

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, September 8, 2026, by Mayor Robert Simison.

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

Members Absent: Doug Taylor.

Other Present: Chris Johnson, Bill Nary, Bill Parsons, Sonya Allen, Linda Ritter, Mark Ford and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Brian Whitlock
☒ Anne Little Roberts	☒ John Overton
☐ Doug Taylor	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. For the record it is Tuesday, September 8, 2026, at 6:00 p.m. We will begin tonight's regular city council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Okay. Next up -- we didn't have anyone signed up for the community invocation.

ADOPTION OF AGENDA

Simison: So, we will go into adoption of the agenda.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: There are no changes to tonight's agenda. I move that we approve the agenda as posted.

Little Roberts: Second.

Simison: Have a motion and a second to adopt the agenda. Is there any discussion? 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.

PROCLAMATIONS

1. National Service Dog Month Proclamation

Simison: So, next we will go onto our proclamation for this evening, which is for National Service Dog Month. If I could have Judee join me at the podium, along with anyone else that you would like to include. I kind of wish we always had more dogs in the -- in the audience, to be honest with you. They -- they always bring a certain happiness to any place we go. So, I will go ahead and read the proclamation, then, turn it over for any comments that you all have. But whereas in the United States more than 70 million adults and children have a disability and only 16,000 service dogs from accredited training programs exist nationwide and the need is growing. And whereas Canine Companions is a nonprofit organization that enhances the lives of people with disabilities by providing expertly trained service dogs and ongoing support to ensure quality partnerships and whereas service dogs empower people with disabilities to live life with greater independence by providing best-in-class training, ongoing follow-up services and a deeply committed community of support and whereas National Service Dog Month aims to educate our community about the benefits of service dogs and the laws protecting them and whereas in the 250th year of our nation the city of Meridian, Idaho, strives to be a community in which all citizens and their trained service dogs are embraced. Therefore, I, Mayor Robert E. Simison, hereby proclaim September 2026 as National Service Dog Month in the City of Meridian and encourage all citizens to celebrate service dogs and be respectful of the rights to safe access to our community afforded to the adults, children and veterans who lead more independent lives because of their assistance, dated this 8th day of September 2026. So, on behalf of the City of Meridian I will present this proclamation to you, but first I invite you up for any comments you may have.

Slack: Okay. Thank you. I would like to thank the City of Meridian for recognizing September as National Service Dog Month. And we have five service teams here in the City of Meridian. Three of us are here now and we have Jayne Tabb here who has got Dogs, Inc., and so would you try to make sure that we have got awareness of what service dogs are. We as a -- as a chapter here in Ada county, we are looking to put programs into schools and into businesses to help recognize the need of service dogs, rights and responsibilities of them. So, if anybody has any -- any interest in some of our programs please contact one of us and we would love -- love to work with you or you can go on canine.org and see the -- the organization of canine companions. Thank you so much for recognizing us. Thank you.

ANNOUNCEMENTS AND RECOGNITION

Simison: Council, anything under announcements and recognition?

PUBLIC FORUM

Simison: Okay. Then, Mr. Clerk, anyone signed up under public forum?

Johnson: Mr. Mayor, yes. First we have Dave Landry.

Simison: Good evening. You will be recognized for three minutes.

Landry: Thank you. I would like to talk about Spurwing safety and what's happening in the Chinden area. I have a background of 40 years in flight safety, as well as a member of the NTSB investigation team. What I'm seeing is what the NTSB calls a mouse trap. Chinden is being built and it's overbuilt. The infrastructure cannot handle what's happening. One of the things that we look for is what's called near misses and near misses have increased 150 percent. They are not recorded by the city. They are not recorded by Idaho Department of Transportation, but what is is accidents and incidents. We had 73 between '23 and today. Forty-two of those were serious injuries and why does near misses mean something to the community? Well, what it means is every time we have one it involves somebody entering, leaving a driveway, golf carts crossing, children walking, construction traffic, delivery carts and, guess what, people using Spurwing as a cut through. Diversion. What has occurred today is diversion. Today more people use Spurwing as a diversion to get to Linder, to get out through -- through Fairborn than ever before and what we have seen now is vehicles versus child. We see vehicle versus golf cart. We see bicycles and pedestrians now and, guess what, we see intersections that have no stop signs, so people that have never been there just blow right on through. The diversion has increased traffic inside of Spurwing 40, 50 percent over the last year. So, in conclusion, near misses in Spurwing are increasing and when you have near misses you have accidents and when you have accidents you have catastrophic accidents. What I'm asking today is to relook at your interstruction and interfairs in Chinden, because what we have created is a mousetrap and it's sprung. Thank you.

Simison: Thank you.

Johnson: And, Mr. Mayor, we have Denise LaFever.

LaFever: Hello. My name is Denise LaFever. 6706 North Salvia Way. I have had the pleasure of meeting people at ITD. I have met people at ACHD. I have talked to several people over there and the city and I'm telling you everybody is really super nice. They really are. But when we come through it's very clear that ITD says they take care of state facilities. They don't take care of land use. They don't take care of county highways. ACHD is very clear. They have told me multiple times they take care of county highways. They do not take care of land use. When you come to the city the

city tells me they take care of land use. They don't take care of the roads. They use ACHD for that. Somewhere along the line we have a mess. I have been working -- I have been working on Rock Harbor stuff. I have been working on crosswalks. I have been working on Duck Alley frontage roads. Working with people -- Rock Harbor and the traffic flowing in Rock Harbor. A few weeks ago we had a fire truck that could not enter our neighborhood. It got stuck on Tree Farm Way, because of church traffic. That's an issue. I brought that up to the commission at ACHD, testified on it, and, then, a little while back we also had an incident where they were getting out of church going along the back way and next thing you know there is somebody over there to the side of the road that's off of a bike in the bike lane. I didn't see who hit him, but, you know, they were off their bike in a bike lane and the church was getting out. This is an issue where you go back and you bring it back forth to ACHD and they say it's not our issue, it's a Meridian issue. You bring it to the city, it's a road issue. Somebody has got to take care of this problem and I am asking for your help and, in particular, Mayor Simison, I am coming to you, I have already asked that 18 crosswalks to be orange stripped. I know the city has money for it. I have talked to John Watson about it. John first told me, hey, you need to locate the crosswalks. Brian was nice enough to tell me -- because my Google didn't -- didn't show me the history, he was nice enough to give me -- tell me to download Google Earth Pro. I did. I located all 18 crosswalks. Now, when I go back to -- and he sent me a note back and he says we have got to really search, because there is a reason they probably weren't active enough, so they didn't repaint them. And it's enough. You know, at a bare minimum let's get our crosswalks repainted. There is a lot of issues going on with this cut-through traffic. I am getting tired of going back and forth and no solution from Rock Harbor Church and the traffic. I have presented solutions, I went back and presented a solution again. You can make the service time longer in between the services. A half hour is not enough. You have traffic coming and going at the same time. It's blocking things up. Make it an hour. ACHD told me they can't do that. That's a land use. We are -- we are caught in a circle here. We need some help.

Simison: Thank you.

Johnson: Mr. Mayor, that was all.

DEPARTMENT REPORTS [Action Item]

2. Timbercreek Meridian Site Update

Simison: Okay. With that we will move on to our Department Reports for the evening. First item up is the Timbercreek Meridian site update. Mr. Lakey, invite you up.

Lakey: Mr. Mayor, Members of the Council, Caleb Lakey. 16933 Northside Boulevard, Nampa, Idaho. Here at the city request representing Timbercreek Recycling, to provide a brief update on our current status on our transition plan as we transition out of our Meridian facility and into our Nampa facility. The good news is we are on track to do so. That's -- that's the highlight. But let me show you a few of those highlights. First off one thing we discussed was at the end of 2024 when we last were in front of you there was

some concern about gravel crushing. We ceased gravel crushing. There was a pile resulted from that crushing activity. What I'm showing you here is what's left of that pile. The pile on the left is our larger material. We reserved a little bit just for winter operations and track out material. Material on the right is the three-quarter and you can see the pile is greatly diminished. So, we are on track to use all that product or sell all that product. Another photo I wanted to show you and just for orientation, the tree I circled there in the back is the corner of Columbia -- or, excuse me -- yes, Columbia and Locust Grove. So, looking south south-east of this picture. But really what's most important is the orange line I have put on there. Typically and historically we have approximately ten rows of compost in that facility. In that location you can see the area is basically empty. There is a few stockpiles there of material we are using as feedstocks and actually some of those piles in the back are across off of our composting pad. They are actually product -- finished product. So, just want to show a compost yard that previously was full of compost is now -- has a lot of vacancy in it. Specific to that we have talked a lot about our cheese WAS, waste activated sludge diversion. Remind the members of the council and Mayor that waste activated sludge is -- is really a process -- the result of a process. You qualify that by what kind of material you are putting into it. So, we are handling a cheese waste activated sludge and we have diverted -- as we committed to an transition plan quarterly, since the beginning of '26 50 percent of that -- and you can see our trend line as you go through quarter one, quarter two, 45 percent in Meridian, 56 in Nampa and, then, Q3 is not done yet, so I didn't show that cumulatively. But you can see that Q3, July through August, is on track to keep up that trend line and we continue to make efforts to continue with that trend line through the end of the year. The biggest part of that is going to be our new construction in Nampa. This is a picture of our second ASP pad system. So, you may recall from our last conversation each pad is really two pads. We had two pads previously. We are building another pad, but there is two sides to it. So, we call it pad three and four, the third and fourth blower system. These are well under construction. What you can see here is the air ducting system that goes underneath the concrete pad with the stars to blow the area into the compost. We are on track to be pouring concrete into this month, first part next month and, then, have that operational by the end of the year to at that point take -- take full -- take full delivery of the cheese WAS material in an ample location in accordance with our transition plan and, then, move into our final phase of our transition plan with -- with the city, which is to sell the remaining product and cease our composting operations in south Meridian. Speaking of our plan, this is just a snip from our -- our plan. This is phase three. We are in phase three right now, to be completed by the end of December. You can see that we continue with ongoing odor monitoring. There have been a few odor complaints, odor concerns raised. We have responded to those in accordance with our operational plan like we always have. Done an investigation or an odor complaint form. We communicated that with both DEQ and your code enforcement officers of what we have seen. I can say there has been no consistent overarching nuisance odor that's been ongoing. There have been spots -- or times I should say when we have had odor issues. We have addressed those if there was a source and sometimes we simply weren't able to find a source. Sometimes the timing of the complaint timed exactly when we received materials, right before we were able to handle the materials someone caught wind of it and -- and that's the best we

could describe what took place. But, again, there was no continuity between the complaints -- or between the timing of the complaints. We can do the same thing with dust. I'm not aware of any dust complaints that have made it to my office, but we do regular dust control. We have a water truck on site. Again there is no crushing activities. There is periodic turning of compost. There is heavy equipment activities in the yard, but there -- and periodic grinding. But there is no ongoing dust -- dust activities -- dust of any activities. Already spoke to volume and on accountability, as I mentioned, we have had quarterly inspections with your code enforcement officers and we have had conversations with our -- our counterparts or our -- our contacts at DEQ and -- or just DEQ now, because the department of -- the Health Department no longer is involved with oversight. So, I think that was actually the end of my presentation. If that's okay that it dropped off there. But, Mr. Mayor, Members of the Council, I would stand for any questions you may have for me.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: What is -- what is your expected timing? Not necessarily holding you to anything outside of the agreement that we have together, but what's your like expected timing? Because I -- certainly people have seen the news. You have your new facilities up and running. Congratulations. Looks like you are doing some real estate activities at the old site. What does the timing look like on that?

Lahey: Yeah. Council Woman, Members of the Council, Mr. Mayor, our timeline is, again, by the end of the year we will stop accepting and, then, as quickly as we can in the springtime sell our remaining products. It's going to be a little bit dependent upon volume and demand. So, we have been having some internal discussions about how much product do we make -- finished product do we make in our Meridian facility versus transitioning the finished product to our Nampa facility. You know, we have a -- we have a clientele base that's across the valley, so there is a lot of convenience to the Meridian site that will be lost to the Nampa site and we know that, we are trying to -- trying to feel our way through that right now. As far as a timeline between when we actually will finish and when any future development will take place, I don't have that timeline for you, council woman. I know that we will be done middle of next summer and it could happen quickly after that or it could delay. I don't have a timeline for you on that part.

Strader: Okay. Thank you.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Caleb, thank you very much. I appreciate it. Sorry about our -- whatever is going on with our technology here. Okay. Last time I believe we had a presentation. There was some discussion regarding more mitigation with the odor. You were trying something with lime; is that correct?

Lakey: That's correct.

Little Roberts: And how did that work? Is it working? Is it in progress? Is --

Lakey: Yep. Thank you, councilman. Great question. Members of the Council, Mr. Mayor. We did find success with the lime. Where we did not find success was the -- the cheese factory was unable to install a lime dosing machine as we had discussed. Because of that we went ahead and bought bulk lime and we manually dosed the loads coming in. So, we have recorded the pH of the load coming in, dosed it with lime accordingly and, then, monitored the pH as a result of that. It has had an effect on the pH as it was prescribed to do. I can't quantitatively tell you that it's -- you know, as I said, it hasn't eliminated the odor, we still had some odor issues, but it definitely has changed the odor. From reports from the staff on site they can tell the difference. So, unfortunately, we were not as successful with that as we had hoped to be on a mass scale. We did our best to make up for that on our own without being able to do it at the factory on site. What we lost by that was -- the benefit to having it done at the facility was it would be mixed when it got to us. When it comes to us in bulk we are able to add lime and it is mixed in our process, but not as effective and also the lime had time to neutralize some of the odor and so doesn't have much time to neutralize it. So, again, that's -- that's where we are at. But I appreciate the question, because, that's correct, we spent quite a bit of time talking about that.

Little Roberts: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Lakey, you -- you touched on going to go to kind of your proactive steps that you are taking to address odor. Then you also acknowledge, hey, there has been some times where you have had to respond to noise complaints. What are those reactive measures that occur once you receive an odor complaint from -- from a resident, from the city, from somebody, what are the steps that your operations take to address that?

Lakey: Sure. Councilman, Members of the Council, Mr. Mayor, immediately -- most odor complaints come to me directly if they have my direct line. I have gotten odor complaints at pretty much all times of the day and night. I notify the crew at the earliest convenience -- usually the next morning of, hey, we had an issue, something came in last night or if it's during the day we call them right then. The site leads stop what they are doing and they -- they take -- there is a two or three man crew on site and they will

go out and they will all case the -- case the facility looking for any odor they can find. Sometimes they can come across something that maybe wasn't covered correctly or mixed correctly and they can address it right there. Other times they come back and say I simply can't find it. I don't know what -- what they might be smelling. I don't know. I can't smell it. We are -- we are aware that we don't want to discount anyone else's observation and sometimes if you are working there and you are in the middle of it you may not be able to smell it. So, in the cases I have gone over, because I work in Nampa, I will go over as kind of a fresh nose, so to speak, and do my own drive-through. But whenever we have an issue like that we document that on an order complaint form, which we do weekly proactively, but we do an additional documentation and, then, I share that with DEQ and with your code enforcement. Okay. We had this come up and here is our report on what we found.

Cavener: Mr. Mayor, follow up?

Simison: Councilman Cavener.

Cavener: But what I -- what I heard was a kind of more of a documentation reporting process. I think you touched on something that's really important; right? I walk into my teenager's room and say, man, your room stinks. He goes, no, I can't smell it. My room smells fine; right? It's subjective, but to your point, if you are in that space you become conditioned to it and if a resident or a -- somebody is experiencing that and they reach out to you, what are the steps? I guess -- I don't want to take that I'm hearing that you just document and report it, but what are those -- what are those reactive measures that you take to address it?

Lakey: Okay. Thank you for the clarification. So, let me give you an example I think maybe to illustrate this. In one of our recent investigations we found that some of our capping material wasn't -- wasn't wet. So, if we keep our capping material moist it acts as a biofilter to eliminate some of the odor. We determined upon investigation that some of it was too dry -- had dried out. It's difficult to keep it wet, especially in the middle of the summer, because it dries out very quickly. You have -- you have compost that's already cooking at above 130 degrees itself. It's giving off heat and you have the sun beating down on it, they are continuously running that water truck. But we found that and we talked to the crew about that and one of the changes we made, to your question, councilman, is we said, hey, we want you to pre-wet this material. Don't wait to put it on and, then, the next day come back and try and wet it down or wet it down before you do the next turn, we want you to pre-wet it. Now, the root cause of that was the crew was on the impression that because some of the material was coming in wet from the factory they didn't want to add in more moisture, they didn't want to create a problem where the material was leaching out the bottom of the pile, so we are reducing the water on the top. But once we explained that, hey, without the water on the top we are going to have an odor issue. You need to address the water on the top. We made that change -- or reiterated that -- that procedure with them to where now we are saying, hey, pre -- pre-wet the mulch and, then, put the mulch on top of the compost. Does that answer your question, Councilman?

Cavener: Maybe, Mr. Mayor, one additional one.

Simison: Councilman Cavener.

Cavener: Mr. Lakey, if I heard your testimony correct, you haven't received any complaints for -- for dust that you are aware of?

Lakey: That's correct. I have not received any complaints.

Cavener: I appreciate that. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Mr. Lakey, thanks for being here and for the update. I think when we set the timeline part of it was weather dependent. In order to do this transition middle of the winter wasn't an ideal time. With the mild weather are you ahead of schedule? Tell me where you are.

Lakey: So, Mr. Councilman and Members of the Council, Mr. Mayor, we are on schedule. We are not ahead of schedule. We are contingent upon the construction in Nampa. That's our big point. As soon as that construction is complete we will start transitioning all we can into to Nampa. We are ready to go there, besides finishing that -- that flow on that -- on that pad. So, it will -- you are exactly right, part of our discussion was the winter -- this upcoming winter will influence that as well. Once we cease accepting material come in December, if things go well we can get out there sooner, we will get as much out as we can. Pretty much -- our generic plan I should say is that as soon as we stop receiving materials in Meridian, it's how much can we get out and where is it going to go. As I mentioned earlier, trying to forecast, okay, how much do we need to keep here for local customers going to want it versus our broader customer base that doesn't really care or customers going to be coming out of -- out of Nampa? We don't have a hundred percent feel on that yet. We are trying to make some educated decisions based on what we know about our customer base, but I don't see us accelerating much beyond what we committed to, councilman.

Simison: Council, any additional questions? Okay. Thank you. Appreciate the update.

Lakey: No problem. Thank you.

Simison: Okay. With that we will move on to Item --

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Sorry about that. I was wondering if we could have code enforcement -- I just had a question to see -- if they don't mind coming up.

Simison: So, are these the rebuttal witnesses from a Few Good Men, O'Malley and Rodriguez? That are -- sorry.

Code Enforcement: Hello.

Little Roberts: Hi. Thank you for being here. I was just curious if you guys had any feedback -- and I know you have been taking reports and getting quarterly --

Code Enforcement: Sure. So, since October of 2024, which is kind of when a lot of this kicked off, I personally have been on the site 11 times. I believe seven of those at this point have been our quarterly check-ins, with some extra check-ins in the meantime to make sure things are going well. All of the metrics have been met on time. I typically communicate ahead of time to make sure, hey, this is our date we are going to be out here and, then, I get the numbers of the WAS diversion from -- from Caleb usually. So, we review those when I go out there. We ensure that no new material that wasn't supposed to be delivered is delivered. In this case the concrete they were supposed to be ceasing receiving. They did not receive any past the point they were supposed to. In addition, they ground it all within the time frame and at this point they are on track as far as we are concerned.

Little Roberts: Okay. Thank you.

Code Enforcement: Thank you.

3. Discussion with MDC regarding Agreement for Property Transfer

Simison: Council, any additional questions? All right. Thank you. Okay. With that we will move on to Item 3, which is discussion -- discussion regarding the property transfer from MDC. Mr. Nary.

Nary: Thank you, Mr. Mayor, Members of Council. What you have in your packet -- or on the agenda is a transfer agreement that we have prepared with counsel from MDC. This is to transfer property that they currently own, which is the parking lot that is adjacent to the VRT COMPASS building, to transfer that asset to the city. As most of you know -- and for the public's -- this particular portion of the MDC urban renewal area is going to be sunseting with the current MDC expiration at the end of this year. So, this is anticipation of that as moving that asset to the city now. There is potential for a future opportunity there. This is really just to move the property to the city at this point. If there are future opportunities, MDC would like to have at least some feedback and some input in that process as that goes forward and this allows for that. They are planning on taking this up tomorrow, but this is really a first impression for you folks on the record to discuss and see if we want to keep moving forward with this agreement and coordinate this transaction to get this done by the end of the year.

Simison: Thank you. Council, any questions regarding the proposed transfer agreement? Okay. Well, I think you can report that back to their counsel, so they can -- when it comes back officially to us that they think they will know what they will get.

Nary: Great. Thank you.

PUBLIC HEARINGS [Action Item]

4. Public Hearing for Butte Fence (H-2025-0060) by Engineering Solutions, LLP, located at 5233 W. Franklin Rd.

- A. Request: Annexation of 9.14 acres of land with the I-L zoning district for the purpose of complying with the terms outlined in the consent to annex agreement for the existing fencing business in operation at the subject property.

Simison: Thank you. Okay. With that we will move on to our public hearings for this evening. First item up is a public hearing for Butte Fence, H-2025-0060. We will open this public hearing with staff comments. And you're not Nick.

Parsons: Mayor, Members of the Council, I am not Nick this evening, but the applicant is requesting continuance of the application. Again, they are working with staff on some DA provisions and because there is a statutory limitation in our UDC that requires you guys to act on Planning and Zoning Commission recommendations within 70 days, we couldn't get them to the date that they wanted to go on, so we have asked them to keep it on this date, ask for your continuance this evening and, then, move them to that October hearing date and, then, we should be ready to go and share that information with you in accordance with UDC standards.

Simison: Okay. Council, any questions for staff?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: For staff I just -- you have noticed this as a public hearing. I don't know if there is anybody that's here that had planned to testify this evening.

Simison: Oh. And -- and I think that's the question. Is there any reason we would not want to take any comments from the applicant and anyone from the public at this time?

Parsons: Mr. Mayor, Members of the Council, There has been a lot of -- a lot of the developers live out in that area, so we didn't have a lot of public testimony on this. So, I don't anticipate anyone wanting to testify on that item this evening.

Simison: Is there anybody that came this evening that was planning to testify on this item? Okay. Then with that I would entertain a motion.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I move that we continue the public hearing for Butte Fence, H-2025-0060, until the date of October 20, 2026.

Little Roberts: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

5. Public Hearing for Public Works Proposed Fiscal Year 2027 Water and Sewer Rate Increase

Simison: Next item up is Item 5, a public hearing for Public Works proposed fiscal year 2027 water and sewer rate increase. Turn this over to Director Bakken. Is it Bakken or Bakken?

Bakken: It's Bakken.

Simison: Bakken, so --

Bakken: Close. I'm telling everybody it's like back in the day, so --

Simison: Oh. Thank you.

Bakken: Yeah. It's okay. I'm still getting used to it myself, so -- awesome. Well, thank you, Council and Mayor. This is -- you have already seen these, but these are the proposed FY-27 water and sewer rates. Just a quick presentation for anyone that didn't see them the first time, but for the average customer it equates to about a 4.2 percent increase or about a \$2.71 per month increase. If approved these would go effective October 1 and I think something important to note is even with this proposed increase we still remain the lowest rates in the Treasure Valley, which is I think something to be really proud of and we don't take these rate increases lightly, knowing that this increase impacts all residents of Meridian and did want to make sure to touch on our low-income assistance program. It's called the Meridian Cares Program and it offers residents that qualify up to a hundred dollars per year on the payment of water, sewer and garbage bills and so if anybody is interested in that it's administered through El-Ada and so you call them and all of the qualifications and paperwork to receive aid is administered

through their program and we see about 100 to 120 participants in this program each year. So, it is important for our residents and with that I will stand for any questions.

Simison: Thank you. Council, any questions for staff? Okay. Appreciate it. This is a public hearing. Mr. Clerk, anyone signed up to provide testimony?

Johnson: Mr. Mayor, nobody signed up for this.

Simison: Okay. If is there anybody present who would like to provide comments on this rate -- water and sewer rate increase for fiscal year 2027 -- if so you can come forward or use the raise your hand feature online. Seeing no one coming forward and no one raising their hand --

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: If there is no more public comment, I move we close the public hearing on the Public Works proposed fiscal year 2027 water and sewer rate increase.

Whitlock: Second.

Little Roberts: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

6. Resolution No. 26-2596: A resolution adopting increasing fees of the Meridian Public Works Department; ordering that such fees shall supersede fees previously adopted; and authorizing the Meridian Public Works Department to collect such fees as of October 1, 2026

Simison: Next item up is Item 6, which is Resolution No. 26-2596.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I would move that we approve agenda Item No. 6, Resolution No. 26-2596 regarding the Meridian Public Works Department fees.

Little Roberts: Second.

Simison: I have a motion and a second to approve Resolution No. 26-2596. Is there discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I just want to commend Director Bakken and her team. Public Works is a department that not a lot of people think about unless things go wrong and you continue to operate an exceptional department and to your point about being able to offer these rates at the lowest in the valley is a celebration to itself. But I also want to commend you and your team, because every time one of the members of our community, whether it's a member of the development community or a citizen in need that reaches out to your department, they are treated with kindness and respect and really a willingness to collaborate and understand and, again, I don't think that also happens by accident. So, just want to thank you for your exceptional work. Appreciate it. And the entire team as well.

Simison: Thank you. Any additional comments? If not, Clerk call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

7. Public Hearing (continued from July 28, 2026) for Cherry Blossom East Subdivision (H-2025-0030) by Breckon Land Design, located at 523 W. Cedarburg Dr. and the 0.67-acre property to the east, located in the NE 1/4 of Section 12, T.3N., R.1W.

- A. Request: Combined Preliminary and Final Plat consisting of three (3) building lots and one (1) common lot on 0.79 acres of land in the R-8 zoning district.

Simison: Next item up is public hearing -- do we have a number? H-2025-0030 continuing from July 28, 2026, for Cherry Blossom East Subdivision. We will continue this public hearing with any staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. This project was continued in order for the applicant and the two neighbors to the south to work on a cross-access easement agreement for a shared driveway between the properties that would provide access for emergency vehicles and trash service to the properties to the south and allow cost sharing for the driveway maintenance. Last I heard there hadn't been an agreement reached, but I will let the applicant speak to that tonight just in case there is

something that's occurred since I spoke with them. We have received a couple written letters of testimony since the last hearing and I will just kind of go through a summary of that. On June 10th we received a letter from Kimberly Laukala with an attached e-mail from the community manager of Cherry Blossom Homeowners Association. Continued concern that the irrigation pump system isn't sufficient to provide adequate pressure for the existing Cherry Blossom Subdivision and additional lots shouldn't be added until the deficiencies are addressed. The existing pump was shutting off because too many homes were watering at the same time. To help balance the system the homeowners have had to come up with an alternate irrigation schedule of odd and even watering days, limitation on the hours and the days per week they can water. She requested this issue be resolved prior to the July 28th hearing. She did provide an update today that she hasn't received any acknowledgement of their concerns, nor have they received any documentation that any of the items of concern have been addressed. No written testimony or documentation -- excuse me -- on the pump maintenance has been received. The pump and vault and weir still has not been examined to ensure it's not too shallow. The pump is still running 24/7 and the run dry system still doesn't appear to be functioning as it was designed. They still have concerns that these items will not be addressed and the cost of these items will end up falling on the homeowners. The complete letters are in the public project file on that. She was not able to attend the hearing tonight, so she asked me to speak with you about that. And, then, we did receive a letter of testimony -- a corrected version actually late today from Margie Williams. She had submitted photos of her deteriorating driveway and a bid for the cost of repair and replacement in order for it to be in condition that will support additional traffic if the driveway is shared. So, the applicant is here tonight to present. Thank you.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I got a little ahead of me. I apologize. Before we jumped into this application I was absent on July 28th when this was continued, but I did have a chance to go through and watch the hearing, review the minutes, the updated materials. Unless anyone has any concern I do plan to participate in tonight's discussion.

Simison: Thank you. All right. Would the applicant like to come forward?

Wardle: Mr. Mayor, Members of Council, Geoff Wardle. My address is 251 East Front, Suite 310, in Boise. Here tonight on behalf of the applicant and Jon Breckon who will handle the technical issues is here. As staff indicated we have -- and we appreciate the -- the continuance we got last time. Council for the neighbors and myself have met multiple times and have multiple conversations and, unfortunately, this is a situation where I just -- the parties are not able to come to an agreement at this time on sharing access. We were certainly amenable to granting a unilateral access easement, if, in fact, there was something reciprocal, but our concern just is that what has been

proposed will just result in future conflict and future trespass that -- that can't be resolved and so Jon will address, you know, what was presented previously. But we are -- we are back in front of you tonight with a request that you approve this application with a -- a fence at the property line that would enable a 20 foot wide drive access serving this property, which is reduced at 18 feet due to the placement of the utility poles up front and Jon can address the -- the remaining utility and access issues and I can come back up for questions when you have it on those.

Breckon: Jon Breckon. 6661 North Glenwood Street. I have brought my presentation from previous for -- for reference, but I think the main item I wanted to speak to tonight was the irrigation item that Sonya brought up and I have some additional calculations and gone back and double-checked the water flow, the water rights and the ditches and so forth. There is plenty of water in the -- in the -- in the ditches that are adjacent and the developer Doug Jayo has been out there personally trying to address the issue. There was an e-mail that he sent back July 28th that addressed what he found at that time and, then, we have, as part of this submittal, an updated design for that pump station that would make additional improvements to enlarge the wet well and allow for the gravity irrigation to circulate around and connect to the ditch to the north. Anyway, I have -- I have that with me as well. I would stand for questions.

Simison: Thank you. Council, questions? Council Woman Strader.

Strader: Thanks, Mr. Mayor. Do we have those items in the record? I -- I went through the file, but I do not recall seeing the updated calculations and pump house materials.

Breckon: The -- Mr. Mayor, Council Woman Strader, we should have the -- the new design drawings that were submitted as part of the original packet. I don't know that the -- that the calculations are in there, but the -- and then -- and I know Sonya has the letter that was sent on July 28th.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Could you -- could you just maybe explain what the calculations show, then, just so we can understand --

Breckon: You bet. So, the -- the water rights are such that they include the original Cherry Blossom property to the west, which is 10.74 acres and one miner's inch, which is nine gpm per acre and, then, there is water rights to the ditch that flows through the property to the north and that's an additional 60 -- 60 inches of water and so within the ditch that flows by there is 544 gallons per minute flowing through that ditch. The -- the demand for the overall development is peak -- peak demand during July would be 64 gallons per minute and the -- the pump station is designed at 80 gallons per minute. So, there is plenty of water there and -- and capacity for the pump. It's -- it's the connection to the ditch that is faulty and needs to be improved, so that we can get the

water out of the ditch into the wet well for the pump and, then, I also, as part of this new design, am recommending that the -- the wet well be enlarged for the capacity, so that it will not run dry and that was submitted in the construction drawings as part of the packet. So, if those improvements are made, then, everything should work just great.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: A question for our staff. I realize we are -- we are not all necessarily like engineers that are studying the capacity of the pump and, et cetera, but have we had an opportunity to somewhat verify that work that was done with some sort of -- because I saw there is a proposed condition of approval, but it's very broad and I guess my concern is whether or not this solution is adequate and just a general comment like -- this thing, if we approve, it's going to be a mess. It's going to be a mess, because you guys can't get on the same page and we are going to have a -- there is going to be a wall in the middle of a driveway. This is an absolute nightmare, so -- but on the pump piece specifically I was just curious if staff had any opinion at this point about the adequacy of the applicant's solution? Do we have an expert internally that might have an opinion?

Parsons: Mayor, Members of the Council, we -- we don't. So, we have no one that's going to -- to verify that. As you know we have an ordinance that requires pressurized irrigation systems. At the end when the system has been certified we actually get a certified -- letter from the engineer that prepared the plan saying that it's been built to meet the standards and the specs. So, it's really on the design professional to prove to us that they have designed it appropriately at the end of the process and, then, we sign off on the subdivision improvement. So, that would be the same case here. If this is approved this evening, they will -- they will get their plans recertified, relooked at with our land development team and they will go with the irrigation district. They will say, yep, no, good. They will have to verify it. We will get that certification. It will be part of the public record and, then, if it becomes an issue the city will hear about it or we will -- we will send them to the irrigation district to -- to figure it out. But certainly the issue that you are hearing this evening is nothing new. We hear it quite a bit from many different subdivisions. I know my subdivision that I live in -- same thing. Our irrigation system is owned by Nampa-Meridian, but when everyone turns on the water at the same time you lose water pressure and, therefore, your heads don't cover your lawn and your yard starts burning up. So, again, it's the same thing. My HOA communicates out saying, please, water on every other day or water at different times of the day, so you make sure that there is adequate pressure for everyone using the system. I know it isn't an easy answer. It's not a -- it puts us in a -- in a difficult predicament, but that's the system that we have built and certainly can relate to it.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Bill, if I recall -- and correct me if I'm wrong -- this is not a Nampa-Meridian Irrigation District well. This is a private well.

Parsons: Major, Members of the Council, yes, there is a lot of nuances to irrigation in our area. So, we have these larger waterways that are controlled by these bigger irrigation districts and, then, there is sublaterals or smaller groups that we may not know exist out there. Jon knows the history better than I do, so I won't -- I don't know who is controlling it or it is -- and certainly the developer can choose to have the irrigation district own it or the HOA own it and that's typically noted on the recorded plat, who is to own and maintain that. So, this one I'm not sure if it is part of a Nampa-Meridian system or somebody else. So, it looks like Jon's shaking his no -- his head no that it isn't and so it may be a ditch rider association or something out there. But I will let him at least give you some feedback on who is maintaining it or who -- whose jurisdiction it lies within.

Breckon: Mr. Mayor, Members of the Council, it's -- it's a user ditch and so the headgate is further upstream and you may be aware the -- the irrigation district's opinion is once it leaves the headgate it's not their problem. It's downstream. And that's the situation on this. So, this is -- where we are at is private ownership as a user ditch and so, then, we are to abide by state law to continue water rights to the users.

Overton: Mr. Mayor, follow up.

Simison: Councilman Overton.

Overton: I guess to Jon and to Bill, then. Okay. So, I'm -- I'm -- I'm right in the line I believe with what Councilwoman Strader just said. I fear that this is going to be a train wreck. That if we approve this application there is still a good chance that this whole current ditch system could fail. Where does that leave this application if this whole system fails, but Council's approved this?

Breckon: Well, Mr. Mayor, Councilman Overton, I think maybe to add what Bill was saying -- I mean the process as we submit these plans, land development will review them and double check the design and, then, it does need to be installed per the plans, along with all the other improvements. So, as far as the pump station goes it will need to be properly installed.

Parsons: Mayor and Council, it -- I think the -- there is two ways you can skin this cat. One is it's -- if it fails the HOA has got to fix it once it gets turned over to them, because the code requires that they provide a pressurized irrigation system and, then, part two of that is they need to provide a secondary source if the irrigation system fails, which is typically a well or domestic water. The other part I think -- and I know this project has been going on for quite a while, but I do recall at least -- if memory serves me correctly the developer in this case is trying to utilize an existing system that he built with the first phase. It's certainly within your purview for him to design his own to serve these three lots. That's still within your purview and that was something I think we brought up in the

staff report for you to take under consideration. So, again, there may be issues with the current system, but there is also an ability for the council to say you can build your own and be independent from this other entity. But, again, hopefully, this lot -- more than likely this property does share the same user ditch and water rights. So, it's -- either way it's all coming out of the same ditch. The same water is coming from the same place. So, I don't know if that gets you anywhere, but, essentially, I think -- if I'm understanding Jon correctly, I don't know if the system is failing, I think it's -- like I said, a lot of times it's just -- it seems to be a -- someone maybe people are watering all at the same time and taking resources from one another, rather than trying to stagger the times they run their watering and that -- that's the difficult part is -- a lot of times we hear that -- subdivisions call us up and people like to water every day and it's like you don't -- you don't need to water every day, but a lot of times people do and they flood out their crawl spaces. So, again, it's just proper education and understanding that this is a valuable resource and we all need to share. But I don't know how to solve that issue. We hear it all the time in our department about PI systems, water -- we will have HOAs saying the developer -- I can't water. My yard's burning up. We need more water and we are just like -- it's -- it's really not a city issue unfortunately.

Breckon: Mr. Mayor, Councilman Overton, is maybe -- another thing to clarify when I said earlier that part of the fix here is to enlarge the wet well. The wet well that was originally designed and installed was based on that watering schedule, too, so that people would water every other day and -- and -- and so based on things that have occurred since then I would agree that people aren't abiding by the -- by the schedule and as such I'm suggesting in this design that we oversize the wet well to accommodate them, because we do have the water available, it's -- it's -- it's not going to pose a problem to have a larger wet well and it will only fix this issue with -- with overwatering. So, the -- the pump itself is properly sized. It's just getting the water in there, so that it can run when it's asked to by whoever is running their irrigation system.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I am not a well expert by any shape or means. The comment you are making about an oversized wet well, is that already captured in our DA provisions or is that new information that would have to be added if this application was to be voted for approval?

Parsons: Yeah. Mayor, Members of the Council, I think you would want to include that in your conditions of approval that they -- they upgrade the irrigation system and get that verified, so that it does have the bigger wet well would be my recommendation.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Okay. So, I can get all of this out regarding water, because this is going to go back to the original allotment. Can you upgrade the current system with a larger wet well under your water allotment? Because I know that ditch -- if I remember right, the ditch feeds like the neighbors -- the neighbors surrounding with the older homes that were very concerned with the original plat that they maintained their water. So, we have got to look out for everybody's water, because water is gold in the state of Idaho.

Breckon: Mr. Mayor, Councilman Little Roberts, yes, the -- the -- the up-sizing of -- of the wet well -- well, the -- yeah. The up-sizing of the wet well is not -- not going to affect the -- the neighbors. What it does is it -- it gives a -- a larger -- a larger container to hold water. So, the -- the -- the water -- I mean the water usage is still limited by the pump, because it's only designed to deliver so much water and so it's -- it's kind of a -- it's a calculation of time of volume and so -- trying to think of an analogy, but if -- you could have as big of a cistern as you wanted, but if you have only got a small hose delivering that water, then, it's only going to come out at a certain rate, so --

Little Roberts: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, are you open to a condition of approval that you as the applicant will design and install your own separate irrigation system for these lots. I would like to understand your position there before we get to the wall and everything.

Breckon: Mr. Mayor, Councilman Strader, we are certainly open to that. I -- I -- I don't -- I don't see the value in that personally. It's very redundant based on everything else that we have got going on there. We only have those three lots in addition to the larger parcel. So, it's -- it's a very small percentage of the overall design. But, yes, to answer your question.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. And I understand your comment. It's just that based on the other comments received it just feels like this is -- unless you are operating your own system, this is just like a setup for a real nightmare around the water itself. So, talk to me about if -- we were really I think hoping you guys would come to a resolution. What is this going to look like with a wall in the middle of the driveway? How is it going to function? Talk to me about emergency turnaround and remind me what that's all going to look like with the great wall here in between.

Breckon: Mr. Mayor, Councilman Strader, I'm going to see if I can forward here to a site plan that will graphically depict that. Oops. Oh, this is -- this is probably as good as any. So, the -- the -- what we are proposing there with -- with the common drive, you know, if we -- if we do a wall or fence it would be on that south property line and what we have designed is -- still meets access requirements for lots to the north, as well as adequate turnaround for emergency services and -- and trash pickup for the lots to the north. The lots to the south will continue to have the -- the driveways that -- that they already have and I would expect that trash pickup will require rolling the containers out to Fourth Street.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: In -- in -- in the meetings with your counsel and their counsel was it close? Was -- like was it like there is just a sticking point or is it like just -- we just cannot -- I mean, obviously, this is multiple tries here, so I just want to understand like did it come close and there is hope here or --

Wardle: Mr. Mayor, Council Member Strader, I appreciate the work that their counsel has done, but I think what is -- is lost in this whole thing is that their property ostensibly is served by a 20 foot wide access drive that was not ever constructed to 20 feet in width. So, to the extent that they have been taking access, they have been trespassing. Now, it's -- it is what it is and we have proposed a variety of things, including taking responsibility. We would make some additional improvements. They took the position that was communicated to us that they wanted us to remove a portion of their existing drive, the existing concrete that's there and make improvements that just did not make much sense. So, we are still open to discussions, but I take umbrage a little bit, Council Member Strader, with the notion that it's a wall when property owners all over this state are entitled to fence their property at the property line. So, it's not an affront. It's not intended to be offensive, but if we can't reach an agreement about common access, then, there has to be something to keep the Amazon truck from driving from our property onto theirs. There has to be something to keep our individuals from turning around in their driveways, because that's the concern. So, we will construct a fence. I do think it would be better -- it would be better for everybody if we had a common 30-plus-foot-wide common drive that served everybody. But the struggle that we had is -- and I'm not here to slam or mischaracterize, but there is this notion that, well, why are we having to give up something. Well, you're not. We are trying to be cooperative and the reality is you have an existing 11 foot wide drive, not a 20 foot wide drive. It's platted at 20 feet out to the street, but it's only constructed to 11 feet. So, to the extent that you have needed more access for garbage, that you have needed more access for these other things, these properties to the south have utilized this property for that and so, yes, I mean you're -- you're -- it's appropriate to be concerned. It's appropriate to have a resolution. I would be more than willing to grant a unilateral cross-easement that they can cross onto our property, but what's to keep our clients from being sued for trespass if one of their guests crosses the line? If we don't have an agreement,

unfortunately, the best possible solution is for the properties to fundamentally remain as they are, but with a recognition that the property here to the north has the right to enclose its boundaries and be developed consistent with your code.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I get what you are saying, but at the same time this is like -- to me this doesn't look workable. Like I'm concerned about -- and I understand planning and the Fire Department gave this waiver using basically the curb to count it toward 20 feet, but it just -- it feels to me like a bit absurd that we are going to have this common driveway and garbage trucks we have already admitted won't be able to get through there. The Fire Department --

Wardle: I disagree -- Council Member Strader, I disagree. I disagree. Your standard and our people have worked with Public Works and with Fire and with the -- the police department to address what -- what is required. But if you are going to dismiss our attempt to solve this problem under your code, then, we want code enforcement out enforcing this as to everybody, because why did we allow building permits to be issued to residences that are on an 11 foot wide drive? And I guess -- the other thing is, Council Member Strader, these are hard things. In-fill is always hard. But we are not here asking, you know, to throw up another 300 houses on south off of Ustick, we are here saying let's get three more lots on this property, because it's consistent with your comp plan, it's consistent with your code and that's where when we talk about platting of property and we talk about subdividing, the fact of the matter is it's not really discretionary. Any property owner that can satisfy the specific requirements of your code has an absolute right to have their property divided in accordance with that code. So, whether we like the esthetics or not, impose the condition that we have to ensure that our water meets the requirements. But, again, we are on the same ditch that the other 43 lots were as well and we have a water right just as they do and we will work through it. We are not looking to encroach upon our neighbors to the south's property, but we are here in part because the neighbors to the south have benefited from not having the northern property enclosed and an enclosure of -- of a minimal kind to ensure that everybody knows where the property boundary is, if we can't reach an easement agreement, is the only solution.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor -- sorry. You have lost me when you referred to something as 11 -- an 11 foot drive. It says -- it says they have 18 feet. So, Mr. Mayor, Council Member Little Roberts, as we look here you see the properties to the south. Okay? And this dimension right here that we are proposing to improve is 20 feet. They have a platted lot that stubs out at 20 feet, but they only improved 11 feet of that. There is this

portion down here that -- that could be widened for their -- their benefit and use. We don't think that's a good use of things, but I also don't think it's a good use to rip out existing improvements that are -- that are there, especially where there hasn't been a willingness to -- to share the cost of -- of maintenance. So, what I'm struggling with, Council Member Little Roberts, is there is this notion that we are eliminating their access. But the fact of the matter is we are not. Their access will be exactly what it has been, that their legal right has been, which is, essentially, the 11 to 12 foot wide drive that they built, but if the concern here is about these three lots on an interior in-fill site -- and I would posit that interior in-fill sites are what we ought to be encouraging, because we already have the infrastructure, we have already invested. That's where we already are. But if we are going to object to these three lots and say that this is a failure, then, where were we when building permits were pulled on these two interior lots to the south? So, Council Member Roberts, that's the thing is that what you see there in the light white below is what is their drive and it's my understanding that it's concrete and what we are talking about is installing 20 foot wide, which is 18 feet plus two for the rolled curb, and that's only because they relocated a power pole into our easement. That's why it's 18 and two. It's not the full 20, is because a power pole was -- there was a power pole at the -- at the northeast corner of Fourth and Camelia that sat in the -- in the right of way -- in the intersection and when Idaho Power moved that back onto the lot inside the sidewalk they, then, installed a new one across the street, so that you didn't have as long of a run and the consequence of that -- that's what short -- narrowed the -- the 20 -- the 20 feet. So, I -- I, you know, I do things to fix them. I don't come here to try to cause problems and I don't try to abuse neighbors and I appreciate Ms. Germaine's work, because she and I -- we work on the same floor. We see each other all the time. We have talked about this at least half a dozen times in the garage, on the way to the restroom, in each of our conference rooms, on the telephone. But I just can't get there and, like I said, Jon and I had talked about it. More than willing to grant a springing easement in the future if there was some acquiescence to allow access -- shared cross-access. But it can't be -- and -- and, Council Member Strader, to your point what was the objection? The response we kept getting is, fine, we will give you five feet. Well, five feet doesn't solve the problem, because we are talking about the long-term impact of vehicles using and the inherent movement is I'm going to come in on the right side, I'm going to turn around in our little snoopy head there or back out and when I come back I'm going to stay to the right, because we have all gone to driver's ed and we have all been taught and that's what we're going to do. But a five-foot-wide easement doesn't accomplish that. It's got to be the entire width of -- it's got to be the entire width of the travel lane on both sides.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Sorry I'm going to make you walk through this one more time.

Wardle: Okay.

Overton: I see the drive aisle as you have described it. I see the 20 foot drive aisle. I see the fact that at one point it narrows down to 18 feet where the pole is and just to be completely clear, on the south side of that 20 foot drive lane they currently have 11 feet that they are using for access.

Wardle: Correct. Except -- let me clarify. If we can look here, you see this yellow -- this -- this building here. Are we seeing my cursor?

Overton: Yes.

Wardle: Okay. So, the property line is right there. So, there is actually a 20 foot wide --

Overton: That's where I'm going.

Wardle: -- a 20 foot wide area that goes all the way out, but they only improved the northern 11 feet.

Overton: Mr. Mayor, follow up. That's what -- that's where I'm going. So, with your explanation to Council Woman Little Roberts, what I see is you are going to develop a drive that's 20 feet, but they have access to also develop a drive that's 20 feet.

Wardle: Correct.

Overton: With a fence in the middle that we don't really need, but we just can't seem to get past.

Wardle: Correct.

Overton: Thank you.

Wardle: Thank you.

Simison: Maybe to follow up with one -- when you are looking for the unilateral easement were you only looking for the 11 developed feet or the full 20 feet that would, in theory --

Wardle: Mr. Mayor, Members of Council, we have no desire to see them have to make any additional improvement.

Simison: So, it's for 11 feet.

Wardle: But if they were to grant that for whatever the drive aisle is -- and I think -- I think there has been some concern -- because I measure it one way and look at it and it probably needs to be surveyed, because ideally that would be what we do is we do a survey and we capture all of it. Not looking to require them to build the 20 feet, but it's

got to be what the travel way is and it can't just be some arbitrary five feet on either side of the property line. That's unworkable.

Simison: Okay. So, look -- the easement requests were just over what was currently concreted.

Wardle: Correct.

Simison: Okay. Okay. Council, any additional questions for the applicant?

Wardle: Thank you.

Simison: Thank you. Mr. Clerk, do we have anyone signed up on this item?

Johnson: Mr. Mayor, yes. First Abigail Germaine.

Simison: Good evening.

Germaine: Good evening Mr. Mayor, Members of Council. For the record, Abbey Germaine with Elam and Burke. 251 East Front Street, Boise, Idaho. 83702. Excuse me. I'm here on behalf of my clients Justin and Margie Williams. They are the property owner to the south of the proposed development. I would agree completely with counsel's representation that we have worked diligently to try and find a resolution to this as it relates to the cross-access agreement. We have not been able to reach a resolution. I would like to just correct two statements that were made. I believe counsel said that the -- the property owners would not be willing to share in the cost of maintenance. My clients have agreed that if this improvement was made and a cross-access agreement was reached they would take responsibility for their cost of the south side of the cross-access easement. So, I just want to clarify that. That's not one of the sticking points. I would also just remind the council that this application does require a waiver to the code requirement. So, as Mr. Wardle pointed out, the access is 18 feet because of that utility pole. So, currently as it stands it does not meet code on its face. It does require that waiver. As to the specifics of the negotiation, Ms. Williams is here this evening. I think she is better suited to maybe answer any of the council's questions as it relates to the concerns with the proposal that the developer provided. But, again, I want to just reiterate that counsel for the developer is correct, we did attempt to reach a resolution on this. It was just not feasible. And I'm happy to answer any questions.

Williams: Hi. Margie Williams. 1251 Northwest Fourth Street. I do need to make one correction for the record. So, it's actually not 18 feet. Last January I submitted a tape measure marking of 15 feet five inches. That is the total width and it's in a photo -- and it's in photographic I guess record. It's one-way traffic. It's a big safety concern of ours. The picture is actually very helpful, so -- oh, sorry. Our driveway is 11 feet of concrete with six inches of overhang on either side. So, it's actually 12 feet per the rural standard. So, two houses back in the day were allowed to have 12 foot driveways. It couldn't be more than two homes from what I understand. But that's how it got to be.

The -- also there has been talk about the -- I guess property line. There is nothing on -- I have the plats and the survey documents. There is nothing on there that says, you know, our approved driveway needs to be widened to accommodate a new development. It's actually is there as an irrigation easement mainly. But also that neighbor, Holly, it goes right up to her door. So, you open a car -- if we built that -- that out you would open the car door and hit her house. Also we are actually fine with the 12 feet as we actually mostly function on the 12 foot driveway. Our -- we have half-acre lots and our driveways are very wide and deep, so we have no problem maneuvering. The additional -- our proposal was to put a curb, which is commonly used, steep enough that -- it's usually a four to -- four inch curb, but less than six and it provides a jolt if you go over it, you know, at even greater than five miles an hour. So, people will want to stick to the pathway of that 20 foot drive and not randomly jolt over. So, we find that would be sufficient. Also the national standard or common standard for backing up is 24 feet. So, they have 25 -- or 20 in front of the houses, offering the additional five where you would go over -- have to go over very slowly and, honestly, we would only be using it for backing up a trailer occasionally. We don't cross over, because we don't need to. They are the ones that have the very short lots and narrow driveways and are going to have incredible difficulty backing up without hitting anything. But it would make it to I guess the standard to be under 24 feet. Would be 25. Also -- gosh, where am I with that? We are concern with safety, because nobody -- I mean the developer didn't talk about how he is going to manage one-way traffic for. So, there is actually seven homes on this driveway. One doesn't take access from it, but, you know, the three new homes are -- actually, there will be four on that side going down. It's got to be 150 feet or more of the pinch point that's narrowed down to 15 feet five inches of one-way traffic turning onto Fourth Street. So, people are going to have to be backing up. Emergency vehicles might not be able to access it and back up because of the one-way traffic and services will have difficulty. It's going to be a constant every day backing up on that developer side. Since there is only two of us on the other side we manage -- we manage perfectly well. It would be somewhat inconvenient at times, but since there is only two homes of the 12-foot driveway we can handle one-way traffic better than four homes. And one of the other things is -- so, for negotiating agreement the developer hasn't offered anything different since 2020 -- September of 2024. Two years ago. I submitted two pictures of -- they still want the same 11 feet of our driveway, which would be a 31 foot driveway, which is more than like a street for backing up. No reasonable person needs that full amount to back up. I looked up the AASHTO geometric design standards in the DOT roadway design manuals and the -- the curb we are proposing -- or did propose it creates a visual and physical deterrent. Sorry, my notes are kind of scattered, but -- I guess their argument of people need 31 feet backing up, it defies common sense and logic and people manage perfectly well on 24 foot wide streets and they don't -- especially if you are going over a bump, back up all the way into like the far lane of a full width street. They just don't do that. You just like we do normally. You do a normal backup and it is supported by civil engineer design standards that way and we do -- I guess we have tried to negotiate. They have not. The only thing they offered was paving the parking pad in front of our shop, which does nothing to alleviate the one-way traffic. Our proposal -- we actually created two-way traffic up to the -- so, there is the first two houses at the entry. So, we proposed the -- to give an additional five feet

all the way up to the middle house, the Hanson house and, then, due to the increased traffic the other -- the other area we wanted it to be made like a sidewalk or walking path, so we could safely get to our mailbox. That was our other concern, too, is like is all this traffic and we don't have a separate way to go down a 300 foot driveway to access the road. So, as our -- we compromised we would give the additional feet to total 20 feet two-way traffic up to the middle house and, then, that's where it would split and -- because they have a full 20 feet there and so that's where the five foot backing up would start. Is -- it would just be incidental, like backing up from us and there is no reason like people back up that far over. I mean 25 feet is plenty to back up a normal vehicle and drive on the roadway. They -- they are not going to -- I mean I -- I guess -- not for me, per the national standards I looked up, that's not something people do. I guess we are also concerned, too, about -- I guess even just the construction and digging -- ruining our driveway where the sewer lines are going to be placed and the pump house. So, this also has easement to people going to do any type of maintenance to the pump house. There -- it's really confusing where they would even -- it's not represented where they would even park or turn around. It would basically have to be our property.

Simison: Thank you.

Williams: Any questions?

Simison: Council, any questions?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Ms. Williams, it's obvious listening to you and listening to the applicant that neither of you have been able to come together to an agreement on some form of shared access drive, so -- but the ultimate decision could end up being an approval of this project and you having only 11 feet to drive no matter which way you are going and, then, all trash cans have to come out to Fourth Street, because --

Williams: It's a small opening in the fence --

Overton: I'm sorry. What the applicant is telling us is a fence -- he is not saying there is going to be an opening in that fence. He is saying that you would have your side. They would have their 20 foot side -- or their 18 foot side. I just need to make sure that we are all speaking the same language that that would leave you 11 feet -- that originally you had 20 feet plotted --

Williams: That was 30 years ago. Sorry.

Overton: Sure. I get it. And you have -- you have developed it. You have landscaped it. I'm not asking you to tear it up, but that's what it was intended for 30 years ago, was it not?

Williams: No. It never says that on the plats or it's for -- it says it's for irrigation actually. Not development of -- because a 12 foot driveway was standard back then and that's what the occupancy checks would show.

Overton: I would guess that 30 years ago they believed we wouldn't be standing here today arguing over a cross-access agreement for this number of houses. I just -- I want to make sure that you understand the applicant said if we approve this and they put a fence down that line -- that that gives only 11 feet on the south for all access for the three homes on the south. That's it. And that I believe -- if it was Republic Services delivering trash or picking up trash, they are only going to take trash containers that come out to Fourth Street. Is that -- that's all understood?

Williams: So, I guess my proposal and ask of the city was -- would be we -- that there would be no trespass. Our cans would be on our side, would just to be a small opening where the trash, as it drives by would grab it and dump it. Our can on our property no trespassing. There would be a fence with a small opening for the trash as a concession.

Overton: Okay. Thank you.

Williams: Our driveways -- as I said our lots are bigger and deeper and wider. We have no problem maintaining our -- it's -- it's the other neighbor that's going to have significant difficulty in one-way traffic. We manage it every day.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Margie, hi. Thanks for being here. And I -- I know that you have probably been really frustrated with this process and just being very honest I have been really frustrated with this process, too, and I appreciate you coming up here and testifying on your own behalf. I am going to ask some questions of your counsel here in a minute, but I think just to maybe get to Council Member Overton's questions, is that your preference is that you would want a fence to divide a pathway, as opposed to having wider access for everyone.

Williams: Other than the five foot proposal of cross-access agreement that would be our second option.

Cavener: Mr. Mayor?

Williams: And the -- and the two-way traffic we think would be much safer up to Todd's house.

Cavener: And, Margie, I understand you -- you live here and you live this every day and I think that's where some of your testimony is hard for me to quite comprehend what you are talking about, because I haven't lived it and -- and I'm not asking you to try and convey that to me, because part of public testimony is hearing that lived experience and I -- I'm hearing that from you tonight. But I just -- I want to make sure that I'm clear, because I think that's ultimately where the council is going to land tonight is to decide to either create a barrier and both parties will have less space, because you can't come and work together as neighbors and create a larger space for the benefit of everyone. What I'm hearing is your preferences less space for you, less space for the neighbors across the street, as opposed to more space for everyone.

Williams: Correct. Because I haven't heard a compromise at all from --

Cavener: I appreciate that and if I can, Margie, maybe that's where I would like to ask your counsel, if you are okay with that, some questions. Hi.

Germaine: Hi. Good evening.

Cavener: I -- I appreciate hearing kind of all different sides on this. I am -- I'm struggling to understand where the areas of contention are between you and the applicant and I'm hoping you can maybe walk the council through those kind of line by line, what are those bones of contention? And I recognize there are -- there are probably some things that are bigger deals and there are some other things that, hey, we could probably plug our nose if we can find some common ground on those bigger deals. Would you mind spending a few minutes and walk the council through that?

Germaine: Yes, of course, Mr. Mayor, Council Member. So, maybe I will tell the council first what we were able to reach some compromises on. So, originally my clients were not inclined to provide any kind of entirety access through the length of this driveway. As Margie mentioned they wanted to just provide an initial five feet at the entrance to allow and accommodate access at the -- at the approach of -- of the driveway. We moved away from that and we were able to discuss full length access moving from the east to the west along the length of the driveway, but my client's position was that all was -- all that was needed by the developer was five feet, that they did not want to provide the full 11 feet and part of that was because both parties had agreed that no parking would be allowed in the cross-access. So, I think there was some concern of providing the full 11 feet, that it may interrupt some occasional parking that occurs by my client within that 11 feet that's been developed on that south side. So, the concrete area. So, I wanted to just point out those were some of the items that were negotiated and agreed upon. In addition, my clients agreed that they would provide and pay for ongoing operation and maintenance of their side, which was not the starting place of negotiations. Related to the sticking points, five feet versus 11 feet. In addition, my clients requested that the developer re -- repair or improve their half -- their portion of

the cross-access easement. So, that 11 feet. My client's position is that their driveway currently -- their 11 feet that is concrete -- is not in a state that can handle additional traffic and so they asked that as part of the construction that the developer pay for repaving or reconcreting that portion. I would say those are the two main sticking points. The rest we were able to -- to really come to some kind of agreement on.

Cavener: Mr. Mayor, maybe just a quick follow up.

Simison: Councilman Cavener.

Cavener: The issue about the current state of the concrete not being able to support the increased traffic, is that based on a subjective perspective? Was there a survey or analysis that defends that position? Again, I -- I'm not trying to diminish, but we are talking about three additional homes and it's -- again, let's say all those homes have five cars and all five of those cars leave every day and come back every day. We are talking about 30 additional trips and so I'm just -- I'm -- I'm surprised by that and so I -- I would assume there is some analysis that justifies that request.

Germaine: Mr. Mayor, Council Member, I -- I think Ms. Williams could speak to this, but they did seek out a estimate for the repairs of their driveway. I believe that was submitted. So, they did have someone come out and look at the -- the driveway.

Cavener: Mr. Mayor. And -- and -- and I have read that and -- and, again, I'm not trying to be confrontational about this, I just -- I -- I just kind of respond to what I see. What I'm seeing is -- it feels like that the existing asphalt is it being in need of repair and your client is asking the applicant to pay for that in exchange for giving them what they need. I don't want to draw that conclusion, but that's the conclusion that I'm set at. Unless there is some other analysis that, essentially, demonstrates that this concrete would be in such disrepair because of additional 50 cars a day on it and I didn't see that in the record and I'm not trying to make any assumptions, but that's -- that's the conclusion I'm drawing without any additional information and so I don't know if we have that and I have missed it -- I have seen the estimates from Mr. Mudd for the -- for the repairs, but my -- my conclusion is that those repairs need to be done regardless and not as a result of increased traffic, but as existing use.

Germaine: Mr. Mayor, Council Member, I would have to defer to Ms. Williams on that.

Cavener: Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just -- I want to dig into how you are characterizing the negotiations a little bit, because, Ms. Williams -- Mrs. Williams said that she also wanted a sidewalk put in. Was that part of what your client was asking for?

Germaine: Yes, Mr. Mayor, Council Member, my client had requested that some kind of sidewalk or pathway be provided for all users of the driveway in order to ensure safe access to -- for example, mailboxes. So, I think the discussion was that the developer put in some kind of pathway and there be some communal mailbox situation at the end of the driveway.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think what I'm struggling with here is I think there is a difference between reaching an agreement on cross-access and being equitable and, then, you know, kind of overreaching for an improvement that doesn't exist today and I'm trying to figure out where that line is at. There is definitely one fact in dispute right now, which is whether or not, in fact, it will be 18 feet wide or not. So, Mr. Mayor, if it's okay I would love to ask staff -- have we independently in any way verified and established that fact, because we have an applicant that's saying it's going to be 18 feet and they want a waiver and they want to count two feet of curb and, then, we have got testimony -- public testimony that they have measured it and it's 15 feet and that that is a very important fact for me tonight. So, I would like to know what do we know. What have we verified on that specifically, please.

Parsons: Mayor, Members of the Council, no, staff has not gone out there and verified that that's the actual true width of what that is. We trust that the engineer provides us a scale drawing and we -- we double check that with the plan submittal and we verify that with construction drawings. That's how we complete -- do our analysis of that. We don't physically go out to the site and measure that until after it is completed and built. It's part of the process and I know that the applicant has also been working with our Fire Department on those width requirements as well and meeting their requirements. So, I have been in meetings with Mr. Taulbee many times saying he -- and he did approve the -- the common driveway as you see in front of the drawing this evening. With that -- that -- that exception.

Simison: Council Woman Strader.

Strader: Thank you, Mr. Mayor. And so in a case like this where there is a dispute, we -- we do have drawings from an engineer. Typically we do rely on those. But there is a dispute. Doesn't it seem like it would be better to get clear on that now? Because what I'm curious about is how do we handle cases like this where there is a dispute about a basic fact like that? Isn't it better for us to resolve that now, as opposed to -- I'm imagining a scenario where this is built and, then, we are going for final inspections and like, surprise, it's not 18 feet, God forbid or whatever. How would we resolve that then? Like tell me about what are the pathways of resolving this now versus later?

Parsons: So, Mayor, Members of the Council, it's just like what the applicant explained. Typically they have to verify the property boundaries. Staff does not have a surveyor on

site. We are trusting that engineer's going out there, marking the properties, verifying their dimensions of their property. So, that's -- that's kind of the first step of a plat. They are verifying their boundaries and, then, that PE goes in -- professional engineer, he goes in there and throws in all the other things. So, yes, in a perfect world it's better to get those resolved, but taking out a tape measure and saying this is what I'm measuring and not knowing exactly where the property boundaries are and having that survey document, it's hard for us to verify that. We have no way to do that. So, we have to lean on the professional land surveyors to do that and tell us that information and that's why we have that review process. So, it's -- I can go out there and take a tape measure and say it's 16 feet. I don't know if they built the driveway on the right -- if they crossed their property line or not without having a survey document out there and a pin -- all the property pins identified on the site and verifying that, it's -- so, it -- it's -- it's a little muddy there to do that, but, obviously, this one's been going on for a long way. I do sympathize with Ms. Williams as well. I understand they have been there for a long time. Rules have changed and in-fill is hard as the applicant's acknowledged and so we are trying to find a win-win. We were hoping they could compromise, but sometimes it's -- it's -- it's hard to compromise sometimes when -- and we are talking about property rights. I do just want to mention that I had a chance to pull up the -- the record or survey that was done for the Williams' property back in '99 and it does show a 30 foot easement -- ingress-egress easement across their property. So, they built their driveway at 11 or 12 feet, but they had rights to have a 30 foot driveway there. So, again, it is what it is. It's -- it's water under their bridge. It wasn't built that way. Different rules in place. The -- the city had a completely different building department process than we have today. We had contractors. So, I don't know what those discussions were. I -- I wasn't here when that home was built, so we don't -- again, that's what we have been communicating to Ms. Williams is we have got to live with the build conditions, but we are trying to find a workable solution by having both parties work together and this has been going on for almost a year now and I don't know what that -- that solution is. I -- I wish they would -- we all agree that if a 20 foot driveway was built and shared among all the property owners it would be better for everyone involved. But, unfortunately, we can't seem to get there.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor -- and, again, I'm not sure this will answer everyone's questions, but every time we have talked about this project I have looked at the street view, not the aerial view of this area and it is a little confusing and there is two different street views and one is you look at the bottom of the Google map, one is 2015 and one is 2022. When I look at the 2022 one, which, basically, shows an angle from about this portion of the street here where that brown cutout is across the street from Fourth there -- so, in 2016 there is a pole in the middle of the street, but by 2022 there is a power pole on the corner and there is a power pole right there on the corner that they are talking about. So, this is a 2016 view. If you back it up a little bit there is a 2022 view that shows the power pole they keep talking about. The power pole is right behind this street sign

today. It's not there -- this is 2016. That's why you don't see it. There is a power pole here and there is a power pole there and so when you look at it from the street view of 2022 it might give you a better view of what this driveway looks like and you can see the concrete driveway on the south with an adjacent yard and a fence and a truck with a trailer parked on that driveway that, obviously, could fit through that pathway there. I don't know that it helps the answer, but if you look at this as '22 there is a pole that's not in the other picture you were looking at, because that one is -- when you take it right here in 2015 there is no pole.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Mayor, may want to help navigate our planning staff on how to switch different gears.

Nary: Yeah. If you back up on the map view on Google across the street it gives you the 2022 shot of the street. So, there is two different views of that street at two different points in time and that's maybe what's harder to visualize when you look at these, because, again, if you look at certain points in time there is also one -- it goes to the south of the intersection is 2017 and the street -- at the pole is in the middle of the road.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess a question for Mrs. Williams and her attorney. Besides measuring it yourself, which I think you heard our testimony from city staff on why that's problematic, compared to an engineer, do you have any other information or evidence that suggests that there was a deficiency in the work that the applicant's engineer did or do you have any other kind of backup for your assertion that it's 15 feet and not 18 feet? I would just like to understand that from your perspective.

Williams: There have been surveyors out and they have remarked with the tape. So, there is pink tape visible. The pins are in there. You can also hear them with a metal detector. The picture we submitted is actually from that pin to the end. It's 15.5 feet.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just want to clarify. Did you hire a surveyor? What surveyor are you referring to?

Williams: There actually was a surveyor out from another neighbor adjacent to us and they were looking at a -- a back neighbor. And so she actually did the original survey of

that area in '99 and so she was just going through and remarking -- she remarked the pin by -- by the ditch as well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Please don't take this the wrong way, but I don't think I can really consider the testimony of a neighbor hiring a different surveyor that you didn't hire. It's just a little bit too much of a hearsay kind of a thing to me. Like it seems a little bit removed from you. So, I -- okay. So, from what I'm hearing is you -- you -- your personal opinion is that it's going to be 15 feet, but that's based on your measurement; right? I just want to understand where that came from. That is from you, yourself, personally measuring?

Williams: Me personally measuring from the existing pin.

Strader: From the existing pin. Okay. Which -- just to be clear, though, this is the -- this is a pin that was put into place by your neighbor based on something that happened in the 1990s.

Williams: No. This is an existing pin that's been there from when she did the original survey. I have her name.

Strader: Okay.

Williams: But she did the survey in '99 and she is still a surveyor and it's just to -- you're able to use a metal detector and mark the existing pins that are there in the ground.

Strader: Okay. All right. Let me chew on that for a minute.

Simison: Any additional questions at this time? Okay. Thank you.

Johnson: Mr. Mayor, that was everyone.

Simison: Sorry, I couldn't -- I can't hear that.

Johnson: Sorry. That was everyone.

Simison: Okay. Is there anybody else that would like to provide testimony on this item? If you would like to come forward or use the raise your hand feature on Zoom. Good evening. State your name and address and you will be recognized for three minutes.

J.Williams: Justin Williams. 1251 Northwest Fourth Street. I was just going to talk a little bit about the irrigation. The problem with the irrigation is that the water comes from, you know, the Hunter Lateral. The people above us flood irrigate, so we have had to turn our water off, which is just one little tiny pump for our yard, so we can only water

in the middle of the night. So, no matter what happens if the people above us on a Tuesday block the water we don't get any water. So, there is no way to fill it. So, these guys have actually tapped into two ditches and that pump runs. 24 hours a day, seven days a week and it does not keep up. So, sometimes there is this much water and sometimes there is no water. So, unless they put some sort of float system to kill that whole system it will not work. Unless they can figure out a way to pull water from the other ditch, but the other ditch does the exact same thing. So, as those people flood irrigate when it's a hundred degrees, I literally turn my pump off until I know there is water in there, because it just burns up your pump.

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

J.Williams: Yep.

Simison: Is there anybody else that would like to provide testimony? Council, are you prepared to hear from the applicant for final comments? Okay. If the applicant would like to come forward for any final comments.

Wardle: Mr. Mayor, Members of Council, Goeff Wardle. Good questions were raised and I appreciate -- I appreciate the discussion and I appreciate City Council trying to -- to work through and solve this and all I can rely upon is what our engineers go out and survey and measure and put into the plans and I have reviewed the submittals and the measurement that we have is that we have a 20 foot wide easement that is north of their property that doesn't interfere with the 30 foot wide easement that the Williams have and that telephone pole was placed where it was. So, that -- at that point reduces the width to approximately 18 feet. But let's focus on what we are talking about here is we are going to install 18 feet of asphalt with a two foot rolled curb to the north. So, there still is approximately a 20 foot wide travel area and once we get past the second telephone pole, which keeps it at about 21 feet, it opens up and it widens up. I don't disagree with Ms. Germaine's characterization at all of our discussion. I think the fundamental struggle has been -- the fundamental struggle has been a five foot easement is not there for backup. It's so that as vehicles pull in -- pull into anyone's drive, anyone's home, and turn around to go back out, that they are able to do so without trespassing and that's why -- that's why we said, you know, it should be the width of -- it should be the width of the travel. To the extent that there were concerns about parking, Ms. Germaine and I talked about that and I said I believe that if we had our 20 plus feet, plus their 11 feet and the Fire Department agreed we can park -- allow parking on their side of the street. We -- we recognize with a 20 foot we would never have that. But, again, the notion isn't that we need the space to back up, the notion is that if you want to have a functioning drive it needs to function as a drive and that was the struggle too with the request that there be some kind of curb, because as we looked at that and evaluated it, A, we anticipate your Public Works Department would have a serious problem with that and, B, to install a curb on the property line between the two properties, what is the difference between that and a fence? It creates the same -- the same difficulty and problem. And I appreciate the Williams coming and being here tonight and I appreciate their concerns and I do think that everybody has -- has made

some concessions, but the other thing, too, is that we still don't have -- I mean our communication -- my communication has been with -- with Ms. Germaine and she has multiple property owners and that has been part of the struggle and I'm not saying we absolutely wouldn't do it, but I am saying this application for a three-lot subdivision has -- has languished and we need a decision. We need to be able to move forward. And I can assure you I don't like not being able to solve problems, but this is a problem that I have not been able to solve and I think that the ultimate resolution just has to be a recognition that both of these properties are served by distinct private drives and it's unfortunate, because ideally you would have an approximately 30 foot wide roadway. But we are not in a position -- we are not in a position to make that happen and I just -- again, as we have talked about, I would be more than willing to -- and I would have to work with Mr. Nary on something that would satisfy you, but we certainly have done springing easements in the event certain things were to happen in the future that -- and we are comfortable with everybody maintaining their own side of the roadway and we are also comfortable with -- if there were an agreement that the concerns that the neighbors have articulated about where the actual boundary of their concrete drive, that would become a non-issue and the last thing I want to point out is -- is we recognize that if we damage someone else's property we have an obligation to repair it and to replace it and that has never been an issue or concern, because we know that if we damage their driveway in the course of construction or anything else, there will have to be appropriate repairs and that will be done. So, with that, Members of Council, I request that you go ahead and approve this application with the conditions that have been proposed and discussed tonight and that we just -- we are in a position to move this forward. Thank you.

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

Overton: Mr. Mayor, yes. Two quick -- he doesn't get too far away.

Simison: Yeah. He will be back. Councilman Overton.

Overton: Just to tighten up my knowledge of the existing roadway, the boundaries that you are using to measure your 18 to 20 to 21 feet goes along, does -- none of that property line starts until the edge of their concrete? What I'm saying is there is not a portion where actually you are going to be moving onto the existing concrete drive that's there now?

Wardle: Mr. Mayor, Council Member Overton, I think this -- I mean this shows the concrete drive and it's my understanding from reviewing the survey that there is a portion out here that is south of the property line. There is a little bit of a gap. But that their drive does not encroach north. The -- the edge of that concrete does not encroach north. Obviously, if it did, then, we have some -- some other potential issues, but we have no intention of impeding their ability to utilize what is on their property and what is their drive.

Overton: Okay. Mr. Mayor, one other quick one.

Simison: Councilman Overton.

Overton: Just to confirm, the fencing that would, then, go at the edge of that would be a solid fence all the way down with no gaps?

Wardle: Mr. Mayor, Councilman Overton, I don't anticipate that we would include any gaps, because if we don't have an agreement as to, you know, shared use, that still is -- is inviting that. Mr. Breckon can opine more if we need to get into the details, but, yeah, the intent would be that it would be a fence that satisfies the city's code.

Overton: Okay.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Just one thought and Mr. -- Mr. Wardle brought it up. So, if the council is willing and we can at least include as a condition that a future easement -- if one of -- let me preface this. When I had the conversation with Ms. Germaine a while ago one of the things I told her is part of the reason what the city was looking for and trying to find a resolution is because all these property owners may not be there forever, but five or ten years from now other people may live there and wonder why is there a fence? Why is there this weird driveway here and a weird driveway there? And if the property owners at some point in the future can't agree to an easement, if we have the condition in this condition of approval for this plat that a future easement will be granted if there is an agreement from the south side of the driveway and the north to, then, remove the fencing and allow for a cross-access, then, we won't at least be arguing about that in five years on whether or not there is approval to do it. Right now there is no approval to deal with, but if we could get that language into this that might at least solve a future issue, because, then, again, it won't be on these folks to try to work that out, they don't have to do anything today, but future owners may be willing to do that and it may make more sense in five years. So, maybe that might be the one condition that might help. At least the council is concerned about what the future might hold. Thank you for bringing that up, Mr. Wardle.

Wardle: And, Mr. Mayor, just to confirm for council, we are amenable to that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to reconfirm, you guys are okay with designing and installing your own irrigation system is what I heard from the applicant?

Wardle: Mr. Mayor, Council Member Strader, Mr. Breckon indicated yes.

Strader: Okay. And I -- and Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just for context I feel bad asking for it, because I agree it's probably a duplication of resources, but to be honest like I'm -- I'm scared you guys are just going to end up suing each other and I think the fewer issues to fight about the better. Hopefully the adage good fences make good neighbors can help solve this. It's a shame. This is a real missed opportunity I think on all sides. But I think everyone tried -- everybody tried really hard to get there and, unfortunately, nobody could agree. It is a shame.

Simison: Yeah. I think -- I feel like story time again, because I talked about this the very -- very first time this came up, but I went home to my house I grew up in a few weeks ago in Pocatello and we have a neighbor that splits the driveway in half and, yeah, but my friend that I actually grew up -- he got the house from his parents recently and he talked about how he was going to go rip out all the landscaping in front of their yard to create the -- the driveway completely through to allow them to get in and out and -- you know. But the fence has served its purpose. There has been no issues between the neighbors for -- between my family and their -- my -- my parents and their parents who have all pretty much all passed away. Us kids could solve it, but the parents never could and it won't be there forever, but it's there for today.

Wardle: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Curious to get Mr. Nary's feedback about this concept of a springing cross access. Would that language -- if we are interested in that kind of a concept would that come back as part of like a development agreement for us to review? Like how would we try to tackle -- best tackle that concept? Would you still advise that? Like help me understand that.

Nary: So, Mr. Mayor, Members of the Council, Council Woman Strader, there is -- there is no development agreement here, because this property is already annexed.

Strader: Oh, yeah.

Nary: So, it is just a condition of approval for the plat. We would work probably with planning to craft that language and, then, work with the -- with the developer on the language. We do -- on a lot of cross-access, when you are going to develop one side and not the others, that there will be a future easement. Ms. Germaine has one currently with another issue with the same thing where we have put a burden on one property owner to provide that for future access. So, it's language we have developed

on a number of these and we do them in development agreements, but here we will just -- we will make it into part of the conditions of approval.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I mean we have -- we have tried so hard on this one to get compromises and we are just not there. I move that we close the public hearing on this item.

Little Roberts: Second.

Overton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor, I want to give it a shot.

Simison: Council Woman Strader.

Strader: After considering all staff, applicant and public testimony, I move to approve File No. H-20250030 as presented in the staff report for today's hearing date with the following modifications: Noting specifically that the applicant will design and install their own irrigation system for these lots. Instructing planning staff to, please, work with the city attorney and the applicant on provision for some type of a springing cross-access agreement and noting the waiver of the 18 feet inclusive of the two foot curb. I think I have got it all. Looking at staff if I have missed anything that I needed to address. Sonya, did we get it all? No?

Allen: I did not catch all of it, no.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to recap. So, approving -- and the conditions where the applicant will design and install their own irrigation system. Planning staff and the city attorney will work with the applicant on language around a springing cross-access agreement. I believe we had already covered the modifications to Condition 11, et cetera. It was already agreed upon. So, I don't have any other items besides the waiver, which I also included. I'm seeing head nods.

Allen: Don't believe there is anything --

Strader: Is that clear enough, Mayor?

Overton: Second.

Simison: I have a motion and a second. Is there discussion on the motion? If not, Clerk call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

8. Public Hearing for Pollard Commercial Split (SHP-2026-0007) by Brighton Corporation, located at 6489 N. Levi Ave.

- A. Request: Short Plat consisting of subdividing an existing commercial lot into two (2) separate lots on approximately 1.73 acres of land in the C-G zoning district.

Simison: Can we do one more? Okay. Let's -- let's get through Item 8 and, then, we will take a quick break after that. So, with that move on to Item 8, which is public hearing for Pollard Commercial Split, SHP-2026-0007. I'm going to open this public hearing with staff comments.

Ritter: Good evening, Mayor and Council. So, this application is for a short plat to replat Lot 5, Block 2, of Pollard Subdivision No. 1 from one to two lots on 1.73 acres of land that's zoned C-G and it's located at 6489 North Levi Avenue. So, the Pollard Subdivision was annexed and received preliminary plat approval in 2019 followed by the final plat approval in 2022 and recordation in 2023. So, the entire area that was annexed encompassed about 77.33 acres of land, located on the east and west side of North Levi along the north side of West Chinden Boulevard, midway between North McDermott Road and North Black Cat Road and as part of that annexation they entered into a development agreement that included provisions that govern future development of the property and in 2024 they modified the DA to remove the single-family residential portion of the development along the northwest side of Waverton Drive. Then they came back in 2026 -- in June of 2026, modified the existing development agreement for the purpose of updating the conceptual development plan to accurately reflect current development activity and to allow for independent progression of the identified lots. The site layouts and access parking, pedestrian pathways and public, quasi-public gathering areas, plazas that were -- had already been approved were depicted on those conceptual development plans. So, Lot 6 is still anticipated to develop with a hospital, but Lot 5 is what they are proposing to subdivide for the purpose of having two

commercial lots. The landscaping is still as what was proposed with the original plat. There were no written testimonies -- written comments received on this application. Staff has no objection to the proposal. We are recommending approval with the conditions outlined in our staff report and at this time I will take any questions that you may have on this application.

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

Benski: Good evening, Mayor, Members of Council. Eli Benski, 2929 West Navigator Drive. Thank you, Linda. So, we are here to discuss Pollard Commercial Short Plat. It's a split to create two commercial lots. As she -- as Linda mentioned, we are located north of Chinden Boulevard. Here is a map representing the applications that Linda gave a rundown regarding. In blue that border encompasses the greater Pollard area. We had the DA approved in 2021 and we recorded the final plat in 2023. In 2025 we brought forward Pollard Residential, which is the area in green. We just recorded the final plat for -- or the first final plat for Pollard Residential -- or Pollard North. The second phase for Pollard North is still in the works. In pink we have Pollard West. That was the development agreement modification that was brought forward earlier this year and in red those are the two commercial lots that we are addressing today for the commercial split. We did try to correct this as a final plat modification when we went back to Ada county surveying. They requested that we do this correction through a short plat, which is the reason that we are bringing it forward here as an application for you guys to review. Here is in greater detail that split. Splitting just down the middle for each building. With that we request your approval on this application tonight and we concur with the conditions in the staff report.

Simison: Thank you. Council, any questions for the applicant? Okay. Thank you. Mr. Clerk, anyone signed up to provide testimony?

Johnson: Mr. Mayor, nobody signed up.

Simison: Okay. Is there anybody present who would like to provide testimony on this application? If -- if you are online raise your hand. Otherwise you can come forward. Seeing no one raising their hand and no one coming forward -- the applicant waives final comments? Applicant waives final comments. Council, what's your desire?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I move that we close the public hearing.

Whitlock: Second.

Simison: Have a motion and a second to close the public hearing. All in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: This is pretty straightforward and I don't see any issues with this and with that I move ahead. After considering all staff, applicant and public testimony, I move to approve File No. SHP-2026-0007 as presented in the staff report for the hearing date of September 8th, 2026.

Whitlock: Second.

Simison: Have a motion and a second to approve Item SHP-2026-0007. Is there discussion? If not, Clerk call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: So, we will go ahead and take a recess until 8:20. Gives everyone about 12 minutes. So, we will reconvene then.

Recess: (8:08 p.m. to 8:19 p.m.)

9. Public Hearing for Rackham Micro-hospital (H-2026-0011) by Kimely Horn, located at Northeast Corner of S. Eagle Rd. and E. Overland Rd.

- A. Request: Modified Development Agreement to modify the existing Development Agreement (Inst. #109134179) to updated certain provisions and the conceptual site plan and building elevations.
- B. Request: Conditional Use Permit to construct a 24,000 sq.ft. hospital
- C. Request: Preliminary Plat consisting of 2 buildable lots and 1 common lot on approximately 4.655 acres in the C-G zone.

Simison: So, we will go ahead and come back from our break and we will move on to Item 9, which is public hearing for Rackham Micro-hospital, H-2026-0011. We will open this public hearing with staff comments.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Before we jump into Item 9 I just want to announce I shared this with our Council President and legal counsel earlier. My wife has an association with an organization we receive some public commentary on. While I don't think that she has any personal gains or losses depending on tonight's application, in the interest of transparency I'm going to go ahead and recuse myself from this evening's proceedings. I will be in our executive chambers and somebody just grab me when we are done and I will come back for the ordinance reading.

Simison: Okay. Thank you.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I -- probably no surprise to you or the Members of the Council that my day job I run the Idaho Hospital Association and this next application deals with a hospital. I should let the council know that I have visited a similar hospital in Post Falls and toured that facility in my capacity as president and CEO of the hospital association. They are not a member of the association and while there I had no discussions about the potential of this application coming before the -- the city council tonight. So, I think I'm able to sit and hear and judge fairly.

Simison: Thank you. With that, Linda.

Ritter: Okay. So, this application is for a CUP, a development agreement modification and a preliminary plat. So, this site consists of about 5.21 acres of land. It's zone C-G and it's located in the southeast corner of Eagle Road and Overland Road. So, approximately 9.0 acres of the land was annexed and zoned C-G from RUT and R-1 in 2008 to develop with retail and restaurant uses in the future. Concurrently the applicant requested to vacate the existing right-of-way of South Rackham Way. Approval for the proposed vacation application would allow the applicant to do a land swap with ACHD to reconstruct Rackham Way to Overland Road further to the east. The site was vacant except for an ACHD parking lot -- lot on the northern portion of the annexation area. The parking lot was proposed to remain. So, they are proposing to, again, modify the existing development agreement to update certain provisions, the conceptual plan and building elevation. They are applying for a conditional use permit to construct a 2,400 square foot hospital and a preliminary plat, again, consisting of two buildable lots and one common lot. The applicant proposes to construct a 24,000 square foot micro-

hospital with services, including a full emergency department with ten exam rooms, including one trauma room, one isolation room, a full imaging department with x-ray, CT scan and MRI. There will be eight overnight patient beds for anyone requiring an overnight or longer stay. The applicant states there will be eight employees and anticipate a daily high of 30 to 50 patrons with an average of 20 to 30 patrons per day. The hospital will be one story in height with landscape surrounding the perimeter. The main entrance for patients, with pickups, drop-off areas is on the west side of the building. A separate ambulance pick-up, drop-off area is provided on the south side of the building and it's important to note that the existing facilities at this -- existing -- at their existing facilities less than one percent of all patients arrive or leave via ambulance. The majority of the ambulance trips to the facility will be when a patient is leaving to be transported to another larger emergency care facility, like St. Alphonsus or St. Luke's. Per the applicant the hospital is a concierge patient choice type facility, often preferred over general hospitals for less urgent specific patron needs. So, access to this proposed hospital is from Rackham Way. Will be restricted to ambulances and patients traveling to the site. Eastbound traffic exiting the development will be directed to use Silverstone Way. According to ACHD the intersection at South Eagle Road and Overland Road cannot be reconfigured to accommodate U-turn movements. Staff is requiring the removal of the existing attached sidewalks and install detached multi-use pathway along East Overland Road and South Eagle Road. The multi-use pathway along Eagle Road will be required to curve to the northeast to connect with the ten foot sidewalk along Rackham Way. This is the sidewalk that we are talking about. The re-aligned Rackham Way will include a five foot attached sidewalk on both sides of the roadway directing patrons -- I mean pedestrians further away from Eagle and Overland intersection and an improvement overall pedestrian safety. Proposal also includes an internal sidewalk network that provides safe pedestrian connections between -- between surface parking areas and building entrances. In addition, cross-access will be provided to the adjacent property to the east allowing for further -- for future connectivity and circulation flexibility. This is the access point we are talking about. So, the hours of operation for the C-G is limited to 6:00 a.m. to 11:00 p.m. When the property abuts residential -- or user districts extended hours or operations may be requested through a conditional use permit. The property does not abut any residential use or districts and, therefore, has no limitation on the hours of operation. The applicant states that the hospital will operate 24/7 to serve the area residents requiring care. So, they have to meet the specific -- specific use standards per UDC 11-4-3-22 for a hospital. The parking stalls -- their parking required is one parking stall per 500 square feet of gross floor area. Forty-eight parking spaces are required. The applicant was proposing 57 spaces, exceeding the parking requirement. Conceptual building elevations were submitted for the proposed hospital. Final design is required to comply -- to comply with the design standards in the Architectural Standard Manual. The modification to the development agreement is to modify -- modification of Condition 5.13 is to increase the building square footage to 25,000 square feet from 20,000 and they want to delete 5.1.11 and 5.1.19. Get to that. And one of the issues that came to staff's attention when reviewing this per UDC 11.4-3.22, if hospital provides emergency care the location shall have direct access on an arterial. The proposed hospital use does not have access to either the abutment arterial roadways, Overland or Eagle Roads.

Primary access to the site is provided from a local street Rackham Way, which provides a connection to the arterial streets. This is something that the city council should determine if this meets the intent of the requirement. We did receive written testimony prior to the Planning and Zoning Commission. It was from Brett Brombeck, a member of the Idaho Association of Health Plans. So, had concerns regarding traffic and infrastructure adequacy, internal consistency of the application record and compatibility with the surrounding areas. He felt that a traffic study should have been required and that the applicant is not being forthcoming regarding the use on Lot 2. Apparently they saw something where they thought it was going to be -- something that had a drive-through, but that -- that's not what is shown on the concept plans for this. Sorry. If I can go back. In talking with the applicant it's supposed to be something that has some kind of restaurant type and maybe some other service in this building, but this was the original concept that was approved when they were going to do -- when it was approved the first time and they were going to do the right of way exchange with the ACHD. There was supposed to be some retail along here and -- was it a gas station? Some kind of service station in this area. So, staff did recommend approval of this -- with the conditions in the staff report. The commission did recommend approval with some modifications to some of the conditions that we had. In working with the applicant and in the ACHD staff report there was a condition that the complete vacation exchange had to be done prior to submittal of the first final plat. ACHD said that was an incorrect statement and they revised their staff report. So, staff has no objection to removing that condition. That was something that the Planning Commission wanted staff to clarify and, then, another thing was the issuance of building permits. They asked us to allow them to be issued a building permit after the right of way had been vacated. We cannot allow them to get a building permit before the right of way is vacated, because based on how the property is right now they would be building in the right of way, so the right of way has to be vacated. So, the -- what we came up with is that the building permit shall be issued prior to the existing Rackham right of way being vacated to establish the new roadway. The plat shall be recorded prior to the certificate of occupancy for the first building. So, we did receive written testimony prior to this meeting. It was from -- let me grab it here. Abigail Germaine of Elam & Burke on behalf of the -- the Idaho Association of Health Plans. I don't know if you guys saw this in the record and, basically, it's asking council to deny the application and if not have it remanded back to P&Z for some modifications to the plan. They don't believe it meets the requirement of the CUP. They -- based on the requirement to take direct access off of an arterial. They have concerns about a traffic impact study not being required and -- and the right of way and ACHD documentation -- some concerns. So, there is -- it's quite a bit of items within that letter. Abigail is here and I'm sure she will be able to go over her concerns regarding this application. But, again, staff did recommend approval with the conditions outlined in our staff report and Planning and Zoning Commission recommended approval also with the modification to the conditions and there was a condition that we had added -- we had put in before, but we took out because there was discrepancy on who owned that stretch of Eagle Road and today we found out that it does belong to ITD. It is within their jurisdiction. It is a state highway. So, state highways require noise berms along there for hospitals. So, the applicant has seen -- they were notified that we will be adding this condition back into the staff report and they have no objection to that, but

the applicant will confirm that when they come up and provide that information. So, there was a resolution that was done in 2007 that turned that portion of the roadway over to ITD, but apparently their GIS layer had not been updated when we talked to the individuals, so they didn't have the correct information. So, ACHD owns this portion of the road, but the rest of it belongs to ITD. So, just wanted to get that on the record to clarify it, so -- but -- and with that I will take any questions that you may have.

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

Spath: Good evening. My name is Kelli Spath. Address is 1100 West Idaho Street, Suite 210. Sorry, I was frozen here for a second. Good evening. I am here tonight to discuss a Aligned Subdivision and Micro-hospital. Like I mentioned, my name is Kelli Spath and I am with Kimley Horn and we will be handling -- handling the planning and entitlements portions of this project. Also tonight we have Ian Connor here, who is also with Kimley Horn and is the project's architect. On the phone we have Marc brinks, who is a member of Alliance for Ventures and is the project's developer and we also have Lyndon Brown here tonight, who -- with Davis Stokes Collaborative who is the project's architect. In house we also have Dr. Seeley, who is here tonight to answer any questions regarding the hospital operation. So, we are talking about three parcels on the northeast corner of Overland Road at the intersection of Overland and Eagle Road. Comprised altogether they amount to about 4.65 acres. As you can see Rackham Way currently bisects the site and intersects with Overland Road close to the Eagle Road intersection. There is an existing ACHD commuter ride parking lot to the north of the site. Like Linda mentioned, this property -- these properties were originally annexed and zoned and put into a development agreement back in 2009. Obviously, they were never developed according to that set of plans, which brings us to our portion of the project. We originally had a pre-app meeting with city staff in January this year, held a neighborhood meeting in February, submitted our applications in March, had our planning and zoning hearing last month and here we are tonight. So, tonight we are discussing three different applications. The first is a development agreement modification, which will modify that existing DA to accommodate the proposed site plan. A preliminary plat, which will adjust the right of way and parcels for the Rackham Road relocation and as well as a conditional use permit that will permit -- permit the hospital use in C-G zoning. In the future the city will have a chance to look at this project again with design review and certificate of zoning compliance applications, as well as a final plat application. We will also be taking this project before ACHD Board of Commissioners, so they can approve the vacation and exchange of Rackham Way. Speaking of that Rackham Way relocation, as you can see we are realigning that road so it connects further east along Overland Road and meanders through the site. We are providing two lots and one common lot with C-G zoning. Lot 1 will be utilized for the micro-hospital and Lot 2 will be sold as a parcel for future commercial development. The common lot on the north side of Rackham Way will be used for stormwater storage and landscaping. The comp plan designates the site as mixed-use regional and we believe the project fits well within the boundaries of that zone. The purpose of the ME designation is to provide a mix of employment, retail and public uses, like a medical

service facility near major arterial intersections, like Overland and Eagle Road. Linda touched briefly on the portions of the DA modification we are asking for. The first is just to update the conceptual site plan and building elevations to match the current proposal. We are also asking that the maximum square feet allowed on the parcels be changed from 20,000 square feet to 25,000 square feet. We are also asking that a section of the existing DA be removed. That provision is requiring a proportionate share fee for the construction of a bridge over Five Mile Creek. As you can see on the screen, the bridge that is contemplated in that original DA has been constructed and built out already with the development to the north. Here is our site plan specific to the micro-hospital. We are proposing a 24,000 square foot building that is one story in height. We are showing 57 parking stalls and three ADA stalls. A customer entrance is provided on the west side of the building and an ambulance entrance is provided on the south side of the building. We are meeting all dimensional standards of the C-G zone. Linda mentioned briefly the sound wall requirement that has -- we have toyed with back and forth a few different times. We have -- initially had another concept that showed that we could accommodate that sound wall along the western boundary of the property, so we don't have a problem adding that back into the site plan. But it's not something we are currently showing just with how the timing and the coordination worked out with everything. Here is a look at our proposed architecture. Proposed materials are a combination of brick and stone veneer, but this building will be freely reviewed by design review for compliance with the city's architectural standards. I think it's important that we talk about the site access. The main access to the site will be provided by a right-in, right-out intersection at Overland Road. There are a few other options to access the site, especially if you are traveling eastbound. The first would be to take a U-turn at the Silverstone Way light and intersection with Overland Road. Or if patrons don't want to do that there are public roads. They could drive up Silverstone Way, along Flatiron Way and back down to access the site from the north via Rackham Way. Based on ACHD feedback we are also providing additional raised median in Overland to better optimize the safety of the Eagle and Overland intersection. We believe that this new roadway layout is better for the overall area, because it consolidates the access points to these properties away from Overland and creates a safer and more controlled traffic pattern to the site and we also want to point out that direct access from Overland is prohibited both by ACHD and the existing development agreement. A few of the micro-hospital operations we wanted to touch on. We will be providing a full emergency department with ten ER rooms, an imaging department and eight overnight patient beds. We are anticipating eight to ten employees and 20 to 30 anticipated -- anticipated patrons per day. The anticipated ambulance trips for this type of project are very low, with about four to five arriving to the site per month and about 12 leaving and the proposed operating hours are 24/7. I think Linda mentioned it, but the anticipated patrons would come to the micro-hospital for less urgent specific needs than they might go to a traditional emergency room for. We chatted briefly about UDC-11-4-3-22, which says hospitals providing emergency care shall have direct access on an arterial. While the micro-hospital does not technically have direct access on an arterial, we believe we are meeting the intent of the code. Both Eagle and Overland are arterial roads, but access is provided via -- via Rackham Way, which is a local road. The facility will still have high visibility from both of the arterial roadways and the entrance to the site is only about 500

feet away from Overland Road, which you see marked in that red dashed line. As we discussed in the previous slides this roadway alignment is an overall better option for the safety and traffic patterns in the area and ambulance traffic to this facility is minimal and will have less impact than what might be contemplated by code in that provision. It's also very rare for the ambulance traffic to this facility to use lights or sirens, so the ambulance trips entering and exit the site would do so like any other normal traffic would. We have received feedback from our agency partners on this project. The first is ACHD, who is providing 74 feet of right-of-way dedication along Overland Road. They are requiring the vacation and dedication of Rackham Way, as well as we are required to provide site distance exhibits for the Rackham Way driver -- driveway locations and that's just to make sure that the -- the driveway locations are safe due to the curvature in that proposed road. Meridian Public Works noted that city and water sewer services are available to the site and we provided a Fire Department access exhibit for the Fire Department to review and they have reviewed and approved our project as a part of the staff review. We are in agreement with all the conditions of approval for the staff report. The only thing we want to touch on, again, is that -- that piece requiring the hospital to have direct access on the arterial. Just once, again, want to reiterate that we believe we meet the intent based on the site constraints and the type of anticipated traffic. Linda mentioned briefly that we had worked through a few conditions with staff since Planning and Zoning hearing, along with ACHD. We are in full agreement with how those conditions are currently worded, so I won't get into the details, but happy to answer any additional questions or explain those further. With that I ask for approval of development agreement modification, preliminary plat and CUP and I will stand for any questions. Thank you.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Help me understand a little bit about the business that you expect at this hospital. So, it seems a little odd to me that you would have an emergency room and only four to five ambulance trips per month. Is there a -- is there like a specialty business at this hospital? Is there a certain acuity level that you have. Like help me understand why that would be the case.

Spath: Yeah. I would ask Dr. Robert Seeley to come up and explain more the operational side of the hospital if you could.

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

Seeley: Good evening, Mr. Mayor and Council Members. Thank you. My name is Robert Seeley. 497 South Beck Road, Post Falls. So, the intended use -- this is an emergency department and we get together -- at least in Post Falls we got together with the emergency medical folks prior to opening at a meeting explaining to them what our

capabilities are and so they are aware that we are not a trauma center and that we don't have a cath lab and so they take those emergencies to the appropriate locations. But there are still folks that come in and we have full diagnostic capabilities to deal with folks with chest pain, abdominal pain, orthopedic injuries, illnesses and those are all well within our capabilities to deal with. If we find something that is -- needs further care than what we are able to take care of we have agreements with the nearby hospitals that we would transfer them at that point and that's where those 12 ambulances a month -- the transfers come from, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Do you have agreements with the nearby hospitals or you are saying in Post Falls you have agreements with nearby hospitals?

Seeley: That is something that's worked out with the hospitals that we worked out prior to opening in Post Falls. Correct.

Strader: Okay. And, then, help me understand a little bit more about the -- the ambulance trips. So, you are anticipating -- you just mentioned like 12 transfers per month potentially from your facility to the surrounding hospitals, but I'm also worried about the ambulances coming in.

Seeley: Uh-huh.

Strader: What is the justification of why you only expect four to five ambulance trips per month, which is what I wrote down? I'm -- that -- I'm not tracking that math.

Seeley: Yeah. So, the ambulances that come in are folks that say -- they call an ambulance to go to the hospital and they say I want to go to Post Falls. Okay. The medic -- what they will do is they will assess the patient and if they feel they are having a heart attack or if they are having, you know, a major trauma that they will say, well, we feel that you are better served by going to the trauma center. Okay? And so, thereby, they would bypass us and go directly to the trauma center as they should.

Strader: Uh-huh.

Seeley: So, our experience -- this data comes from Post Falls and I have gone through the records over the past two years. We have been open two years now and that's where that data comes from.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Okay. I'm tracking what you are saying. So, in Post Falls, based on your experience in Post Falls, it's four to five ambulance trips per month, but the population of Post Falls is not the same as the population of the Treasure Valley. So, doesn't it seem logical that we would expect more traffic and more ambulances than in Post Falls? So, help me follow that logic.

Seeley: Yeah. So, in Post Falls we are bordered by Coeur d'Alene and all the communities there and, then, to the west -- sorry -- we are on the border of Liberty Lake, Spokane Valley and Spokane proper and we do draw patients from all of those areas and so when you combine the catchment area, we are talking in the vicinity of 350 to 400 thousand people.

Strader: Okay. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Right. But I'm -- we are not -- don't take this the wrong way, but, for example, in Meridian we have a population of -- I think now it's like north of 150,000 people just in Meridian, but I have to imagine this is a regional draw; right? It's not just going to be Meridian people, it's going to be all the folks in Boise potentially that want to come to this alternative hospital. Are you thinking that your space itself is a constraint on the number of ambulance trips, like because of the size of your facility you could only like physically accommodate a certain number of patients and that is what constrains the amount of ambulance trips? Like, I -- I just want to make sure we kind of like flush that out, because you are asking for a waiver of a requirement that we normally have to have access directly off an arterial road. Part of the justification I think that you are making, if I'm following your argument, is that you are not going to see a ton of ambulance trips, but it's a hospital, so if there are a ton of ambulance trips maybe it's an issue. So, help -- help me track the logic of how -- how much we are expecting here at this site.

Seeley: Right. And as I said, we are drawing on information that we have from the Post Fall site with the population and so, you know, drawing upon that number and with the number of folks in that community -- and, as I said, that catchment area is around 350,000 people and to this point that's the amount of ambulance traffic that we have there and this is a ballpark for Post Falls. Could there be marginally larger in this area? That's possible, but certainly from our experience it's not a large -- a large volume. It's less than one percent of our volume that comes to the hospital every month, so --

Strader: Okay. That's it for me for now.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just a couple of quick questions, kind of following up on what Council Member Strader was saying. When you talked about ambulance response, you stated that generally they are not showing up with lights and siren, but that's determined by Ada County Paramedics policy and procedure, not you, and when they do show up no lights and no sirens, they still have opticons and they are still disrupting traffic, because they do it every day on Eagle Road getting into St. Luke's Hospital. So, we are still talking about ambulance trips that are going to disrupt one of our busiest intersections in the city getting into this facility. Just want to make sure we are clear on that, that we don't think that they are just following the rules of the road. I don't know an ambulance -- and I know I have got lieutenants sitting over here, they don't have to have lights and sirens on to activate opticons to break intersections, because that's what they do every day getting into St. Luke's Hospital. Just want to make sure that's clear and on the table. That's -- that the fact that there is no lights and siren makes no difference to me. That's how the paramedics work in the ambulances.

Seeley: If I may, I believe that the lights and sirens were more in a discussion of the safety of arrival, the impetus of how quickly they are coming and -- but I think the bigger focus is on the number. In a busy practice like St. Luke's just down the road, we are talking over 20 ambulances a day and so we are talking here 12 ambulances in a month and so that's I think where -- what we have discussed to this point.

Overton: So -- so, help me understand. Sorry, Mr. Mayor. Follow up.

Simison: Councilman Overton.

Overton: I'm in a paramedic ambulance. Are the paramedics now going to ask you if you want to come to your place or go to St. Luke's Hospital? I'm not sure how the current way business is done in this valley all of a sudden changes, so that you, then, become an option to where someone is going to go.

Seeley: If I may I can speak to Kootenai county and the patient does -- when they are picked up they may say I want to go to Kootenai, I want to go to Post Falls, I want to go to this hospital or that hospital. It's up to the paramedic to, then, assess the situation. If they feel there is a critical life threat that's better served at a different facility they will say, you know, I'm sorry, Mr. Jones, we can't take you there. That is not the appropriate place for you with the condition that you seem to be presenting with.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Have you already worked out agreements with Ada County Paramedics to how that process will take place here in this valley?

Seeley: That would certainly be part of the plan moving forward, yes. But it has not been done to this point. Correct.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Kind of along those lines. Are you at all concerned about U-turns, right-in, right-out, Silverstone detours? It seems to me that we are trying to fit a square peg into a round hole and -- and there is no easy way to get there. We are relocating an entire roadway. We don't follow what our UDC says to have direct access. So, help me smooth out some of those edges on that square peg if you could.

Seeley: So, I would have to defer to Kelli. I'm not an expert -- expert on traffic flow. I have practiced emergency medicine for over 25 years, so --

Spath: Councilman Whitlock, I think the biggest answer to your question there would be that these are all public roads and meet dimensional requirements and so emergency vehicles are going to be able to access these roads and -- and navigate them like they would anywhere else in the valley. They will be owned and maintained by ACHD as well.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Maybe a medical question, then, and thanks for being here, Dr. Seeley. Appreciate you coming down. Our UDC does define hospitals to do many of the things that I think you plan to do here to have the 24/7 access to emergency care, but our definition of a hospital in our UDC includes air transport facilities. We haven't waived that requirement. Do you anticipate having air transport facilities at this hospital?

Seeley: I would have to leave that up to the planning, but my understanding is that there is not air traffic at this facility.

Simison: Council, any additional questions for the applicant at this time? Okay. Thank you very much.

Johnson: Mr. Mayor, Abigail Germaine.

Simison: Hello again.

Germaine: Good evening again. For the record Abbey Germaine with Elam and Burke, 251 East Front Street, Boise, Idaho. 83702. I'm here in front of you this evening on this item on behalf of my client the Idaho Association of Health Plans. Just as a couple housekeeping matters, here with me this evening are several members of the Idaho Association of Health Plans, Mike Reynoldson with Blue Cross of Idaho, Norm Barron with Pacific Source and John Larkin with Select Health. They can certainly answer any questions that the council may have as it relates to the association's interest in this

development and this project. I would also like to refer the council to our formal comments that were submitted on September 3rd. Those outline our full arguments as to why we believe that this application -- these applications, plural, cannot be approved based on Meridian City Code. If the council has not had an opportunity to review those comments, I know it was a long weekend this last weekend, I would certainly encourage the council to not make a final decision on this application until you have had a chance to review those comments. I know my time is limited here this evening, so I'm not going to be able to touch on everything that's included in that -- in those comments. We are respectfully requesting that the city council deny the application this evening for a conditional use permit and a preliminary plat. We believe that the evidence in the record shows that the application as presented does not meet Meridian City Code. Again our formal comments outlined numerous concerns, but based on time I would like to just focus on a couple main issues with these applications. I believe that the first and main issue as it relates to Meridian City Code is access. Staff has already addressed this. The applicant has already addressed this. But under the specific use criteria of Meridian City Code 11-4-3-22, it expressly states that if the hospital provides emergency care the location shall have direct access on an arterial street. I want to emphasize for the council that the requirement is a shall. It is mandatory. It is not optional. I know that the applicant has discussed a waiver of this requirement. However, nowhere in Meridian City Code is the -- is there the ability to waive this requirement. There is certainly the ability to waive certain requirements or provide variances for certain requirements, but those requirements typically relate to setbacks or dimensional standards within the code. There is no ability to waive the requirement of a specific use standard in Meridian City Code. I just -- again, I want to emphasize that the applicant has not denied that this criteria can be met, but, instead, has pointed to how ACHD will not permit direct access. However, just because ACHD won't permit direct access does not mean that that requirement is somehow waived. I believe what this means is that this specific use, because it is a hospital, is not suited for this site. A development agreement and prior approvals already exist for this site for a different use. Those -- I would assume those uses that were initially proposed met the code of Meridian City Code -- met the -- met the criteria of Meridian City Code. This use, however, as a hospital, does not and that's based on the specific use criteria. I want to just touch really quickly on a couple comments that were made by the council. I think it is important the comment and the question that was made as it relates to ambulance trip numbers for this facility. That information has not been supported by any third-party analysis or any other data as it relates to the geographical area that this site is proposed, the Treasure Valley. All of that information is based, as Council Member Strader mentioned, on the Post Falls facility. So, we do not have information to support the number of ambulance trips. In addition, I -- I don't believe that the applicant has addressed why a traffic impact study has not been done for this application. I think it is important that a traffic impact study be done for this facility. In addition to the fact that there are issues with the specific use standards and direct access to an arterial street, there is also comments from ACHD about the capacity of Overland and Eagle Road. ACHD's comments are that these roads are already built out to capacity. So, in addition to the fact that we have access issues per the code, we also have capacity issues and those have not been addressed in any form by, for example, a traffic impact study. In

addition to the specific criteria of a hospital found in Meridian City Code, the applicant and the application must also meet the criteria of a conditional use permit. The second criteria of a conditional use permit states that the proposed use must be in accord with the requirements of the zoning ordinance Title 11. What that means is that in order to grant a conditional use permit, as you all know, it has to meet the code. In this case it can't meet the code because of the access issue. I would also submit to you it can't meet the code based on other factors related to health, safety and welfare based on the capacity of where this -- the capacity of the -- the arterial streets, Eagle and Overland, and where this site is located. Likewise, finding number five of the conditional use permit requires that the proposed use will be served adequately by services, such as streets. Again, that is another criteria of the conditional use permit that does not seem to be met by this application and the nature of the proposed use. Lastly, condition -- or criteria finding six of a conditional use permit requires that the city council find that the proposed use will not be detrimental to the economic welfare of the community. The Idaho Association of Health Plans, via our formal comments submitted to the council, has provided substantial evidence of the potential negative economic impacts to the community of having this -- this entity established in Meridian. As I mentioned there are several members of the association who can specifically speak to some of those concerns and they are available if the council has any questions. In summary -- and I know I'm running out of time -- the association I think would just like to emphasize they are in no way opposed to development. What the concern is with this application is that it does not meet the code and there is no ability as it's been suggested to waive that requirement. The requirement is specific. It is mandatory. It uses the language of shall. Any of the language within the code that relates to waivers or variances relates to specific items and specific circumstances. Again dimensional aspects, setbacks. It does not state that any kind of waiver can be provided for a specific use standard. Based on that, council members, the association would ask that you deny the applications and I am happy to stand for any questions. And, again, there are members of the association here to address other concerns or aspects of the project if the council desires.

Simison: Thank you. Council, any questions?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Abbey, thank you for spending most of your evening with us.

Germaine: Thanks for putting up with me twice.

Little Roberts: So, is it my understanding correctly that the association is not opposed to this hospital, just opposed to this being a potentially inappropriate location for this hospital?

Germaine: Mr. Mayor, Council Member, I think that is an accurate statement. I think the association has concerns about the operational nature of the entity in general. Again, I would refer to the comments we submitted. There is some significant information as it relates to that aspect in those comments, but to answer your question directly, yes. The concern is this facility in this location and based on the code requirements.

Simison: Council, any additional questions? Okay. Thank you. Mr. Clerk, anyone else sign up?

Johnson: Sorry. No one else signed up, but there is Mr. Bill Galvin raising his hand.

Simison: Okay. Mr. Galvin, if you would like to unmute and be recognized for three minutes.

Galvin: William Galvin. 1776 Yorktown Road, Houston, Texas. 77056. Mr. Mayor, Members of the Council, I would like to introduce myself. I'm William Galvin, again, and I'm associate legal counsel here at Nutex, who operates Post Falls Hospital and would do the same for any potential hospital here in Meridian. We submitted a written application -- I will step back. I apologize for my congestion right now. We submitted a written comment to the council immediately prior to this hearing in response to the Idaho Association Health Plans. Very recent comment -- public comment on the same. IAHP Council submitted comments, as they said, to the council on September 3rd. They were only made available publicly on the city's website this morning at approximately 9:37 a.m. Mountain Time. Despite the limited time to review and respond, we wanted to ensure the council had our position on the record before final deliberations and we respectfully request that our letter be entered, too, and recognized as part of the official record. We -- I'm happy to read the full letter into the record now or in the interest of time we ask that it be entered and submitted for the council's review. I will defer to the council on their preference here.

Simison: Thank you. Council, any questions? Okay. Thank you. Is there anybody else present who would like to provide -- if you would like to come forward. State your name and address for the record, please.

Reynoldson: Thank you, Mr. Mayor and Members of the Council. My name is Mike Reynoldson. I'm an employee of Blue Cross of Idaho. We are located at 3000 East Pine Avenue right here in Meridian, Idaho. And I would like to testify today related to the provision in Meridian City Code as to whether the proposed use will or will not be detrimental to the economic welfare of the community. I'm going to have to take you a little bit through some federal government minutia on my way to get to the end here. So, I apologize a little bit in advance if I get a little bit too in the weeds.

Simison: In two minutes and 20 seconds.

Reynoldson: So, the federal government implemented the No Surprises Act in 2022 and the intent was to eliminate surprise billing. Blue Cross of Idaho, members of the

Idaho Association of Health Plans, oppose surprise billing. What was not anticipated in the passage of that law was that there would be entities that would exploit provisions in that law to get elevated pricing and reimbursement for their services, specifically emergency services that that law spoke to. For example, emergency charges for a sprained right knee. The market rate in Idaho is 1,704 dollars. Freestanding for profit emergency rooms, of which there is one in Idaho, submits a bill for 8,588, five times the market value. So, our experience with Post Falls ER and hospital, the owner -- same owner that's making this proposal here, is they refuse to contract with any insurer in Idaho. They send one hundred percent of their emergency room claims to the federal government and get five, ten, 15 times the reimbursement rate as to the market rate in that community. What that does is that drives up the cost of healthcare for an entire community and, frankly, for an entire state. The patient may not see it the day that they go into the emergency room or tell the ambulance that's where they want to go, but they do see it the following year when they receive the renewal for their insurance -- their health insurance premium. The reimbursements that take place in one year get figured in to the cost of that insurance the next year. So, they get their surprise bill one year later. It's -- it's something that needs to end. It's something that drives up healthcare costs for employers, for individuals, for entire communities. The cost of healthcare is on everyone's mind and this is detrimental to the community of Meridian.

Simison: You hit the timer mark. Council, any questions? Thank you. Is there anybody else who would like to provide testimony on this item? Council Woman Strader.

Strader: Thank you, Mr. Mayor. I have a question for Bill Nary.

Simison: Mr. Nary.

Strader: Bill, does the code say shall? Help me with that?

Nary: It does.

Strader: Okay. And so is there any real discretion around that then?

Nary: There is not.

Strader: That's very straightforward for me. Thank you.

Simison: Okay. We have one person who already has testified who is raising their hand again. Does council wish to hear from that individual again? Okay. Then we will ask the applicant to come up and close.

Spath: Thank you, again, Mayor, Council Members, for hearing our application tonight. I would like to start just touching on that emergency access on arterial roads one more time. I would like to point out the St. Luke's Meridian location. Their emergency department is located towards the back of their site and does not have direct access on an arterial road. As you can see on the screen above their access is about 1,000 feet

back on a private road in order to make it to their first driveway into their emergency department, whereas ours showed around 500 feet. So, we are over half the length that -- the existing St. Luke's facility is providing. We believe whether or not there is code interpretations that play into it, that these are functionally the same arrangements as patrons are exiting and arriving to the site. Also on the topic of traffic, the prior uses contemplated in the existing DA were restaurant and retail uses. I think we can all agree that the traffic implications for uses like that are far more than they would be for this micro-hospital site. We did not do a traffic impact study because we -- and both our -- as well as our jurisdictional partners agreed that the anticipated traffic to this site was not high enough to necessitate one. These kinds of projects require a lot of information and we do our best to provide that information when we can without having a crystal ball. So, we try to provide that information when we can and, then, we also rely on our jurisdictional partners, like ACHD, like the City of Meridian to help us achieve a project that is well suited for the broader community. I will bring back up Dr. Seeley to touch on some of the insurance complaints that were noted in public testimony as well. Thank you.

Seeley: Mr. Mayor and Council Members, thank you for the time again. I would just say that the letter that was submitted prior to the meeting addresses a number of the concerns with regards to the IDR process that's being referenced by Mike, the independent dispute resolution, and that is not a loophole, that is part of the No Surprise Act -- Federal No Surprise Act 2021 and it is there to safeguard the patients from receiving surprise bills, if they are out of network for emergency medical care. It's there to protect insurers from providers providing outlandish bills and it's also there to protect the providers from receiving inadequate reimbursement as well and the reason I say that is is that the independent dispute resolution is a system where the arbitration -- the arbitrator is appointed by a neutral party. The insurance company presents their case. The provider presents their case and, then, it's up to the arbitrator to make that decision and so, as I said, that is something that is provided for in the federal law and it's what Idaho has chosen to use for that to resolve those disputes accordingly, so -- and I guess I would stand for any further questions if there are.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just a quick clarification if you could for me. I understood that you -- your facility does not accept insurance; is that correct?

Seeley: That is not correct, sir. Councilman, we do accept insurance.

Overton: Okay. Are your fees in line with every other medical place around?

Seeley: So, we are out of network presently. We are presently in negotiations with three of the major insurers in our area and attempting to get in network. That would allow us to provide other services that presently we cannot. But what is covered under

the No Surprise Act of 2021 is emergency medical care and so we submit our claims to the insurance and they have the option to accept them or they can say, no, we don't agree with that and, then, we end up having to go to arbitration.

Overton: Okay. But just for clarification -- Mr. Mayor, follow up.

Simison: Councilman Overton.

Overton: You accept insurance, but it's an out-of-network acceptance.

Seeley: That is correct.

Overton: You are not in network with local insurance.

Seeley: Not presently.

Overton: Okay. And how long have you been in business in Post Falls, Idaho?

Seeley: We have been open for two years now.

Overton: And you are not in line with any insurance in network after --

Seeley: We are presently in negotiations with three of our major insurers presently, but we do not have a network deal at this point.

Overton: Okay. Thank you.

Simison: Council, additional questions? Okay. Kelli, I guess maybe one question for you, since you brought up the slide. The code says a hospital shall take access, not emergency room shall take access. Correct?

Spath: I believe it's a hospital requiring emergency care. Maybe Linda can help me confirm that. Actually I have it in my slide right here.

Simison: I technically don't know if St. Luke's considers that entire facility their hospital or only the back their hospital, because it's clear the front takes access.

Spath: Yeah.

Simison: So, I'm trying to understand if you are saying that their hospital doesn't take access under the code and you are trying to say that it only takes access -- if you are going to make a similar argument I need you to be precise and you are saying that they don't meet our code?

Spath: Yes, Mr. Mayor. So, the UDC code is directly copied on the screen here. So, it says hospitals providing emergency care shall have direct access on an arterial. So, I

guess my interpretation of the St. Luke's Meridian location is that -- with -- with such a broad facility you have to consider where the emergency care is actually taking place.

Simison: Do you under the code or do you want to under our code?

Spath: I guess that's fair. You -- code doesn't have a lot of description when it comes to --

Simison: Yeah. I just -- I just want to be clear if you are -- you are claiming that the first part of their building is not the hospital, only the backside is the hospital. I would be curious to unravel that, but I think it's clear that the facility takes access off Eagle Road.

Spath: Yes. I think that's a fair interpretation. I think -- when I think of what the intent of this code provision would be, it would be that the hospital is visible based on the arterial roadways -- from the arterial roadways and that patrons can access the emergency department and get to where they need to go and I think in this case as a micro-hospital we are providing both of those things. If there is other things that this group thinks that code needs to address I'm happy to answer.

Simison: And I'm saying if we want to talk about what intent is I would think intent means you have a light with easy access. Right-in, right-out, U-turns don't seem to be -- yeah, I drive -- I'm one of the few that lives in South Meridian and I traverse this intersection all the time. I will be honest with you, I can think of no worse place to put any type of healthcare place than on this corner with that access, even with a slightly improved location that doesn't align with the -- you know, even if you lined up with the road on the other side where you could potentially put a light in to help, but it doesn't even do that. So, it's not in my mind, when I look at like connectivity and road network, there would be an opportunity to try to improve and make some sort of, you know, emergency access light. I'm not going to say ACHD would even approve it, but it seems to be lacking all the things that you would want to get to a location in my mind. But that's just -- if we want to get into intent I think better access is the intent more so than anything else, which, unfortunately, this intersection really lacks from my perspective. And that's saying someone that tries to get their family to Taco Bell, has a hard time, you know, can't even access Taco Bell and you can't get out of Taco Bell on the other side. The only way that this area actually functions well is down at the light. The access is into the rest of the inter -- the rest of that entire area. I wish that there was more light controlled traffic in this entire four sections of this area, so that people could access the businesses in these areas. I don't know what would go good here. I don't know what want to go good here with its current access, but the access should go over the creek and connect back in to get to the light in my opinion long term for this property to be a well-integrated piece into our area. My two cents.

Spath: Thank you, Mayor.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. And if I can piggyback off of you, because that's my district and so I have been sitting here thinking about -- I'm through that intersection multiple times a day and thinking how difficult it would be to even, you know, a few times -- 12 times a month have two major intersections potentially shut down for opticon -- is that the right -- to have those intersections with ambulances going through, because that is one of our busiest intersections in the city and, then, again, if you are coming -- if you are headed east on Overland you are going to shut down, again, the Silverstone intersection in trying to do a U-turn and get -- get to you and so I was concerned about that. But, then, even more concerned when my son was young multiple times I had to drive him to the ER and that's the intersection I go through and when it's backed up in the morning with people trying to get on the freeway or at the evening when it's 5:00 o'clock traffic, everywhere it's just a really really difficult intersection and area and I am just not comfortable thinking that that's a great place for emergency care.

Spath: Thank you.

Overton: Mr. Mayor, one last question.

Simison: Councilman Overton.

Overton: You said that it's only 500 feet from the arterial, which is if someone would be lucky enough to use Rackham Way, but the way I see traffic backed up on Overland and Eagle most days, they are going to have to use Silverstone and that's going to be several thousand feet, not 500. Do you have that measurement?

Spath: Councilman Overton, I do not have that measurement.

Overton: Okay. Thank you.

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

Spath: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think we have heard from everybody. We asked for public testimony and I think it's time, so I move that we close the public hearing on this item.

Overton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Happy to kick us off. Not interested in getting involved in a hospital turf war of any type. The economic arguments seem important, but they are not really something that's a primary driver of the decision for me. I think it's very straightforward. Really, the -- the bottom line is our code requires hospitals providing emergency care to have direct access on an arterial. You do not have that, unfortunately. I think a lot of the commentary from the city council, hopefully, helps provide you guidance in the future in terms of this location is a really challenged intersection for us from a traffic perspective. I think that there is good reason for this in our code. Our city attorney has confirmed that the language in our code includes the word shall, which I -- I think is -- is pretty straightforward. So, with that after considering all staff, applicant and public testimony, I move to deny File No. H-2026-0011 as presented in today's hearing for the reason that it does not meet the requirement in the UDC 11-4-3-22 that this hospital providing emergency care does not have direct access on an arterial roadway.

Whitlock: Second.

Simison: Have a motion and a second to deny H-2026-0011. Is there discussion on the motion?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just a short amount of discussion before we take the vote. My almost 40 years total time with the city since I first started, I worked on a lot of policies and procedures and it was clear as a bell to me, no matter which one we were looking at that shall was mandatory and should is advisory and when you see the word shall it's not open for discussion and I agree with the motion maker, I would not support this for that reason. I think the 500 feet from an arterial roadway is not accurate. I think it's going to be several thousand feet based upon traffic conditions at that location. So, I will be supporting the motion maker.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mayor, just to make clear for the record what we would be bringing back to you is a denial of the motion to amend the development agreement to comply with our UDC. Therefore, the other applications, B and C, the conditional use permit and preliminary plat, would also be denied because the development agreement isn't modified. Is that my understanding?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I am always grateful to Mr. Nary for keeping me on the straight and narrow. That is correct.

Nary: Thank you.

Simison: Second --

Whitlock: I'm always grateful to Mr. Nary as a seconder of Council Woman Strader's motion.

Simison: Second agrees?

Whitlock: Agrees.

Simison: Is there further discussion? If not, clerk call the roll.

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

Simison: All ayes. Motion carries and the motion is agreed to. Thank you. Have a good evening.

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

ORDINANCES [Action Item]

- 10. Ordinance No. 26-2138: An ordinance (Latitude Forty Three Subdivision – H-2024-0059) annexing Lots 7, 21, and 22 of the Amended Magic View Subdivision, as depicted in the map exhibit; rezoning 17.27 acres of such real property from RUT (Rural Urban Transition) to R-8 (14.39 acres) (Medium-Density Residential), R-15 (1.43 acres) (Medium-High Density Residential), and C-N (1.69 acres) (Neighborhood Business) zoning districts; directing city staff to alter all applicable use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance;**

providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.

Simison: Next item up is Item 10, which, is Ordinance No. 26-2138. Ask the clerk to this ordinance by title.

Johnson: Thank you, Mr. Mayor. it's an ordinance annexing Lots 7, 21, and 22 of the amended Magic View Subdivision, as depicted in the map exhibit; rezoning 17.27 acres of such real property from RUT to R-8, R-15 and C-N zoning districts; directing city staff to alter all applicable use and area maps, as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.

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

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I move we approve Ordinance Number 2621.

Overton: Second.

Simison: Have a motion and a second to approve Ordinance No. 26-2138. We are joined again by Councilman Cavener. I will ask the clerk to call roll.

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

Simison: Four ayes. One abstain. The item is agreed to.

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

EXECUTIVE SESSION [Action Item]

- 11. Executive Session per Idaho Code 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, and 74-206 (1)(j) to consider labor contract matters authorized under Section 74-206A.**

Simison: Okay. Next item up Executive Session.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I move that we go into Executive Session for Idaho Code 74-206, subsection (1)(f).

Little Roberts: Second.

Simison: Have a motion and a second to go into Executive Session. Is there discussion?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I need to amend that motion. Will also be under Executive Session for 74-206(1)(j) and 74-206(a).

Little Roberts: Second concurs.

Simison: Have a motion and second concurs. Is there discussion? If not, clerk call the roll.

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

Simison: All ayes. Motion carries and we will go into Executive Session.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

EXECUTIVE SESSION: (9:31 p.m. to 10:14 p.m.)

(Out of exec at 10:14. Overton/Little Roberts.)

(Adjourn at 10:14. Overton/Little Roberts)

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 10:14 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

ATTEST:

DATE APPROVED

CHRIS JOHNSON - CITY CLERK