photo of what that's going to look like as well. And, then, the third amenity would be the dog park. That's going to have double gates. It's going to be fully fenced. It will have seven seating benches in it. There will be -- as you can see on the screen, a walking path around the perimeter. It will be fully landscaped. It's about a third of an acre and it's the right size for this small gated community. So, if we look at the water feature, this is what was proposed -- or, excuse me, what was approved in Movado and we are proposing to use a similar design. As you know, water features are improved active use to meet your qualified open space requirements. This is what we are proposing as the ramada, though I like to call it an open air clubhouse. It's -- this design is a photo from another project that we are working on in Eagle. It's been through design review there. It's about 16 by 30. As you can see it's -- it's got substantial construction. It's sharp. It's a beautiful amenity. It's going to be a functional gathering space with -- as I said, electrical and gas hookups and parking nearby. So, bringing this back around to the application, you know, what -- what are we asking for? So, the -- the current Condition 5.1.d says that in the Villages we would provide a clubhouse for that area. It's only for the Villages. It is not for the surrounding estates. Only for the Villages. And I need to emphasize that, because to be clear we have to go -- we need to do this DA mod before we can plat. So, no -- no lots in the Villages have been sold. There is no expectation by anyone of a clubhouse at this point. It hasn't been promised. It's not something that the estate area would use. You are -- if you look at Section 5.1.d, the same one we are talking about modifying right now, it is very clear as to that allocation between the Estates and Villages. So, what we are trying to do here is to get out ahead of the question and we are addressing it with the benefit -- benefit of insight from owners at our sister communities as to what they want to see. Again, they want to see dog parks. They don't want to see clubhouses. And I think that's an important thing here, because we have to think about the size of this community. It's -- this area -- you know, the Village

is 96 lots. That's not enough to provide the extensive use of an indoor clubhouse and what that means is we would be saddling those 96 lots with the ongoing expenditure of maintaining, repairing, and keeping a clubhouse going, when we don't think that that's what they want and what -- it would be appropriate for the market. So, we think this amenity not only meets the market, it's smarter for the future HOA and I want to be clear -- and this goes to Council Woman Strader's point -- this does meet -- it still meets your -- your code requirements. Your code -- one of the qualified site amenities is a picnic structure with tables. We think this is a heck of a lot more than a picnic structure with tables, but it absolutely needs to -- and we don't think that there is a requirement or that it's -- that it's appropriate, really, to micromanage that amenity, so long as it's being provided in a way that satisfies your code. So, in order to keep it simple, this is the language that we would suggest for 5.1.d. We can keep a pretty light footprint in it. The underlined words would be added and, then, this -- there would be just a strike through of the one word. So, it would read the amenities specific to the Village concept include a ramada slash open air clubhouse, sitting area, a dog park and water feature on a large common lot. We think that's a pretty straightforward way to deal with this. It allows us to move forward in a way that we think is appropriate to the market and we would appreciate your approval on that and happy to answer any questions in the meantime.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor. Mr. Clark, I just wanted to make sure, since we are on video conferencing and sound is -- sometimes it's -- it's difficult, but I want to make sure to confirm with you that -- the clubhouse amenity is for the Village area only. I think you said it was and the other question I have is that there are no lots sold yet in the Village complex portion of this development. Is that right?

Clark: Mr. -- Mr. Mayor, Council Member Hoaglund, you are correct on both and to just reemphasize, there are no lots sold in the Village area. We haven't -- we are not platted yet at this point. This is what -- the process we are going through now is preliminary to -- to taking any of those actions.

Hoaglund: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Hethe, a couple of questions for you. I know you guys have done kind of similar projects like this over the valley. Do you have a ballpark about what the O&M is on -- on a clubhouse facility like this, what was originally proposed -- or was originally -- or still being proposed a year?

Clark: Mr. Mayor, Council Member Cavener, I don't have a specific number for you right now. That's something that I can -- I can certainly try to get for you. I mean it's certainly going to be significantly more to maintain -- you know, to power, maintain, take care of, HVAC systems, cleaning, you know, I -- so, this is a -- kind of a commonsensical approach to it, rather than a pro forma approach is the way I would put it.

Cavener: Mr. Mayor, a follow up?

Simison: Councilman Cavener.

Cavener: Hethe, clearly, you know, there is -- there has been an increase of excitement or demand for dog parks in -- around Meridian and -- but I'm curious if you have had any conversations with the planning staff about building an amenity that's, again, from my perspective fairly close to a very similar public asset and what the decision was and why -- why a dog park versus another proposed amenity?

Clark: Mr. Mayor, Council Member Cavener, so -- and that's a -- that's a fair point and definitely kind of thought that might be where your question was headed after we had talked to Alan about it. I would just say that this is a -- a gated community that, it's going to have a small clientele that are going to be living there, they are going to want to bring their small dog to this area and we are thinking a little more as a -- kind of -- exclusive isn't the right word, but something more along those lines for this neighborhood, you know. And, then, the other thing is that until -- until we get some of those sidewalks connected and things, you know, other -- you are looking at basically -- even though it's kitty corner you are probably going to be driving over there. So, this is one that allows people to walk to it within the community.

Cavener: Okay.

Simison: Council, any additional questions for the applicant at this time? Okay. Thank you very much. This is a public hearing. Mr. Clerk, do we have anyone signed up to testify on this item?

Johnson: Mr. Mayor, no one was signed up in advance, but Annette Alonso was in the lobby, so I brought her in.

Simison: Okay. Ms. Alonso, if you were wishing to testify, if you would like to unmute yourself and you will be recognized for three minutes.

Alonso: Can you hear me?

Simison: Yes, we can.

Alonso: Okay. This is Annette Alonso. I'm at 2204 East Hyperdrive in Meridian, Idaho, and I'm representing the Southern Rim Coalition in this situation. I was heavily involved in the original debate over this development, as I do live in BlackRock, but I don't have a

lot of faith in this developer. There has been a lot of things change that have been said and unsaid and things done, so I'm kind of hesitant when they talk about doing something, because it always seems to be there is a DA at the end, so -- so, a couple things. You know, they talk about surveys, so were those surveys done on paper or were they done on the computer? Did somebody just call somebody? Are we talking about hearsay? Because, you know, I don't know what surveys they talk about, because I haven't seen anything like that. So, I would like to know what they are talking about as far as that's concerned. And when we are talking about the amenities, I kind of don't have an opinion whether they do a clubhouse or the outdoor park. I think the outdoor is kind of nice. This development in general is very very lacking of open space. There is one small -- maybe -- maybe a half an acre, maybe three-quarters of an acre that has a huge -- a huge irrigation pond on it and it's got a couple of benches and it's got a little pump house on it. That's the only open space there is in this development right now and there is no place for kids to kick a ball, because when Devco developed this there was a big talk about them -- how they were going to do the continuity of the hill and how the natural topography -- well, they filled in thousands of yards of dirt and built this up to build these lots and even though the lots seem big, they are actually mostly like a 60 foot hill that drops straight down into Sky Mesa. So, you know, a lot of things have been done and I worry about what they tell us, because I don't necessarily know that it's true. I know they talked about deed restricting this to a 55 or older community, but when I read the documentation I'm not sure they are talking about doing that now. So, I just want to make sure and verify that they are planning on deed restricting. And if deed restricting, why are we putting private roads in here? I don't understand. This development is kind of tight to get in and out of anyway. There is really only one road in and one road out and, then, another one through BlackRock that's on a little windy kind of cul-de-sac kind of road down to Taconic. So, not putting the gated community in would make this a much easier subdivision to move around in as far as commuting is concerned. So, I don't really understand why the private gated. These are all estate lots up against estate lots. I don't know what the reasoning is between -- behind the gated community. So, I just kind of wanted to find out, make sure that's deed restricting and find out why exactly they want to do a gated community, because I think it kind of blocks a lot of pedestrian and road traffic and, then, as per the DA, I know they talked about the fact that that property has sold. I believe the Baumgartners are still living in that home and that house is still there and that house is always going to still be there, it's going to be part of Lavender Heights and it's going to stay. So, to remove all those restrictions that were going to be there for that home seems a little silly as the house is still there and Lavender Heights was platted with -- thinking that this is what was going to go and was going happen along that area that would be the east side of Lavender and the west side of this Village position. So, I wouldn't want to see those things that -- those restrictions released along that border, because I think it's nice. There is already -- I don't think there is quite a fence there yet, there is just a barbed wire fence, but I think the open fencing is nice, it just makes everything seem open and I don't understand why we want to change that at this point. So, anyway, those are my big questions. The other thing is I kind of feel like we don't have any parking in this little part of the development now. These houses are so close together, other than a driveway where are these people going to park? There is not even a place to park around the front where the open area is, where the common area is. Where are people going to put their

-- park their cars if they come to visit? So, those are kind of my questions. Would like the applicant to go over those for us. That would be great. Thank you.

Simison: Thank you. Council, any questions? Okay. Thank you very much. Is there anybody else that would like to provide testimony on this application at this time? If there is anyone online that would like to do so, please, raise your hand, but I don't think we have anybody, except for those already in the room. Then I will invite the applicant to provide final comments.

Clark: Thank you, Mr. Mayor. Hethe Clark. 251 East Front Street. Again representing BlackRock Homes and Conger Management Group. So, obviously, just one speaker to respond to. You know, I -- I always find it hard to have a good, useful conversation when people are talking about trust and these sorts of things, so I'm just going to focus on the facts and keep this as simple as I possibly can. So, when it comes to the surveys, where they come from, we -- this group works with a number of communities like this. Those surveys are in person and in writing. But what it really comes down to is what does the market look for and that's what we want to know, that's what we want to understand. We want to understand if people are happy with the community. We want to understand what people think they would prefer to see. That's where this comes from. So, the -- I think the point is is that we are trying to be responsive to the market with this change. The open space, we exceed the open space requirements. With regard to the deed restriction, the -- the -- what staff has proposed here is a condition of approval that this be an age restricted community. It's also included conditions of approval that deal with the height and the setbacks and we are in agreement with all of the changes that staff -- or, excuse me, the -- the height limitations and setback limitations that staff identified. I happen to be the attorney for the Lavender Heights project as well and I will just point out that, yes, the Baumgartner home is still there, but there are multiple homes in between these -- these two projects that are going to be constructed through the course of the Lavender Heights development. There are deed restrictions that have already been put in on both sides of the property with regard to the height and that -- that -- that's already been taken care of and what staff has done with including some of those setback restrictions just is belt and suspenders. With regard to the gated community comment, the original project here did not have a gated community. The gated community was a response to what neighbors wanted and so that -- that's -- that's a tough one for me to respond to, but that's -- the original submittal had -- did not have a gated community. That was a response to what the neighbors were looking for. Then with regard to parking, we exceed parking requirements and there will be parking -- additional parking -- parking allowed on street and we have shown parking in the -- around the amenities area as you can see here. So, we think that all those comments are addressed. Happy to answer any follow-up questions.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Hethe, you made reference that -- I think you had indicated you are part of the project directly to the west; is that right?

Clark: Mr. Mayor, Council Member Borton, that's correct. That's Lavender Heights.

Borton: Okay. Are you able to represent that project's position on removal of those conditions along the western boundary? There is several of them that would impact that adjacent property and they are not here directly to speak whether or not they would have an objection to them, but you might be able to comment on that, but --

Clark: Mr. Mayor, Council Member Borton, so the -- they have not indicated any opposition to that. I wouldn't want to say I'm putting words into anyone's mouth as -- but they are aware of what's going on here. So, I think I would just leave it at that. Again, those -- a lot of that's already been built on and both sides have those restrictions in place, in addition to the -- the development agreement requirements.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Okay. I might have miss -- misheard you before. The -- the property just to the west, those -- those lots have already been built on as part of that project; right?

Clark: Mr. Mayor, Council Member Borton, not yet. No. I'm talking about the ones in East Ridge.

Borton: Oh.

Clark: A lot of East Ridge is built at this point.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Here is the question that would come up, Hethe, is if I said -- and the public comment referenced it -- if I had concern that the project directly to the west would have an understanding of how it was going to be built along that shared border with berming and setbacks and planned accordingly, how are we to know that this requested change isn't something that they would object to and have concerns with? Try putting you in the hot seat to see if you were able to -- to comment on their behalf, but if you -- if you can't that's a fair concern, a fair question.

Clark: I think, Mr. Mayor, Council Member Borton, I would say it's pretty much like any other application, you know, that's -- there is an opportunity to speak. I know it's been posted. I know that there are ongoing conversations between the two principals that I'm not party to, but this is the -- I would see this like any other application in the sense that

there is an opportunity to speak or -- you know. Or forever hold your peace and so I think I would leave it at that.

Borton: Okay. Thanks, Hethe.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I -- Mr. Clark, I guess I -- I would ask you a question. It's not often that someone gets put in the middle of the peanut butter and jelly sandwich here with these two developments, but do -- do you need time to get back to us to confirm that point to ensure that you don't have a conflict or a situation? I would hate for you to get thrown in the middle of something awkward if it's a simple matter of getting confirmation that the property to the west is on board.

Clark: Mr. Mayor, Council Member Strader, no, I don't think so, because what we are doing is the -- the single level restriction is remaining at the areas adjacent to those properties. So, functionally, there is really no difference between what we are talking about here. I don't see this as a fundamental change for purposes of those properties to the west. You know, they are taking -- they are getting rid of the open area fence -- open air fencing, the wire fencing between the two, and -- and we are going to have single level matching up against single level. So, I -- I don't see that as being, you know, something that raises a significant concern there and, again, there have been multiple conversations between the property owners, the site's posted -- I appreciate your point certainly, Council Woman Strader, because I get the -- the peanut butter analogy. I think it's very apropos. But I don't -- I don't see that as being a -- an issue here.

Strader: Thank you.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will ask one, actually. Hethe, if you are still there. So, amongst these changes it sounds like the 5.1.d with that clubhouse, are you able to comment on that individual item in relation to all the other requested changes, being if -- if 5.1.d was not changed and the clubhouse -- the amenities remain, is the entire request contingent upon that provision changing as well or would you still be seeking to make the changes in the DA that -- that staff has identified excluding this amenity change?

Clark: Mr. Mayor, Council Member Borton, I'm not sure that I understand the question, but I will take a stab at it. I -- the way I would put this is that a lot of this is clean up. You know, it is trying to address some of the logistical concerns that have come up with regard

to the use of the common drives and -- and we -- eliminating that, you know, and allowing for a lot configuration that gives backyards. It's to try to take away some of the logistical headache of dealing with those common drives that was happening in the city. It's -- and, then, it's just cleaning up that amendment that really addressed concerns that really don't exist anymore and in large part have been overcome by events. So, yeah, I would say a lot of it is clean up from that perspective. The substantive item here is the clubhouse. We would like to see that changed. We think that that would be appropriate for that to be changed. We -- we meet your code with the different amenities, other than the clubhouse. This is -- shouldn't be a question of, you know, which one do people want to see more, it's a question of what meets code and it certainly meets code as we proposed it. So, you know, from that perspective we think that it should be approved, but I -- I would say that all of the elements of this development agreement modification are worthy and we would want to just see all of it approved and if we can't get all of it, then, we would still want the remainder of it to be approved.

Borton: Okay. Mr. Mayor?

Simison: Councilman Borton.

Borton: Just some -- some comment if we are -- we are pondering and considering. Hethe, I appreciate the -- the presentation. I will just tell you bluntly where I'm coming from. It -- I just have concern over that part and maybe it's credit to the prior -- the DA provisions and the request to put in the clubhouse, that it made great sense and it tied to the type of community this was intended to be and the age restricted and the single level and it's kind of compact and -- and folks socializing in this clubhouse facility. I recall it being a pretty integral part of it and I thought it was presented pretty well and made great sense to be part of this and that was not very long ago. So, I can't recall very many situations, if ever, where we pivoted on something like this in such a short time frame. So, I wrestle with that. And, then, wrestle with the COVID being some or all of the justification for the desire to not be in closed spaces and I'm not sure about that. I agree with staff, that's a short term issue we hope.

Clark: Mr. Mayor, Council Member Borton, if I could respond to that. So, COVID is certainly one of the elements there. It's not the primary. You know, the primary is to try to respond to what we think the market wants and that we think a clubhouse is overkill for the -- for this type of a project, that would be saddling it with, like you said, long term financial obligations that would be we think inappropriate. The -- whether it was specific in the prior applications, I wasn't -- I didn't do the presentation, but I have reviewed the application materials. There is no elevations of the clubhouse. There is no design of a clubhouse. There is no dimensions of a clubhouse. It's shown on the -- on the landscape plan as a concept and, you know, I just wanted to point out that it -- a clubhouse is one of a handful of qualified site amenities in -- that include, you know, picnic areas, tables, benches and structures for shade. Very clearly qualifies as an -- as a -- as a site amenity here and I -- I just don't read the -- the prior application as being contingent on the clubhouse. It currently has a condition that speaks to the clubhouse, that's why we need

to modify it, but that's -- but I don't think that anything I have read suggests that that was the linchpin of the prior approvals.

Borton: Okay. Well, I appreciate that. Part of just expressing some of the hesitation. Some of the comments and looking at the narrative page four of the DA mod, amenity update narrative from your application, is where it's coming from, at least the reference to the, quote, new COVID era. It just begged the question of -- if there wasn't COVID would the request still be coming and I only asked that because it was cited in your -- in part of the application. So, it seemed to be some -- at least portion of the reason for the request. If that's not the case I understand as well, so --

Clark: Mr. Mayor, Council Member Borton, I take your point and I'm not saying that it wasn't a portion of the request, but I'm -- I'm also hopeful that it is an era. I think -- if I'm getting on my own soapbox, I'm afraid we are going to have this kind of thing happen. We got lucky that we didn't have that happen for 50 years or a hundred years. I'm afraid it's going to happen again. That's just Hethe -- science by Hethe. But, again, the real issue we think is trying to be responsive to the market and so we are asking for the ability to be responsive to the market and that's what we see and that's what we are trying to do here.

Simison: Council, any other thought provoking statements prior to closing the public hearing?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Are you saying that Councilman Borton's comments weren't thought provoking?

Simison: No. I would say they were very thought provoking.

Bernt: Okay. Mr. Mayor, all kidding aside --

Simison: Councilman Bernt.

Bernt: I -- I remember this application when it first came to Planning and Zoning when I was a commissioner many moons ago. In fact, I remember even testimony from Ms. Alonso directed at me during that -- during that commission hearing. In regard -- there has been very few instances, I believe, in what we do when a project is presented and isn't well received and the developer goes back and completely re -- like completely redoes -- you know, re-designs the entire project and it went -- and it really made a lot of sense and I -- and this was one of those projects. Mr. Conger's original design had some issues and he worked with the neighbors to the -- to the west and to the north and -- and came up with this -- this application -- on this project and I thought it was phenomenal. I mean I think -- I think -- I thought it dotted all the I's and crossed all the T's. One of the cool aspects of this -- of this project -- and I believe it was even spoke about that evening

was the clubhouse. It was one of the amenities that made this project, you know, so appeal -- you know, so that a -- that it would appeal to so many people, knowing that across the street or at least up from the street there would be this -- this park and so I think I -- just to be forthright and honest and clear in my comments, I believe that I support staff's recommendation and comments that have been made prior to mine and so that's where I stand this evening.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will make a comment. I don't have the same history with this application and -- and so I respect my other Council Members opinions if they think that the clubhouse was like what cinched the deal, but just -- for me personally, just taking a step back, this is an equity risk and it's -- to me it's different than a tot lot where we feel like we have a population that doesn't have a voice and we need to make sure that those kids have a place to play. These grownups can decide if they want to buy one of these houses or rent one of these houses or not and if not having the clubhouse is a failure in the market, then, this developer will sure figure out how to go and build one I think. I'm not as concerned about the amenity package personally. I feel like that -- that they should know their market and what amenities will appeal to the potential people -- residents who will move in and so I'm just not as -- I'm not as concerned about that personally. I do feel like Ms. Alonso has a lot of valid concerns about open space and things that we are looking at. It just feels like this is a multiple phase project that we are already very far into and I do think it's an improvement cleaning up the private drives and I just don't think we are going to tackle that here, but I do take her point on that. I'm in favor of most of the changes that are requested tonight.

Hoaglund: Mr. Mayor?

Clark: Mr. Mayor, if I might -- and I want to make sure that some of these concerns about the --

Simison: Mr. Clark, turn the time to Mr. Hoaglund, please. Councilman Hoaglund.

Hoaglund: Thank you, Mr. Mayor. My comments will basically mirror Councilman Strader's remarks where we don't have, like her, the history of having dealt with this multiple times and hearing the testimony and different things. So, it comes to me in a different look and, you know, making sure that the clubhouse amenity is for the Village only. The fact that there have not been lots -- it hasn't been marketed with that clubhouse, that to me makes a -- makes a difference and as long as they are meeting the amenities -- qualified amenities for our community and they want to pivot from a clubhouse to these other amenities, if -- if -- if they think that's what's going to appeal and be able to sell these units, then, I -- I don't have an issue with that. It's a -- there hasn't been a promise made to someone that that's what they are going to do. They are going to offer something different and let the market decide if that's what they want or not. So, I'm less concerned

about that. I think Councilman Borton did bring up a good point, making sure that the issues to the west, was it, that -- are taken care of and I understand Mr. Clark's situation there, but -- and he makes a good point that if there was concern they needed to be here and voicing that concern. So, that's -- that's kind of my take on the situation right now.

Simison: Councilman Cavener, I see you are unmuted.

Cavener: Oh, sure. Mr. Mayor, thanks. Good -- good deliberation from the body tonight. I have to admit I kind of started in a spot very similar I think to Council Members Bernt and Borton. I remember this hearing. We had a lot of meetings I think about this particular project with a lot of good deliberation and if I recall I think one of the comments that was made from the applicant at the time about the clubhouse, as opposed to more open space, spoke to the park that's just right down the street, which is why I have struggled a little bit with the dog park. It's just maybe a personal preference where it's so close to an amenity and so much of what the testimony was when we last heard this. But the piece about the clubhouse -- while I know the applicant talked a little bit about, yeah, this has a little bit to do with COVID, frankly, I think that this is going to be something that we are going to see a lot of as a -- as a body. I think that the last year is going to change the habits of folks and we are going to see more people that are going to place a higher emphasis on outdoor community gathering, as opposed to indoor confined spaces, specifically in an age restricted type of environment. So, I have -- I have kind of evolved my thinking on this a little bit. Council Member Hoaglund hit the nail on the head. If -- if there had been any commitment or communication to the public about -- the buying public about what this is going to be, I think that's a different conversation. Do I think there is a better amenity than a dog park? Yeah, I do, but I also trust that the applicant is going to put forth the most competitive amenity to meet their audience. They know their business better than I. If it falls within our amenities package I'm -- I'm supportive. So, I have -- I have changed on this. The other piece, too, that I think that it comes down to and -- and Council Member Strader touched on this a little bit. Obviously, anybody who buys or rents knows what they are -- what they are getting into. But I'm sure all of us have talked to some neighbor in some form or another that have complained or voiced concerns about the high cost of homeowners association dues and when you look at the cost to operate a large building, the O&M on that, that doesn't fall on the backs of the developer, that falls on the backs of our residents and the homebuyers. So, that's a piece that I'm concerned with as well. So, I think overall I'm supportive of the request and -- and would be supportive of it moving forward.

Simison: Thank you. And while, you know, I -- I won't obviously be voting tonight, unless someone recuses themselves. You know, I was going to play the Devil's advocate to what Council Woman Strader had said, it -- it's on both sides to your point. Anyone who goes and purchases a home in this area will know what their obligations are on the front end, as much as it is on the developer to determine that. It's -- you know, it is a completely market driven decision that, yes, could have unsettled costs, just like putting in a pool in your backyard, you know, you love it until you don't and many things. But those are market decisions. So, I don't have a big opinion about whether or not this should be changed or not. You know, there is no public here really testifying on these changes and

I think that to me is always the bigger concern is to put something through at one point in time and come back and do a modification later. It's more perception to the public is my bigger issue if that exists in this case, but I assume everyone was notified properly and they had the opportunity to be here to testify and no one has chosen that decision at this point in time, so -- Council -- I know Mr. Clark was attempting to speak earlier. Do you feel you have the need to hear what he had to say? Would you like him to -- okay. Mr. Clark.

Clark: Mr. Mayor, I'm -- I'm fine. I think it -- it got worked out through the -- the deliberation. So, I will leave it at that. Thank you.

Simison: Okay. So, Council, with that do I have a motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing.

Cavener: Second the motion, Mr. Mayor.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant, and public testimony, I will move to approve file number H-2020-0096 to terminate DA addendum 2019-021791 and to approve DA number 2018-052339 with the conditions as presented in the staff report for today's hearing date with the change that we will allow -- instead of having a clubhouse as an amenity, that we will allow as presented by the applicant, ramada outdoor seating area, the dog park, and the water feature.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I will second the motion.

Simison: I have a motion and a second. Is there any discussion on the motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I think I'm okay with that. Wondering if the Council would like to talk about real quickly maybe about the dog park and -- and maybe -- maybe opening that up to a third amendment -- amenity other than a dog park. Maybe something similar or something different or whatever. I -- I don't know. Maybe we are too late. You know, Council Woman Strader's already made her motion. But having a dog park -- a dog park right across the street -- I don't know. I might be the only one that cares.

Simison: I would suggest a pickleball court, but I think we might have one of those right across the street as well.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: I think part of the conversation that Alan had, too, though, was the addendum requesting rescission. I didn't hear that as part of the motion. We wanted to resend the addendum that I believe was related to the western boundary changes, so --

Strader: Mr. Mayor?

Nary: -- is that included in the motion?

Simison: Council Woman Strader.

Strader: I believe my motion included to terminate the DA addendum and to, then, amend the DA.

Nary: Okay. Thank you.

Simison: Did the second hear that when they seconded?

Cavener: Yes.

Simison: Okay.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. To Council Member Bernt's question, it's something through tonight's hearing I have wrestled with. If -- if not a dog park, then, what? And I haven't -- I haven't been able to draw a conclusion as to something that I think would maybe be a better mousetrap. I don't know if you have anything that you are wanting to suggest. I'm clearly open to the conversation, although I'm a little concerned, because

we closed the public hearing. We may want to reopen it up if it gains any traction to at least get some feedback from the applicant.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You know, I'm in the open space amenities committee and one of the most popular amenities that we have is walking paths. Maybe like a connection to walking paths.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess I'm -- I'm not sure if -- if -- if we have the ability to do that. I would be open to that. I'm open minded. I just -- I guess I have heard what the applicant's willing to do. I kind of get it, like a dog park across from a dog park. I get that. I also think, though, maybe there is a convenience factor of why they have proposed a dog park. You know, maybe that's the reasoning. I just feel like we can't really solve the open space issue. In the past if we had an inadequate requirement now through amenities -- I'm just more tempted to approve as presented by the applicant personally. Unless you have something more specific --

Bernt: Mr. Mayor?

Strader: -- personally, that's just my opinion.

Simison: Councilman Bernt.

Bernt: Maybe we just -- maybe we just -- just leave it as open space, you know. Maybe make a recommendation, hey, you know -- I don't know. the number two -- you know, the number two most popular amenity in the city in the -- on the open space committee that I'm on is just open space.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will amend my motion to approve the dog park or if the applicant chooses open space, I would be okay with that as well.

Cavener: Mr. Mayor?

Simison: Yes, Mr. Second.

Cavener: I guess a question for staff. If that qualifies as an amenity.

Tiefenbach: Typically open space has to be more than 20,000 square feet to qualify as an amenity.

Cavener: Mr. Mayor, because of that I wouldn't agree to that.

Simison: Second does not agree.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will go back to my original motion then. Let's -- let's get it done.

Cavener: Mr. Mayor, unless there is any other deliberation, I'm happy to call for the question.

Simison: The question has been called. With that clerk will call the roll.

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

Simison: Motion passes. Three to two. And the item is agreed to. Thank you very much, Alan and applicant, for the information this evening.

MOTION CARRIED: THREE AYES. TWO NAYS. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: Council, next item is future meeting topics. Anything under that item?

EXECUTIVE SESSION

- 27. [Amended Title] Per Idaho Code 74-206A(1)(a) To deliberate on a labor contract offer or to formulate a counter offer. 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, and 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.**

Simison: If not, we will move on to Item 27, Executive Session.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Simison: And --

Bernt: And 74-206(1)(f).

Hoaglun: Mr. Mayor, second the motion.

Simison: Motion and a second to go into Executive Session. Clerk will call the roll.

Johnson: Mr. Mayor, I apologize. There were actually three Executive Sessions we did at the beginning. 74-206A(1)(a), 74-206(1)(a) and 74-206(1)(f). Make sure you had that correct.

Bernt: So, let's add 74-206A(1)(a) to that motion.

Hoaglun: Second agrees, Mr. Mayor.

Simison: All right. We have a motion and a second. Clerk will call the roll.

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

Simison: All ayes. We will adjourn into Executive Session.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

EXECUTIVE SESSION: (7:30 p.m. to 8:18 p.m.)

Simison: Council, do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we come out of Executive Session.

Hoaglun: Mr. Mayor, second the motion.

Simison: I have a motion and a second to come out of Executive Session. All those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting.

Hoaglund: Mr. Mayor, second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 8:18 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK