



## CITY COUNCIL WORK SESSION

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho  
Tuesday, July 13, 2021 at 4:30 PM

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### Agenda

#### VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: <https://us02web.zoom.us/j/87593441218>

Or join by phone: 1-669-900-6833

Webinar ID: 875 9344 1218

#### ROLL CALL ATTENDANCE

Jessica Perreault

Joe Borton

Brad Hoaglund

Treg Bernt

Liz Strader

Luke Cavener

Mayor Robert E. Simison

#### ADOPTION OF AGENDA

##### CONSENT AGENDA [Action Item]

1. [Approve Minutes of the June 29, 2021 Budget Workshop and Work Session Special Meeting](#)
2. [Approve Minutes of the June 29, 2021 City Council Special Meeting](#)
3. [Paramount Point Subdivision Pedestrian Pathway Easement](#)
4. [Final Plat for Apex Northwest No. 2 \(FP-2021-0038\) by Brighton Development, Located at 6575 S. Locust Grove Rd.](#)
5. [Final Plat for Oaks North Subdivision No. 11\(FP-2021-0039\) by Toll Southwest, LLC, Generally Located at 5685 N. Black Cat Rd.](#)

##### ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

##### DEPARTMENT / COMMISSION REPORTS [Action Item]

6. [Human Resources Department: Fiscal Year 2021 Budget Amendment in the Amount of \\$123,000.00 for Citywide Compensation Market Studies](#)

7. Solid Waste Advisory Commission: Community Recycling Fund Program and Update
8. Mayor and City Council Compensation Committee: Report and Recommendation
9. [Community Development Department: Orchard Park Certificate of Occupancy Approval Process](#)

#### **EXECUTIVE SESSION**

10. Per Idaho Code 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need; and (d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code.

#### **ADJOURNMENT**



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the June 29, 2021 Budget Workshop and Work Session  
Special Meeting

**Meridian City Council Budget Meeting**

**June 29, 2021.**

A Meeting of the Meridian City Council was called to order at 8:30 a.m., Tuesday, June 29, 2021, by Mayor Robert Simison.

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

**ROLL-CALL ATTENDANCE**

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

Simison: Council, we will call this meeting to order. For the record it is Tuesday, June 29th at 8:32 a.m. We will begin this -- today's special meeting and budget workshop with roll call attendance.

**ADOPTION OF AGENDA**

Simison: Next item is adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Hoaglun: Second the motion.

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

MOTION CARRIED: ALL AYES.

**CONSENT AGENDA [Action Item]**

- 1. Delano Subdivision No. 1 Emergency Access Easement**
- 2. Edington Place Pedestrian Pathway Easement**
- 3. New Commercial Building for Eckhardt Companies, Inc. Water Main Easement No. 1**
- 4. Shelburne East No. 3 Pedestrian Pathway Easement No. 1**

5. **Shelburne South No. 1 Pedestrian Pathway Easement No. 1**
6. **Shelburne South No. 2 Pedestrian Pathway Easement No. 1**
7. **Final Order for Midgrove Plaza (FP-2021-0033) by Rodney Evans + Partners, PLLC, Located at 1450 E. Franklin Rd.**
8. **Revised Findings of Fact, Conclusions of Law for Gramercy Commons (H-2021-0022) by Intermountain Pacific, LLC, Located at 1873, 1925, and 2069 S. Wells Ave.**
9. **City of Meridian Financial Report - May 2021**

Simison: First item up is the Consent Agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Hoaglun: Mr. Mayor, second the motion.

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

MOTION CARRIED: ALL AYES.

#### **ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]**

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

#### **DEPARTMENT / COMMISSION REPORTS [Action Item]**

10. **Fire Department: Fiscal Year 2021 Budget Amendment in the Amount of \$10,000.00 for Public Education**

Simison: So, we will move on to the Department/Commission Reports and the first item is No. 10, which is a Fire Department fiscal year 2021 budget amount -- amendment in the amount of 10,000 dollars for public education and ask Pam to come forward.

Orr: Good morning. Thank you for having me this morning. My budget amendment this morning is -- you will see that it's 26,495 dollars. Sixteen thousand four hundred and

ninety-five dollars has already been received from donations that we have received from outside organizations. These are from Light My Fire. It's from our smoke alarm program. When we are doing smoke alarms. It's also for car seats. When we are doing car seats people make donations to that as well. We also received a really generous donation of 2,000 dollars from a resident for -- that wanted it to specifically go towards our CPR program as well. We had assisted her husband and he ended up passing on, unfortunately, and -- but she wanted something for that as well. So, with that 26,495 dollars, ten thousand of that that we are requesting is actually from an MOU back in 2018. We signed an MOU between the City of Meridian and the Light My Fire organization and what that basically stated was that for 10,000 -- every 10,000 dollars that they gave to us -- up to 10,000 dollars for their donation, that we would match that and so that's what we are requesting for today.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we approve the Fire Department fiscal year 2021 budget amendment in the amount of 10,000 for public education.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve the budget amendment in the amount of 10,000 dollars. Is there any discussion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries. Thank you, Pam.

MOTION CARRIED: ALL AYES.

#### **11. Police Department: Fiscal Year 2021 Budget Amendment in the Amount of \$27,405.00 for Traffic Team Motorcycle Replacement**

Simison: Next item is Police Department Fiscal Year 2021 Budget Amendment in the amount of 27,405 dollars, Traffic Team motorcycle replacement, and we will hear from Lieutenant Ford.

Ford: Good morning. So, this is in reference to -- the Traffic Team has a motorcycle that is up for replacement in FY-2022. That motorcycle has -- well, it needs some significant maintenance to the tune of about 7,000 dollars. So, this request is to amend that and purchase a new motorcycle, that replacement one now, versus in October. What that -- what that will do for us is that will give us -- that bike should be ready in September, so

they can actually get out and use that bike before the weather changes and with that I will stand for questions.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve the Police Department fiscal year 2021 budget amendment in the amount of 27,405 dollars for a Traffic Team motorcycle replacement.

Perreault: Mr. Mayor, second.

Simison: I have a motion and a second to approve Item 11 in the amount of 27,405 dollars. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

## **12. Parks and Recreation Department: Fiscal Year 2021 Budget Amendment in the Amount of \$13,360.00 for Homecourt Staffing**

Simison: Next up we have Parks and Recreation Department fiscal year 2021 budget amendment in the amount of 13,360 dollars for HomeCourt staffing. Mr. White.

White: Mr. Mayor and Council, thank you for having me this morning. On May 11th -- there we go. Can you hear me now? On May 11th Council approved the conversion of two part-time positions to one full-time position at HomeCourt. At that time we said we would like to come back and do a second set of the conversion of two part-timers to a full timer. Also during the May 11th meeting we noted that we had hired in the last four years 17 people in those positions. Between May 11th and now we actually lost two more part timers to full-time work and now we have two positions that are open and we are asking that that be converted over to a full-time position at this time. So, with that I will stand for questions.

Simison: Council, any --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve the Parks and Recreation Department fiscal year 2021 budget amendment the amount of 13,360 dollars for HomeCourt staffing.

Hoaglun: Second the motion.

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

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

Simison: All ayes. Motion carries. The item is agreed to. Thanks, Garrett.

MOTION CARRIED: ALL AYES.

**13. Mayor's Office: Fiscal Year 2021 Budget Amendment in the Amount of \$7000.00 for the Treasure Valley Youth Safety Summit**

Simison: Okay. Next item up is Item 13, which is the Mayor's Office fiscal year 2021 budget amendment in the amount of 7,000 dollars for the Treasure Valley Youth Safety Summit. Turn this over to Mr. Miles.

Miles: Good morning, Mr. Mayor and Members of Council. You have got the budget amendment request in your packet to approve fiscal year '21 budget amendment in the amount of 7,000 dollars for the Treasure Valley Youth Safety Summit cost. As you know we received donated revenues for youth programs from various sponsors and in 2020 there was COVID, so a lot of events did not happen and this request is to propose to use some of those donated revenues for 2021 events. So, we are asking for your approval for that.

Simison: Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just one. When is it? Remind me when it is. The summit.

Miles: When is it?

Borton: Yeah.

Miles: So, it's currently planned for September. I believe the date is the 15th. It will be at Wahooz.

Borton: Okay.



Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve fiscal year 2021 budget amendment in the amount of 7,000 dollars for the Treasure Valley Youth Safety Summit.

Hoaglund: Second the motion.

Simison: Have a motion and a second to approve Item 14 in the amount of 7,000 dollars. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

#### **14. City of Meridian Fiscal Year 2022 Budget Presentation and Discussion**

Simison: See how much fun these are when we just pull up these budget stuff and just keep voting on all of them? Let's keep going then. With that let's go onto 14.

(Fiscal Year 2021 Budget presentation not transcribed.)

#### **ACTION ITEMS**

- 15. AIA B133 Agreement with Rice Fergus Miller, Inc. for the Final Design and Construction Administration for the Northwest Fire Station in the Not-To-Exceed Amount of \$405,925.00**
- 16. AIA B133 Agreement with Rice Fergus Miller, Inc. for the Final Design and Construction Administration for the Northwest Police Substation/Precinct in the Not-To-Exceed Amount of \$423,975.00**
- 17. AIA B133 Agreement with Rice Fergus Miller for the Final Design and Construction Administration for the South Fire Station in the Not-To-Exceed Amount of \$528,971.00**
- 18. AIA B133 Agreement with Rice Fergus Miller, Inc. for the Final Design and Construction Administration for the South Police Substation/Precinct in the Not-To-Exceed Amount of \$505,076.00**

Simison: So, Council, next item is our Action Items. So, we are to Items 15, 16, 17 and 18. Based upon the conversations we just had I really am interested to see what this

looks like and what it means. So, I have got the chiefs and lieutenants, but maybe -- is Mr. Watts in the room? Before we go into these items perhaps you could give Council an understanding of what does it mean when we approve these from a practical and/or obligatory standpoint -- or before they are considered. I don't want to say before they are approved. Before they are considered.

Watts: From a practical standpoint this just takes us through design. That's all this is. It has a provision for services during construction, where the architects and designers also will -- will provide any bidding information or changes to the bid document addendums. So, that's -- that's including that and through any -- any construction related questions that appear during the build. Of course we won't use those -- you know, that -- it's a placeholder, essentially, for any construction service, because we don't know if we are going through construction right now. We are getting through design. So, it's taking us from our -- our concept design through final design and with this -- this is when you will get your hard numbers. They will be able to provide you with a -- a better cost estimate on the four buildings. Right now you have preliminary estimates. Once they get through this thing they will have a much better construction estimate for you to consider when moving forward and from that point, the way the CM process works out -- as you are -- most of you are probably familiar, at that point the CM would go out to bid with those final plans. They get those numbers back and, then, we enter into our GMP with the CM. That's when we know what the buildings truly are going to cost. So, right now you have a -- a preliminary estimate. They will get through final design, they will give you a much more educated estimate at that point. We give them the go at that point, then, they go out and they bid the project. The numbers come in and that's when we bring those final numbers to you and say here is what the construction is actually going to cost us, do you still want to move forward. So, that is the CM process for a 20,000 foot level.

Hoaglun: So, Keith, I was going to ask for that -- when -- when would that take place? I mean --

Watts: Which --

Hoaglun: We need to -- we need to approve the budget. So, once the budget is approved -- so, that decision one or two may move forward. And here is where I'm going with that is take police substations, for example. We may decide that we need to just do one, for example. Someone's trying to call me right now, of course. We want to do one, but is it worthwhile to do design for both? However, if we do one we learn from that and, then, in the future, say a year later, there are going to be some tweaks. It -- do we need to make that decision about one or two before we do an agreement?

Watts: We don't have to make a decision either at this point. Right now we are just doing design. So, we are giving them -- there is four contracts for the four buildings to get through design and it makes sense to me -- especially with the substations. They are extremely similar. So, I would -- you know, it makes sense to move forward with design, so you can get better estimates on the construction. You will always have that opportunity to decide whether you want one or two and I'm -- from the sounds -- I have been watching

today, it sounds like eventually we are going to do them. So, the design work now is not going to hurt you. If you have to do a tweak or two later on they are -- they are very similar. The only difference really is going to be site work on those buildings, because there is different sites, of course.

Simison: And that was going to be one of my questions is what is the -- what is the harm or risk, since we have shared components, if we don't design both at the same time, does that compromise how we look -- or how we would -- how we would do even one site, if we didn't look at the other one, kind of conceptually, even if not the building, but the site. Does that makes sense?

Watts: Yeah. I -- you know, I can't speak for the architect themselves, but I would think it's -- it's probably not that drastic of a difference and, like I said, the buildings are very similar. Site work is always going to be different no matter what you choose to do. Every -- every site is naturally going to have a different set of site work and site plan. So, you are going to -- you are going to have to do different site work for that specific site.

Perreault: So, this is what we categorized last year 600,000 per -- is this coming in under that or is this just a portion of that process and we have had other agreements that have -- you know, so, for example, number 15 is 405,000, are we coming in under or is this not all inclusive of that design process? That's my first question. Second question is in the design process are we considering doing two designs, one in which the structures are designed together, built at the same time, infrastructure is done at the same time, because that -- there is -- not just construction elements to that, but there is design elements to that as well. Landscape, lighting, all of that -- if it's built at the same time it can be designed for the same time. So, are we actually having them do two designs, one where it's -- they are built separately and one where they are built together?

Watts: For the latter question, no, we are only going with two separate buildings. So, there are no plans to move forward with design of a joint facility.

Perreault: I don't mean joint facility as in the same structure, I mean designers are going to have to consider if two structures are built at different times a year apart -- years apart. They are going to have to, then, figure out how to integrate the two -- the two together at a later point in time. It's not just a matter of, you know, oh, well, one -- one is built and the other, there is actual integration that has to happen, but -- so if one -- if one fire station gets built are they designing, then, to build the police station next to it -- a year or two later we have to have -- we have to have a plan for how to integrate those two if they are built at different times rather than at the same time?

Watts: The plan of designing these right now, yes, they would all go together. I mean the idea is the plans will be designed with the intent that we are going to do both of them. It won't make much difference now or later, but you will save some construction costs as you will be tearing stuff up for some of the underground I think if you do it separately. I don't know -- I don't have a percentage or a -- or a dollar amount to give you, but I would assume there is going to be some underground additional work that you would have to

probably rip up and -- and tie in, because your water, sewer and all that is going to tie in together, yes.

Perreault: So, you are saying engineering plans will not change if they are built at the same time or if they are built at separate times, it would be the infrastructure --

Watts: It would probably be at -- that would be some of the tweaking that would have to be done, because right now they are not just -- they are not -- they don't have plans and specs with -- if they get through with this and they do these four buildings for us, they are not going to have plans and specs designed right now to say if you do them at separate times you are going to have to do some tearing up and additional work. That would have to be some additional specs put together.

Strader: Mr. Mayor?

Watts: Because there is all -- you -- you know, they are not contemplating doing so. They are contemplating doing it all at once. If you do do it twice there is going to be a small percentage of work that would have to be done by the architect. I wouldn't think it would be drastic, but, yeah, there would be some work.

Simison: Council Woman Strader.

Strader: You know, we are looking at 1.86 million dollars between all of these contracts. I mean that's a significant amount of money. I guess what is the harm in not approving these and waiting until Council has made a final decision about which stations we are moving forward with? What is actually that's negative from your perspective?

Watts: The main thing is -- yeah. The main thing -- the longer we do push bids out, of course, we get later in the bid year. Worst case scenario they could -- if this could push out to the next fiscal year, because you went to bid in winter. It's ideal. The later in the year that you bid typically the best contractors are busy, they have got their work schedules built, now we are picking up what contractors are left. In my opinion that's -- in my opinion what we have seen in the past -- and it's also in this market we just -- we just did the PD admin remodel -- it's hard to get bids. You are begging people to bid on your jobs and so Kreizenbeck, our CM, had to really do a lot of work in order to get that done and so it was -- that's -- that's the difficulty of bidding later in the year. That's -- that's my main concern.

Strader: Sixty days -- just like two months -- two -- there are two months is going to derail this to the point that it would have to be in a different fiscal year. I have a hard time trying to swallow that, just to push back a little bit.

Simison: It may not -- if you are willing to pay more and, then, you could do it this -- that's the point. You are -- you are -- you may not get people to respond to the bid or if they do it could be a higher cost and, then, I think that's their point. Not that we couldn't do it, it is that you may not want to do it. Months may -- may delay you ten months from that

standpoint. I have already been in trouble from these people for -- not until today, so that they can meet --

Watts: That -- that is a real concern, what Robert stated, and we can do this at any time. There is no -- there is no cut-off date says we can't go out to bid this month or any month during the year. We just know the best time to go out for bid and the best time to start construction, when that is. I'm not talking -- even from a financial standpoint, but my concern is also with a quality standpoint, because we want to get the best quality contractor, so we would prefer to do it at the right time during that year.

Butterfield: Mr. Mayor, if I may.

Simison: Sure.

Butterfield: I might share some information. So, with these contracts there was 600,000 dollars per station. We have already gone through the schematics. So, there is three main phases within that money. Schematic design, design development, and, then, construction administration. So, we have already finished the schematic design, which Council approved for that. This is the design development and the construction administration are the amounts that are here. So, that's the phase -- the next phase of getting to design development, gets us in construction documents, gives us that ability to go out to bid and, then, there is some construction administration. One thing about these contracts, though, if -- I think to answer Councilman Hoaglund's question earlier, if at the decision of Council to stop one of the buildings or both or one precinct, we can, then, stop the process at that time. So, they may only be into design development for a month and, then, if Council decides we are not moving forward with the design or the construction of police precinct number two, they will stop all -- there will be no construction administration and, then, whatever they haven't done in the design development would end. So, even though you are going to the contract, we can sever that, if I'm correct. If there -- if the Council decision is not to go with all four buildings, we can change that. To the earlier question as it relates to the site, the site has been done. We do have that designed, because that was part of schematic design. So, the parking lots, the landscaping, all of that has been in -- in design. We have had those designs and that was part of -- to the Mayor's point earlier, if we decide to do one station on one property and not both stations on the same property, there would be a little bit of an increased expensive, because we would have to do fire, for example, if they were to just do one station and not the police precinct building, fire would still be on the hook for all of the landscaping and probably all of the parking lot, but right now those budgets are split on those site pieces. So, that's why there would be that little bit of an increase. If fire were just to go to a loan on one site location and not both buildings. So, hopefully, that provides a little more answers to some of those questions.

Perreault: So, it is a little easier to track when you have something that you are looking at and you are seeing. I guess I'm still trying to understand if the Council decides to do one at a time, I would assume that these agreements with the nature and purpose of the agreements would have to change, because currently we have asked the -- this vendor

to design as if we are building all four at the same time. So, would we, then, need to go -- for the sake of approving these action items today or not, we would need to go and -- and alter those agreements with them with the intention of -- whether we have all the design done now or not, these agreements specify that we are intending on building and the design is done with the intention of building them all. I understand what you are thinking about the differences in construction and infrastructure. That's not what I'm asking. I'm actually -- I'm assuming that even our schematics and our design will have to be altered if we do them at different times. So, then, how does that affect these agreements that have already been made and would they need to be altered if -- and I -- in my opinion -- my sense is that Council is leaning towards staggering this construction, in which case I don't think we approve these if these agreements specify that -- that -- that -- was it the construction management contract and other elements of it, that -- that the anticipation either in the cost or in the purpose of the contract and agreement is that they are being constructed at the same time. Do you understand what I'm saying?

Watts: I think so. So, if we decided -- if we approve all four contracts and you decide to stagger them and do things differently, they would need to alter some -- some of the drawings and everything. So, yes, there would be a change order to the agreement, because they would have to modify the design, because the work still needs to take place, whether or not it's half PD, half fire, now we are going to combine it to whatever is being built on that facility. So, those designs would have to be modified somewhat.

Perreault: So, these agreements can be adjusted -- for the sake of timing and not holding these agreements up, they can be adjusted individually and, then, that would come before Council again? I assume there would be some dollar figure change, but -- then that -- we would need to pre-approve the agreement --

Watts: So, yeah, any agreement can be modified to be a change order at any time. We can decide what we want to do. At any point you can give us direction and any significant change order would be brought to you or if you just want to see everything for these projects -- typically we don't bring every change order to Council, but if you want to see anything, we are more than happy to do so.

Perreault: I guess I'm -- I am concerned about -- when I -- when I hear change order in my industry that means this -- but I am concerned about that and the cost involved, but I'm more concerned about that we -- that we are -- that what we are requesting from the engineering firm that -- up front that our projects that -- you know, that we are clearly identifying what we are doing and that decision, obviously, isn't going to get made yet and so, again, to Council Woman Strader's point, we want to respect the timing, but if we are going to significantly change this, are we not just back in the conversation in August about these agreements?

Watts: I don't see a significant change by doing -- by staggering them. There will be some change. I don't see it being significant. I would have to reach out to the architects to get -- get some kind of percentage or an estimate if we did so. I could do that, but I don't really see a significant change in the plans.

Simison: And at least from my perspective, the change would be twofold. You may increase one, but you are going to decrease another, because that was an expense that was going to be the other one. So, you know, I don't know that you are talking about changing the plans unless we decided to do one precinct and, then, decide that -- that was horrible, let's go redo and redraw the plans. That would be where you would see significant -- but not in -- in the type of work.

Watts: I'm thinking -- my understanding would be that we would combine just some of the underground and the landscape into one bid package. So, instead of having different bid packages they will be bid separately, they will go at the same time, but they will have four different bid schedules. We are going to have to combine some of that into one.

Butterfield: If we just go one building, not --

Watts: Correct.

Butterfield: Mr. Mayor, also if I might add, the timeline -- we have been told by ESI that if we do -- again going to bid in January, February, we will get much more advantageous bids than if we do push that out two months -- I mean from what I have been told. If we try to go out to bid -- a lot of contracts are made with subcontractors -- they already have work planned for the summer. So, they told me that by waiting a couple of months to put off the bids could, in fact, cost thousands -- tens of thousands of more dollars for the projects and, again, we can always stop these, even though these -- and those conversations have been had with our architect firms. Once they start going down and Council does decide that they don't want any further design on any of these four contracts, they will charge us for the work that they have done up to that date, but we can stop it and, then, all further work and expenditures of money related to the contracts would cease.

Strader: I guess just a clarification. I mean are we sure that's how these contracts work? Because I was just looking at one of them, as an example, and there is a section for the architect supporting the bidding and development phase and it's a lump sum. It's not like it's based on hours worked, so -- and I guess my other question would be are they going to immediately be bidding these out or why can't -- I just put it to the architect, like they don't have any wiggle room in their timeline? Like we can't tell them, hey, we think we are moving forward, but it's going to take 60 additional days, we need you to compress your design time frame, so you could bid this out and achieve the same original timeline. Like you don't have any ability to compress their timing?

Watts: Yeah. Those lump sums are actually built as they do the service. It's not -- they don't just bill you a lump sum. It's -- it's the -- it's -- we have their hourly rates in those contracts as well. So, they are -- they bill it as they do it. So, that would possibly be an increase in cost. Now, just to be upfront, if we say we are going to do this at different times, well, now, you are going to have possibly four times or two times the construction service and the bidding service. Now, we are not talking huge dollars there, but it would be an increased cost. Just -- just wanted to be transparent there.

Perreault: If I'm hearing you correct, we come back and say you don't want to do all four structures built at the same time (inaudible) station in the south and the station in the north, for example. We won't have significant redesign costs by the architects and we won't have significant renegotiation of construction management fees, which is included -- that's what these numbers are for. We won't have significant changes to that. They won't have to do significant redesign.

Watts: I would defer to the architect. I could ask that question, but I'm not anticipating that whatsoever and the CMP is totally separate from that, so just to be clear.

Butterfield: If I might add. So, right now they are looking at four tracks of four projects. So, if two of those projects cease, then, the money expended for both of those two projects stops right at that point.

Watts: Yeah. So, the -- the sooner that decision is made the better, of course, but then -- then at the future date when you decide, okay, well, now we are ready, let's move forward, they will pick those plans up and continue and finish.

Perreault: I think I was under the impression as we have talked about the benefit of doing them at the same time from -- from a design -- from a cost standpoint for design for this process, I was under the assumption that -- that everything was more integrated than what you are describing, because if they are just being looked at as four separate projects, where are we -- where do we have any -- do we have any savings, because if they are -- if they are all being designed four of them separately --

Butterfield: The savings are actually within the contracts. So, we did realize --

Perreault: Within the construction contracts, not with the design --

Butterfield: Within the design element. The design of Station 8 was significantly cheaper than the design of Station 7, because they realized that it would be a very similar design. So, within the contracts that we have within Station 8 it's tens of thousands of dollars cheaper than the Station 7, even though it's kind of two projects, one is significantly cheaper in the design, because they knew we would recognize --

Perreault: Then if we stop the design on Station 8, do we -- do we forego our possible savings? Because -- because now we have a contract that is for a limited amount of time.

Butterfield: Correct. We would go -- we would forego that savings, because now we wouldn't be doing both of them.

Watts: But I do -- I do believe we have saved -- a lot of that savings is through schematic design, is where they have designed these -- they have done schematics with that in mind. That's where we have saved a lot of the -- the savings comes from. The construction drawings are going to have to -- they are always separate. But our schematic design and getting us to this point is where we have saved a lot of the funds, I believe,



because we have designed them together. Now, you are going to finish the construction drawings, which has to happen regardless. Now, construction is a whole other ball of wax. I can't -- your -- your -- your guess is as good as mine if we are going to pay more -- I would guess yes. If you do this in a year or two it's going to cost you more money, but I don't have a crystal ball to tell you that.

Borton: Mr. Mayor, on this -- to this point, of the four contracts, 17 -- number 17 is the one that I heard consensus to go forward. I'm comfortable approving 17 and I would table the other three and perhaps they come back in a week or two. I think, Liz, your question about -- can the architect compress the schedule in a manner that allows you to hit the bid window? Let's ask that.

Butterfield: I -- Mr. Mayor, Councilman Borton, I have asked that and there is some area -- they did -- their initial estimates were conservative. I would say in a recent conversation that I had with the architects and with Stacy Redman, they saw that there is potential to compress both the design development and construction document phase by a few weeks, but that was really -- those are two very large phases for these projects. So, really, outside -- and because I know that some of this had already been moved a little bit through a couple of weeks just for this discussion today, but as that compression continues to happen I think two months -- I don't think they have that in their timeline to get through design development and construction documents and the construction documents are what we need to go to bid, I don't think they can compress that all by two months and still meet a January bidding kind of --

Perreault: (Inaudible).

Watts: We would have to have specific questions what exactly you want us to go back to the architect with and will you be ready to make that decision in a week?

Simison: Yeah. I have been trying to put this off as long as I felt like I could and Dale is over there, you know -- they have been giving me the stink eye for three weeks. Like we can't have this conversation until we have least had the previous conversation, because if we would have just turned in the conversation about these -- these items, but, you know, this is a push point of even starting the process on -- on elements that -- I think it's whether you feel like, you know, it's lost dollars if you say no. I don't think it's lost dollars if you say no. I think it's lost dollars if you -- I'm sorry. I think it's lost dollars if you say no. If you say yes I don't think you are losing out, you know, because the work that's going to be done is not going to be work that wouldn't have been done otherwise. There may be a modification that's going to be small, but if you -- if you wait the ramifications could be much larger. That's -- much larger than what that change order may be -- by doing it. At least that's my viewpoint. My conversations with staff of where my understanding of -- of those elements and, then, you get into the -- because what you really get into is, okay, maybe we do one and we put -- the question will be, okay, do we bid one at the right time and, then, let the other ones go. Then we have lost the value of even doing -- considering doing things together at some point in time. That's really -- that will be the challenge.

Perreault: (Inaudible).

Watts: This takes us all through construction for the architect services. All the way through construction.

Perreault: (Inaudible).

Watts: Correct.

Hoaglund: Mr. Mayor. To your point -- I mean this is work that needs to be done and it doesn't -- it doesn't lock us into anything that says we -- oh, now we have to do all four or two fire stations. We still have that option, because this -- this has to be done and, yes, there might be -- if we decide to alter and stagger and do some things, there might be some tweaks down the road, but this work is done, it's designed, we have got bids, then, we can make informed decisions and decide how we want to move forward. So, I -- I don't see why we wouldn't approve all four, move it forward and, then, act accordingly to how our decisions come in the future. It doesn't -- the design is going to be the design. We know that that's what it's going to be and there -- there will be some construction administration that when that moves forward that's going to be part of the -- their work, so we know that's not going to be lost money. I don't see where we are losing any money. Although we may have to spend a few dollars more if we need to alter it by -- by delaying, by staggering, that sort of thing, where I think, Keith, you had mentioned were different things they have to redesign and can make connections and do this and that. So, it starts us down the path that we are going to go. Now, whether that's one year, two year, six months apart, don't know. That doesn't lock us into it. So, I'm good with going forward with all four to start that process and figure out what we want to do for our community at least the timing of it. We know we need to do it. It's just a matter of when.

Watts: So, in the simplest terms that I can -- for right now, if you want to have the ability to bid in January you would probably want to approve all four of them as soon as you could, even if you are going to still contemplate whether you are going to go through and build them. If you push this out three or four weeks or two months and you approve one of them and, then, they start down that design and now we are going to do it together that's also possibly a little change if we just -- if we only give them the approval to do one, they are going to -- I would assume they are going to design for one and then if you decide in two months, no, we are going to do them together, then, we would probably modify those plans a little bit at that time, but it would probably be too late to bid in January for what you don't approve, you know, right now for design. If you -- if you want to bid in January I would say you would have to get the design started. Now, I'm not saying, yes, no, you should, you shouldn't, I just want you to know if you wanted to bid in January we need to get the plans to the final design.

Borton: Of the labor of -- but you can only bid for what you budget.

Watts: Correct.

Borton: So --

Watts; No. We -- we have often bid -- we have put -- we can put clauses in our bid documents that state that Council is still debating on whether or not we are going to move forward and we have -- and we tell them up front we are budgeted for building one. We are anticipating two and three and four if bids come in good, so --

Borton: So, we can -- we can bid to build a building without having appropriated the money to pay for it?

Watts: As long as we notify the bidders up front, because it -- we often -- we will put bid docs together early on before the budget is approved, just to get things moving for something that we want to start October 1 --

Johnson: I can't turn it any lower than that.

Watts: We often say it earlier, you know, we will bid -- try to wait until October, end of October when you -- when you have -- Council has finally approved the budget, but if we need to get started on a long-term item or long-term procurement, we will put those -- that caveat in our bid documents and state that it's subject to Council's budget approval X date. And so they -- they bid the project knowing that there is a possibility that Council -- and sometimes -- you know, I will be honest, sometimes contractors are a little leery of that, because, you know, they are trying to schedule their jobs out.

Borton: In this case you would know. I mean you will know before end of August what's funded and they won't be anywhere close to pulling bids. That's -- that's helpful context. My only hesitancy is I -- this discussion has been extremely open and productive in light of the concerns and some of the hesitancy and the reality is it just sounds like some portion of these aren't going to go forward even to bid. They are not going to be funded in the budget. Some will. So, as long as it's not wasteful, that there might be the start of design on one of these four, when it really appears that one or more might sit on a shelf and that's still okay and it's going forward years later and it's not wasteful. Go ahead.

Watts; You are going to make your decisions way before we are ready to (inaudible).

Borton: Yeah.

Watts: So, we don't -- we don't have any concern in that area.

Butterfield; Council Member Borton, I can certainly have the conversation if this is approved by Council with our design team of what the next two months look like and some of the discussion that has occurred here today as they do move forward on working on four projects that maybe they put a greater emphasis on two and maybe they can allocate their time a little more appropriately, so that they are not going full bore on four projects all at once, because they are so similar -- the buildings are so similar, especially for a bidding process, if that makes sense. I can certainly pass that on to the design team.

Perreault: That being said, then, would you, though, have to let them know whether that fire station in the south -- I mean would you not need to justify the location because of the additional defined elements of the parking lot from the infrastructure that are unique to these sites?

Butterfield: The buildings themselves are extremely similar. So, the work that they are going to be doing on the buildings -- the two precincts are extremely similar and the two fire stations are extremely similar. So, I think that they can start work on that without -- and there is not a huge disparity, I guess, in the buildings. So, they could start work on one fire station and one precinct -- a load of work without maybe getting too involved in two precincts and two fire stations. A lot of the site work has already been done. That's the schematic design. We have already been through a lot of that. So, there is not a lot -- there is not really anymore work site design wise, it's more the design development phase which would be the next phase they are going into is really building.

Perreault: Thank you.

Watts: But most of that change that would ever take place if we decided one or two, would be in the actual bid documents combining maybe a little bit more site work into one bid package versus two.

Strader: Can we -- is it -- I don't know -- I don't -- I don't want to put people in an awkward position if they are going to vote against something, but, hopefully, it's not wasted work, I guess. The question I would have maybe for Chief Blume -- or just for the group -- if we -- it sounds like there is buy-in on a fire station in the south. I thought -- it sounded like there was openness to a fire -- or police precinct in the northwest. If we try to vote on those two contracts today and try to move that forward and see if there is support of Council. Then, Chief Blume, could you follow up regarding the construction cost, the timeline, that GMP -- all the things that we talked about before our final budget approval in the hopes that we can see if there is consensus or not on the additional fire station and, then, could we, you know, have a similar discussion about the second police precinct -- I guess I'm wondering why do we have to -- maybe there is a way to do this incrementally. If we have buy-in today on one or two of these, we could approve them today and, then, in the subsequent couple weeks could we follow up and have an additional discussion? And maybe this is for the Mayor. Do you want to take that approach or do we want an up or down on these? How do you want to --

Simison: I'm -- you know, honestly, I would ask for an up or down vote, so that we can make a decision and move forward. And I say that, you know, because I heard very different things during the budget process today. I heard the possibility of four buildings being built based upon -- you want to hear from the public and other things. I heard concerns and so it's really kind of a hodgepodge of where everyone is on every single different building, to be honest with you. And I think you heard it. I'm not a rocket science -- scientist. But, you know, for the -- for the clarity, if you -- if there is concern with one of these, you know, don't do a -- I would rather say an up or down and let people move forward on this and that would really take it out of the budget, quite frankly. My -- you

wouldn't even need to put it in the budget and ask the public at that point in time if it doesn't -- if the contract doesn't get approved I would say a lot of the reasons why we would be doing it for -- doing it together at the same time are really lost at that point and, then, you know, you can consider them as you move forward individually. But I do view this as an administrative effort. Yeah, there is -- there is risk with everything, because even if you put it on the shelf you start for -- we are talking about how much work are we doing a month? Maybe a lot? Maybe a little? But that's what we are talking about. How much -- and we can -- we can go back and say, hey, there is concern and you kind of like maybe not start as quickly and work on these other three first and, then, come back around. We can have those conversations and requests, but I do -- I don't view this as wasted dollars, unless we go and redo and decide we don't want to do the police precincts as even proposed. That to me is the bigger risk in this conversation is do we even have the right size, type, or is Council like, no, that's too big, too expensive, I want to see 50 percent size and, then, it's wasted dollars in my opinion, based on where we are in this process.

Strader: Mr. Mayor? Sorry. Just to be clear. So, your -- is your preference to -- for Council to approve all these construction agreements under the principle that this is not wasted money eventually or is your -- is your direction to us -- we would like you to just go ahead and vote how you feel you are falling out on the construction of these four big capital projects at this time?

Simison: The first part. I don't think this is wasted dollars to do it. There may need to be modifications, but that's not wasted dollars, because I think the potential cost savings of doing one, two, or three or four at the same -- two, three, or four at the same time outweighs any minor modifications we might have to make in this process, so --

Strader: So, I guess feedback from -- just from me personally would be -- because I am supportive of likely three of four, I feel comfortable, but if I was in a different seat and I was against possibly half, if not more of the capital projects, I probably would have a really different view. So, I am supportive of it, because I -- personally with the way that I feel I will vote I don't think the amount of money at risk is significant. But I could see someone else taking a different view and I would respect that.

Perreault: So, I'm not quite confident at three yet. Two I am. But I don't -- I'm not lumping the construction piece and the design piece together and -- as I'm thinking through this, so the main thing I think that -- you gentlemen answered my question. The main thing was I want the ability -- I want us to have the ability to bid these in January if we want to. That's critical. So, I see that opportunity cost there in improving these, so long as significant changes that are made -- you know, so long as we have -- in our agreement we have an opportunity to come to the -- to Rice Fergus and say we need you to stop -- I don't want to forego any opportunity that we have created by doing these together, without -- which doesn't sound like -- sound like we will. However, if we choose to pick up that conversation, then, in a year from now I just want to understand that we still have the ability to do that and -- not talking about construction cost, just talking about design cost. I would rather spend funds -- I would rather spend this -- these funds and potentially

alter our design than get to the point of having full construction bids and, then, decide to change the design. So, I want to -- I think we will get enough information in the next few months to get us to a place where we can pause and -- but if we don't do this right now we won't and -- if I'm understanding correctly. And so I would -- I would rather spend these dollars to do the design, have further conversation about whether we are doing the two -- doing two, three, four -- one, two, three, four, than to possibly risk not moving forward if we could or if we decide to go that route upon the information that we find out in the next month or two. So, that's my thoughts on it. So, I -- I mean now that I have clarity -- greater clarity on this I think I would be in favor of approving these agreements.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I was going to say if you want to -- if Council Woman Perreault wants to hear from other Council Members like that's fine with me. I was going to suggest we could also just make some motions on these and see where everybody falls out -- to see and if it's a tie that's going to be awkward.

Perreault: Okay. Go for it Council Woman Strader.

Strader: All right.

Simison: Not for me today.

Strader: Okay. Let's try the first one. On Item 15 I move that we approve the AIA B133 agreement with Rice Fergus Miller for the final design and construction administration for the northwest fire station in the not to exceed amount of 405,925 dollars.

Hoaglund: Second the motion.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will be opposing the motion because I would prefer it to be tabled. Cost benefit. I would rather address it as part of the budget discussion, so -- I think tabling it is the reason why I will be opposing it for right now.

Simison: Any further discussion on the motion? If not, all in favor signify by saying aye. Opposed nay?

Bernt: Nay.

Borton: Nay.

Simison: The ayes have it. The item is agreed to.

MOTION CARRIED: FOUR AYES. TWO NAYS.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: On Item 16 I move that we approve the AIA B133 agreement with Rice Fergus Miller, the final design and construction administration for the northwest police substation precinct in the not to exceed amount of 423,975 dollars.

Hoaglun: Second the motion.

Simison: I have a motion and a second on Item 16. Is there any discussion?

Borton: Mr. Mayor, is this site specific?

Simison: Yes. They are site specific.

Borton: It begs the same question. You are now locking yourself into the selection. Perhaps the preliminary work that's done in the first 45 days isn't site specific and can be translated to a different site. If, for example, a precinct in the south is ultimately funded in August and the northwest isn't funded, wouldn't want that work to go to waste. Perhaps that might be --

Butterfield: Council would have a decision at that time to either continue with the design aspect of the northwest precinct or just stop -- stop it at that point that it's not funded. We could certainly contact Rice Fergus that they do no further work on the northwest precinct. We are not -- I mean -- or if this is approved that you go ahead and go all the way through the construction documents and, then, you have a roll of construction documents already purchased, approved, designed and, then, they can bid that maybe some year further down the road that Council decides to fund the project.

Watts: Mr. Mayor, I believe -- or Councilman Borton. I believe Councilman Borton's question was 45 days in if they decide we don't want to do that station, we want to do that station, can some of that work being done on those first 45 days translate to the other station. I think that was the question.

Borton: Right.

Watts: Thank you.

Simison: Any further discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it. Motion carries.

MOTION CARRIED: ALL AYES.

Johnson: Mr. Mayor, this is Chris. Was that all ayes?

Simison: Yes.

Johnson: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we approve item AIA B133 agreement with Rice Fergus Miller for the final design and construction administration for south fire station in the not to exceed amount of 528,971 dollars.

Perreault: Second.

Simison: I have a motion and a second regarding Item 17. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it.

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we approve Item 18, the AIA B133 agreement with Rice Fergus Miller for the final design and construction administration for the south police substation precinct in the not to exceed amount of 505,076 dollars.

Hoaglund: Second the motion.

Simison: I have a motion and a second. Is there discussion on this item? If not, all favor signify by saying aye. Opposed nay.

Bernt: Nay.

Simison: Five ayes. One nay. The item is agreed to.

MOTION CARRIED: FIVE AYES. ONE NAY.



Simison: Thank you. I think if you haven't already -- the architects may not be watching, you see the sensitivity towards that we want -- we want them to meet deadlines, but we also want to be sensitive and do things appropriately and I know that you all communicate that between now and August on this -- on these topics. Okay. Thank you.

### **EXECUTIVE SESSION:**

- 19. Per Idaho Code 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need.**
- 20. Per Idaho Code 74-206(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.**

Simison: With that, Council, we have reached Items 19 and 20.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Hoaglun: Second the motion.

Simison: I have a motion and a second to go into Executive Session. Any discussion? If not, Clerk will call the roll.

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

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

**MOTION CARRIED: ALL AYES.**

**EXECUTIVE SESSION: (3:12 p.m. to 5:22 p.m.)**

Bernt: Mr. Mayor?

Simison: Do I have a motion? Councilman Brent.

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

Hoaglund: Mr. Mayor, second the motion.

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

MOTION CARRIED: ALL AYES.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 5:22 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

\_\_\_\_\_  
MAYOR ROBERT SIMISON

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the June 29, 2021 City Council Special Meeting

**Meridian City Council Special Meeting**

**June 29, 2021.**

A Meeting of the Meridian City Council was called to order at 6:04 p.m., Tuesday, June 29, 2021, by Mayor Robert Simison.

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

Also present: Chris Johnson, Ted Baird, Bill Parsons, Alan Tiefenbach, Clint Dolsby, Tracy Basterrechea, Joe Bongiorno and Dean Willis.

**ROLL-CALL ATTENDANCE**

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

Simison: Council, we will call this meeting to order. For the record it is Tuesday, June 29th, at -- oh, it looks like 6:04 p.m. We will begin tonight's City Council special meeting with roll call attendance.

**PLEDGE OF ALLEGIANCE**

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

(Pledge of Allegiance recited.)

**ADOPTION OF AGENDA**

Simison: Next up is the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

## **ACTION ITEMS**

1. **Public Hearing Continued from May 26, 2021 for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.**
  - A. Request: Annexation of 80.46 acres of land with R-8 and R-15 zoning districts.
  - B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

Simison: First item up is an action item, which is a public hearing continued from May 26, 2021, for Sky Break Neighborhood, H-2021-0127. Alan, are -- do you have any information that you would like to provide at this time?

Tiefenbach: Yes, sir. I have a presentation of the updated information.

Simison: Excellent. Well, then, Alan, we will turn the time over to you.

Tiefenbach: Thank you, Mr. Mayor, Members of the Council. Good evening. Hopefully everybody is staying cool. It's actually 106 degrees outside and I don't even understand what that means. At the May 26, 2021, meeting the City Council directed the applicant to revise the plans to address three particular elements and this was a proposal originally for 329 residential lots, including private -- private streets and I will talk about that in a second. The first element was to provide sidewalks on at least one side of all the streets. To provide a better transition between the southern perimeter of the subdivision and the Vantage Point Subdivision to the south. Their recommendation was to do this by extending the larger lots at the southeast corner of phase seven along the west. The third -- the third direction was to relocate some of the open space at the south to a more central location. So, I'm going to sort of run through real quickly and show you what the changes are. First one, provide sidewalks on at least one side of the street. This is the new proposal and what you are seeing that is different here is that these streets here initially were private streets. I know it's a little tough to see, that's why I used the color, but there are sidewalks now, five foot sidewalks, on at least one side of all the streets. So, you can walk throughout this subdivision on sidewalks in any of the lots now. The second requirement was to provide a better transition between the southern perimeter of the subdivision and the Vantage Point Subdivision to the south. Again this should be done

by extending the larger lots at the southeast corner of phase seven. On the top is the original plan. On the bottom is the new plan. So, you can see that this park and this road has gone away and these lots have been extended all the way over to the Farr Lateral. These lots are roughly half an acre, I believe, to provide a better transition to the lots to the south. The last one was to relocate some of the open space at the south to a more central location. I showed some arrows here for you to see what's happened. So, this particular area, again, where the larger lots are now, there was the open space here, it's the same amount of open space, it's been relocated here to the center of the development. As requested by the Council --

Simison: Alan, we will go ahead and pause for a second as we address outside audio issues, not inside.

Tiefenbach: I will back up, so that -- do you know where we got lost, Chris?

Johnson: Mr. Mayor, Alan, I think from the beginning. We just received an e-mail. Trying to go through it and make sure everything's on the right setting. Christy, if you can hear us will you speak. You are unmuted.

Tiefenbach: Mr. Mayor, do you want me to back this up again and start from the beginning when we get there?

Simison: Yes, please, Alan.

Hoaglund: You know, Mr. Mayor, since we are kind of in a timeout -- I just noticed -- I was watching a baseball game of the Mariners the other night and they were in a rain delay, so they broadcast certain things, you know, interviews and different things. So, maybe we ought to have a talent show, people who are in the audience have to come up and do some sort of talent, you know, fill our time. That would be kind of fun, so --

Cavener: Mr. Mayor, probably to follow up on that, as a courtesy I think the applicant should be the one to always go first.

Simison: As I have been learning, I'm supposed to say interesting. Chris, do we want to go at ease for -- Chris, do we have any idea -- should we go at ease for a few minutes? Do we expect it to be a few minutes? Okay.

Johnson: If any city staff can hear us if you can let us know. Steve? Cameron?

Siddoway: I can hear you.

Johnson: Thank you.

Arial: I can hear you as well, Chris.

Simison: All right. Alan, if you would like to go ahead and restart your presentation.

Tiefenbach: Thank you, Mr. Mayor, Members of the Council. So, there was audio issues. We are beginning from the beginning and we will run back through. At the May 26th City Council meeting, Council directed the applicant to revise the Sky Break Subdivision plans to address three elements. Again, this was a subdivision originally for 329 lots on private streets. The three directives were to provide sidewalks on at least one side of all streets. The second was to provide a better transition between the southern perimeter of the subdivision and the Vantage Point Subdivision to the south. The recommendation was to do this by extending the larger lots at the south -- southeast corner of phase seven across the west. But the theory was to relocate some of the open space at the south to a more central location. So, first one was to provide sidewalks on at least one side of the streets. This is a color version of the plat. It's a little tricky to see, but if you -- in this here sort of to the middle and east, this is the area in particular where there were no sidewalks. If you can see by the colors there they have provided five foot sidewalks on at least one side of all the streets. So, all of the streets here now have at least one sidewalk on -- on -- or have at least a sidewalk on one side of the street. And the second was -- the directive was to provide a better transition between the southern perimeter of the subdivision and the Vantage Point Subdivision to the south. The recommendation was to do this by extending the larger lots at the southeast corner of phase seven across the southern boundary. There are two plans here, but the -- the top one is what you saw at the last meeting. The bottom one is what's proposed now. As you can see, this road -- this open space has gone away and these lots here have been expanded along the property line. Hang on here. The third was to relocate some of the open space at the south to a more central location. These arrows are showing what has changed. The one to the left, the arrow is showing that open space was originally at the south, along with that road. Now at the south these lots, again, have been expanded across the boundary and that open space has been moved here central. The amount of open space area is roughly the same, so they haven't lost any open space. However, they have lost lots. They originally were at 329 lots. With this they are now at 316 lots. The Council also asked to have proposed conditions of approval when we came back to you. In your memo packet there are proposed conditions of approval that have been worked together with staff and the applicant. My understanding is the applicant is amenable to all of those conditions of approval. If the Council is inclined to approve this present version with the conditions as proposed, there is a few things that Council will be incorporating as part of their motion that staff wanted to mention to the Council. The first is that the Council will be overturning the planning director's denials of the following alternative compliance requests. The first is allowing 106 lots where only 50 are allowed. The second would be allowing three common driveways off of a private street where this is not allowed. There is also following -- these following waivers that the Council would be approving. The first one would be allowing -- and I'm going to have a map right after this to show you exactly what this means, because it's kind of hard to visualize all these numbers in your head. One of them would be allowing the cul-de-sac to be longer than 500 feet. The other would be allowing the Block 9, which, again, I will show you, to be a thousand feet, whereas it's limited by the code to 750. The third would be allowing Block 5 along the southern boundary to be almost 1,200 square feet, whereas it's limited to 750 by the code and the last would be approving alternative compliance, which requires a minimum amount of landscape along pathways and a certain -- to allow the pathway area shown on Lot 46 to remain in a natural

state. So, again, the first would be here. This cul-de-sac extends approximately to 610 feet. This cul-de-sac here -- or, sorry, this block here is limited to 750 feet. Approving this would allow a waiver to a thousand feet. Down here 750 feet long block is allowed, whereas this is just short of 1,200 feet and, then, this pathway here, if you are crediting pathways as part of your open space or any kind of open space, it has to be landscaped at one tree per 8,000 square feet. This would stay in the naturally landscaped area. With that that concludes my presentation of the three different directives that we were given.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks. I -- and I, you know, unfortunately, was not in the last meeting, but -- and I get it that the cake -- I hope the cake hasn't been totally baked, but, actually, a question for the fire department. Yeah. I'm looking at the agency reports. This is partially within the five minute response time. Clearly not fully within the five minute response time at all. There is an updated phasing plan attached. I believe it was -- it looks like it was published on June 23rd. I was hoping that maybe Deputy Chief Bongiorno could walk us through -- how does this phasing align with the hypothetical construction and delivery of the future fire station in south Meridian if that were to occur?

Bongiorno: Sure. Excuse me. Mr. Mayor and Council Woman Strader, I believe I will leave that to the applicant to answer as far as timing goes. I believe -- I think one of the conversations that Laren and I had was their first phase -- and Laren can correct this if I'm wrong. The discussion we had was their first phase, I believe, was going to fall in line with when Station 7 would have been constructed and -- and occupied. That April of 2023 time frame'ish. So, again, I will let Laren or -- or their applicant talk about that as far as the -- as far as it goes. And, then, the -- the phasing plan, the main reason for the phasing plan is to make sure we have secondary access throughout the construction phasing to make sure we have good access while they are being built.

Strader: Thanks. So, thanks, Mr. Mayor. I will be looking for commentary from the applicant team on that.

Simison: Council, any additional questions for staff?

Parsons: Mayor and Council, if I could just provide one clarification before the applicant comes up. So, Alan had alluded in his presentation that he wanted you to approve an alternative compliance and that's -- that's not the intent tonight. The intent is there is a condition of approval that the applicant will have to seek alternative compliance to allow that slope to stay in an unnatural state and allow the pathway to be a different material than asphalt. I think their intent is to have that more of a gravel, more natural walking amenity for the subdivision. The code does allow for that through alternative compliance.



So, I just wanted to be clear on the record what the intent of that was for your action tonight, if you choose to move forward on approval of this project.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question for Alan or Bill. On the -- on the length of some of the roadways it says unless there is an intersection and I noticed there is several T intersections. So, are we talking about a through intersection is what would be allowed for the longer length, not a T intersection?

Tiefenbach: Mr. Council Member, what that means is these blocks -- and let me see if I can share again. You can't have a block with -- on one side without having a walkway, a pathway, a road, the end of a block, or something like that. There is several block lengths that are just houses with no intersecting pathway or street.

Bongiorno: Also, Mr. Mayor?

Simison: Yes, Deputy Chief.

Bongiorno: Also I think one thing that -- to note about that natural pathway area, that will -- also will be included in that fire plan that they are planning on providing to me prior to - - was it final plat I believe. Or something. I don't remember exactly what it was. So, that whole area -- yes, it may -- may retain the natural look of it, but they still have to maintain it to make sure that we don't end up with a wildfire on that hillside.

Simison: Council, anything further before we hear from the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, I just wanted to clarify. You were stressing the wording in the proposed conditions of approval. Do I understand correctly that the -- the director has already denied approval of the alternative compliance requests for three and four and that Council would need to overturn them? Is that -- just that -- that's the wording correction that you are referencing? Is it just for numbers three and four?

Parsons: Mayor, Members of the Council, Council Woman Perreault, I'm not sure what you mean by number three and four.

Perreault: On the proposed conditions of approval in the June 21 memo.

Parsons: Yes. So, that would be if you are going to overturn the director -- director decision of approving private streets and the common drives off of the streets.

Perreault: Just the --

Parsons: Yes.

Perreault: Thank you.

Simison: Okay. Would the applicant like to come forward.

Nelson: Good evening, Mayor and Members of the Council. Deborah Nelson. My address is 601 West Bannock Street. Here on behalf of the applicant. We really appreciate the very clear direction that the Mayor and City Council was able to provide. It enabled us to revise the site plan, to address each of the three changes that you specified and to work with your planning staff and with the fire department to review those, to work through until they -- they were able to support them as well. We are in full agreement with the proposed conditions of approval and we do ask for your support of the development with those conditions as proposed. Mr. Mayor and Council Member Strader, with -- if I could I would respond to your question as well. You were asking about fire phasing. We did work out a fire phasing plan actually initially with the fire department. I think the only reason for the update was that the layout is a little different with the extended homes. So, this reflects the new lot layout. But the phasing has been consistent with our discussions with Mr. Bongiorno throughout, identifying that we have primary and secondary access for each phase. Phase one is expected to be coming into occupancy in 2023 and so that would be timed approximately with the new fire station that's planned. Also that is the area that's close to Eagle Road and so it is still within the five minute response time now and so as the future phases come in we expect them to be timed in accordance with that -- that fire station as well. Similar to other developments that have been improved in the area, Pinnacle, Pura Vida, Poiema, that also were developed in full and approved in expectation of that fire station coming online. We are really excited to bring forward this Sky Break community for the city. It was -- as redesigned. We did lose the 14 lots, but we retained the qualified open space at 18 percent and 14 amenities. We have got the exceptional rim view lots. We have the golf cart access and we think with all of these amenities and unique placement of this property next to the golf course that this is going to be a community that your residents are proud to find home and that you can be proud to have in your city. And we would stand for any questions.

Simison: Thank you. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: In all due -- really clear direction, there was only four of the six of us and we were kind of teetering on -- on both sides of what might happen with this application and so I don't recall it as being as clear cut perhaps, even our direction, frankly, may not have been as clear as you phrased it. One of the questions that came up is on -- amongst the

list of requested waivers is the landscaping and pathway in the common open space. Alan, if you could pull that exhibit you created up again --

Tiefenbach: Sure.

Borton: -- that had the location of the waivers. Perfect. Thank you. So, on that right-hand side. The no additional landscaping required and it sounded like in addition to that it would be -- it wouldn't be an improved pathway, it would be gravel or natural state is the request, so -- and Deputy Chief Bongiorno referenced maintenance of that. So, if it's natural slash weeds, sagebrush, who maintains that? It's just really unique compared to more traditional, you know, grass and manicured open space. So, who -- who maintains it or what organization maintains it and how?

Nelson: Mr. Mayor, Council Member Borton, so the CC&Rs will have provisions for maintenance of this area and the HOA will be responsible for maintaining it and the pathway actually -- the design of it hadn't changed since our original plans here. We are actually excited to bring forward kind of a little different amenity than you get opportunities for here. I think you may recall in the last hearing we had discussion about -- that it has the -- the reminiscence of the Boise foothills, the opportunity to have a natural walking path outside your door. We recognize that does have to be balanced with fire concerns and so we have met with Joe quite a bit about that. He's asked for a wildland safety plan and so that has to be provided to him and that is what has to be done before the first final plat to make sure that it will be a -- a safe area. The CC&Rs will include provisions that require the HOA to conduct regular maintenance on the -- on the native grasses, such as moving them twice a year to keep them cut and safe during fire season, so -- and all of these provisions will have to be reviewed and approved by Mr. Bongiorno. So, we do feel that it can be both a safe and a unique opportunity for the development to have that natural hillside path. It creates a great walking loop for the entire development and it gives everybody a chance to enjoy those nice views, not just the rim view lots.

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

Nelson: Thank you.

Simison: This is a public hearing. Mr. Clerk, do we have anybody that is signed up to provide testimony on this item this evening?

Johnson: Mr. Mayor, yes. We have six signed in, four indicating a wish to testify. I apologize if I mispronounce this, but Elizabeth Koeckeritz represents -- thank you. Representing an HOA.

Simison: If you would state your name and address for the record.

Koeckeritz: Yes. Elizabeth Koeckeritz. It's a silent O. The rest is phonetic. 3058 North our Selkirk, Boise. 83702. Mayor, City Council, I am here representing the Vantage Point Homeowners Association. Just do the arrows. Okay. Okay. First of all, the homeowners

would like to say thank you to both the City Council and to the applicant. They definitely believe that this plan is better by getting rid of the road that goes directly behind their homes, by extending the lots. They really do appreciate that. So, at this point in time they are really just looking at having a few final tweaks made to the plan versus an entire redo. They do continue to believe that overall this plan is not the right plan for this area. The density is just much more extreme than anywhere else in the area. I mean it just doesn't fit the surrounding neighborhoods. The housing types they are -- 75 percent of them are on 1/10th of an acre. A significant portion are duplexes and only a very few percentage of the homes are half an acre or larger and, in fact, the homes that were put on the larger lots are still not quite half an acre. They are still slightly under that half acre mark. The zoning is also significantly increased from the comp plan. It's changing from R-8 to R-15 near the rim and, then, from R-3 to R-8 south of the Farr Lateral. Additionally, to approve this plan the applicant is having to receive alternative compliance and waivers throughout and so it just seems to the HOA that there is -- there could be a better plan for this place, for this property, but given where we are right now they do just have a few sort of small requests that they are looking for that would just really make this a lot more palatable to them and a lot easier. Just a much better plan. So the first -- just running through these -- and I will discuss each of them briefly -- is limit the site grading of the back -- and I'm really just talking about the homes along the southern border. The other properties don't really affect them and so we are not discussing those. Limit the site grading so the floor elevations don't exceed two feet above where the current grading is. Ensure the drainage -- there is going to be -- you are going to hear from a couple people tonight about the drainage issues of how the land is flowing from higher elevation down through one of the Vantage Point properties and, then, down to historical drainage to Ten Mile Creek and they do have some concern that if that gets built up, gets filled in, that there is going to be backflow onto their property, swampy properties, that it's just not going to work super well and this is the time where we can get it right now versus waiting to the future when we do have these problems in the future. They are also looking at the last two lots to the east and I will show you a map on this, having single home -- single story homes. They are asking that the construction be phased -- or the removal of the topsoil be phased, so that, as we know, there was a big windstorm last week and so that there is to minimize the dust that's blowing through the air, as well as to build a fence to help minimize that dust and the trash. And, then, there is one lot where they are asking to have the number of lots abutting it reduced from three to two. So, first, the draining and grading -- if you look at this, this is a historical map from some time ago, because there is, obviously, not a lot of houses right there, but that's really the -- it flows down through the Vantage Point Subdivision to the house to that -- to that plat lot that is not yet developed in this and, then, follows that drainage down to the Ten Mile Creek and there is two other people that are going to speak about this tonight and so what they are really looking for is to have the building envelope just moved over a little bit on one of these lots -- and I will show you a map of that in a minute. So, that they can -- so we can better ensure that that drainage continues. That this natural drainage continues to be there draining the property as it has in the past and, then, also has -- the homeowners association have the opportunity to review and comment on the drainage and grading plans, to make sure that this really is going to drain as appropriate. Here is another view of this. You can see that -- especially on the bottom picture that there is quite a dip right

there as the property drains down to the north. Looking at the single story homes, the two houses on the end, what was presented to you in the developer's -- in the applicant's slideshow in their movie that they showed -- they were representing that these homes behind the Vantage Point Subdivision would, in fact, be single story and the HOA -- the Vantage Point Subdivision is simply asking that at least on those end two that those remain single story as they were presented to help ease the transition between their larger lotted subdivision to this much more dense neighborhood. Additionally, as I mentioned, one of the homes also has -- they still have three lots abutting up against them. It's the second house in from the edge and they are asking to have that moved and so you can see here just a rough schematic. The top shows what -- how it is currently proposed and the bottom shows just moving the lot line over a little bit. So, that house that second in - - on the right of your screen -- I'm mixing my right and my left. Only has two properties abutting it, instead of three, and that would result in the applicant only losing one property over this whole discussion. They are also asking for phase construction and the topsoil removal. If you -- this picture was taken just last week from out in Meridian during the big dust storm that shut everything down and so they are asking that the topsoil -- that this just be phased and so that they can be assured that there will be slightly less dirt blowing through the air over the next seven to ten years and they are also asking to minimize the trash that accumulates, as well as the dust for a six foot solid wooden fence to be placed along their border prior to any of the construction commencing and that, quite honestly, is it. These are pretty small changes that would really make -- would really help this -- the Vantage Point HOA and the individuals that live there really accept this into their neighborhood and make this a lot more palatable development and make everyone fairly happy with it.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And I apologize if you guys went over this in a previous meeting, but what's your subdivision like? Is it all single story? Do you have any multiple story buildings?

Koeckeritz: This subdivision -- I apologize. I'm also -- I'm an attorney representing them. I don't actually live in the subdivision. But it is -- it's just -- it's one street that comes through. They are all at least an acre lot and they are multi -- multiple story large homes.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And I appreciate typically arguments about transition, but I'm having a hard time with an argument about an abutting neighborhood having, you know, two story homes and, then, asking an adjacent development to limit their homes to one story. So, am I understanding that correctly, you have a couple of multi-story homes?

Koeckeritz: The homes -- several of the homes are two stories, but this is where with the grading and drainage, so that they can continue to -- it helps them enjoy their views -- continue to enjoy their views as this development occurs.

Strader: Thanks.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you for sharing this with us. Have you -- have you and/or the HOA discussed these concerns with the applicant already and -- and what was the response? And, then, my second question if you go back to your first slide. I want to understand if -- if you are suggesting that the applicant isn't meeting what the city is -- has, you know, conditioned or is there -- is there an opposition to the percentages of lots and whatnot that you have put on there, are you suggesting that the applicant isn't meeting what is in -- what is zoned or in the Comprehensive Plan or is this just a preference by the HOA on the number and sizes of lots?

Koeckeritz: So, Mayor Simison, Council Member Perreault, as to your first question, some of these issues have been discussed, some of them have come about more in the last few days as we have been discussing this and have not been raised with the applicant, but -- so, these -- the issues surrounding the zoning, those were raised that it does not meet with the comp plan in some of these areas. I believe the comp plan shows R-4 and this is R-15. Or maybe it was R-8. I don't remember. But I do know it wasn't in compliance.

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

Koeckeritz: Thank you.

Johnson: Mr. Mayor, next is Annette Alonso, representing Southern Rim -- are you --

Simison: Mr. White?

Johnson: Larry White. Vantage Point HOA.

White: Mr. Mayor, Council Members, my name is Larry White. I live at 3804 East Vantage Point Lane and I would like to answer some of those questions. And I did a slide -- oh, I'm sorry.

Johnson: He's pulling it up for you now. We were expecting a different one. Just take a second.

White: So, Council Woman Strader, to answer your question, there are 16 lots in Vantage Point, 16 homes. Four of them are single story. So, 25 percent. Council Woman

Perreault, two of us -- oh, Council Woman Perreault, the two of us here have coordinated with the developer several times. We had meetings -- at least we had meetings in person on the site. We have had e-mail conversations, phone conversations. We have done a lot of things. We have asked even to buy easements and single story homes. We are your last -- your last resort. So, there you go. Every time we have approached them the answer has been, no, they will give us what they are at, so -- so, with those questions I will start now, so, hopefully, the three minutes starts now. So, I live -- does this work in the mouse? Oh, man.

Johnson: Use the keyboard to click.

White: The keyboard click? How does that work? Okay. So, I live in the gray lot. The lot -- the lot highlighted in gray. What I want to talk to you today about is the historic drainage. So, there is drainage that comes from Vantage Point, it all funnels down to the low lot in Vantage Point, which is ours, and continues to the north and to the west to Ten Mile Creek. So, that's one topic I want to talk to you about. The other one is transition. I would like to recognize and thank the developer for what they have done for the three of us in the subdivision. There are still two of us here and I would like to talk specifically about what we are hoping for on the transition. Okay. Okay. So, this is a figure of Vantage Point Subdivision -- and I wish I had a pointer, but -- Vantage Point Subdivision. You can see the Farr Lateral is the darker green. That's the high point on the rim. And this shows the contour elevations and how the contours go from south to northwest and if you follow the arrows you can see a lot of them go straight or to the side and end up in the green -- or the gray lot, which is ours, to continue north and to the west to Boise Ranch and Ten Mile Creek. There is about 12 acres that this drains to to our lot. That's one thing -- there is a lot of area. We have poor soils up there. They infiltrate rain very poorly. When there is rainfall events we frequently see ponding on our lawn. And the third thing is there is a big area -- and it all goes down to really one discharge point. Okay. So, looking back, this -- obviously, this drain has been formed over thousands of years, but going back to Google Earth we can get back to 1992. You can see the shadows of this drainage. Into 2014 our lot is the bare lot there and, again, there is the darker vegetation that drops down into Boise Ranch, which gets into Ten Mile Creek. And here is a blow up. Working with the architect in the design of this, he recognized we are the low point, everything's draining towards us and, then, further to the north. So, we incorporated some things. We have a ditch swale on the west side of our property and a swale grass lines on the east side, so we can take excess drainage from the roadway, if that occurs in an extreme event, go on either side of our house. We can take the drainage from the neighbor to the west and to the east, which happens now. It all goes down into our lawn area and, then, continues north. So, what we are concerned with is an extreme event, whether it's a quick snow melt and a storm, whether it's a hundred year precipitation event, everything's coming to this point and heading north. So, there is a couple ways to handle that and I will show you what Skyward neighborhood --

Simison: Mr. White, the timer should have gone off, but it's not beeping on us. So, if --

White: Has it been three minutes?

Simison: Well, you have actually had about five minutes so far with answering the questions and otherwise. So, if you can wrap up your comments related to this issue as best you can and if Council has any follow-up questions they can ask those.

White: Okay. So, that's what proposed Sky Break did. We know that's not an option. This is what Sky Break is doing, they are putting a house right in the bottom of that, which we don't think is an option. We are proposing something different. Here is the build area with the current lot size, just sliding the homeowner -- the home to the west a little bit from what they show currently in their narrative. Here is that same area if the two lots are granted to our neighbor to the west and what we are looking for really is what's shown on the promotional video that the developer prepared. You can see they have a 15 foot setback. They have a single story home. Everything is slid to the west. The difference between a -- with a 15 foot setback with a single story home and a double story home is huge and so we understand we have a 15 foot setback. It helps the developer, because it allows them to align the house to the -- to the east and we understand that, we are just hoping for some compromise here with a single story just to -- the other -- all of our other neighbors have a 30 foot setback and so that's what we are looking to you for help with and with that I will stand for questions.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. White, if we can go back to your lot with the lines there. I just wanted to ask a couple questions. Yeah. That works. Now, you had mentioned on -- on your east and west side you just have a swale to -- how -- can you describe that once again? How do you direct the water runoff that comes in?

White: On -- well, I don't have an aerial. On the east side we have grass -- a grass swale. So, it's flat area, it comes from the roadway, we have a small berm with the roadway and the roadway has all roadside ditches. So, if there is an extreme event, you get a lot of water, it overtops, it will come down the grass on the east side and continue along to this flat area, which is our lawn and, then, continue to the north. We do take drainage from our neighbor to the east. On the west side it's a gravel lined swale and it does the same thing, it comes around with a -- you can see the high contours around, goes north to the -- to the property line, heads to the east and, then, dumps out where the low elevation is.

Hoaglund: Okay. Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. White. So, it does come to pretty much a single point? I mean --



White: Well, that's the low point. Yeah. I mean it's a ten foot area that's the lower elevation. Yeah. It's not a pipe, but it's a --

Hoaglun: Okay. Okay.

White: It's not spread over 50 or 100 feet or whatever, unless the storm gets super bad. Yeah.

Hoaglun: Got it. Yeah. That's what -- I wasn't sure if that came to a single point, if they drained off separately, or -- so that -- that helps me understand.

White: Yeah. You can see the contours. Everything comes down to this one point and, then, goes north.

Hoaglun: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Is there a difference in elevation? Do you know what the difference is between like your home, for example, and this subdivision? You're up higher; right? So, water is draining down?

White: So, our finished floor matches the finished floor of our neighbor exactly to the east and very close to our neighbor to the west. We have a nine-ish foot drop in elevation from the roadway to the back of our lot and so our home is raised a couple feet above the roadway'ish.

Strader: Okay. Yeah. Got it. And I guess if you can articulate the concern about the view. I'm having a hard time with that one. Just -- you are a little high -- you are a little bit on higher ground already; right? And --

White: Yes, we are. We are definitely on slightly higher ground already. We are not sure what the developer has planned as far as terrace grading, which they did at Eastridge, whether they are going to follow the existing ground -- what they are going to do. But I can tell you that 15 feet is about where the -- the podium is, where the Mayor is, so there is a single story or a two story home. There is a huge difference there and we are just asking for some compromise. We are not trying to change the lot layout. We are not trying to change the setback. We are just trying to work with what's there and, you know, estate lots do have single story homes and we have -- 25 percent of ours are single story homes. It's not an unreasonable request and the developer did show it on his video. His promotional video. So, it must be reasonable to the developer is the way we are looking at it.

Simison: Mr. White, you mentioned something else, though. Setback. If the developer was to do a 30 foot setback that was similar to the other homes in your subdivision and, again, when I look at this I can't think that there is going to be a home anywhere near a 15 foot setback on these properties. So, I think it's going to be -- I mean that's close for a half acre lot. I don't know what they would be doing putting a home that far back. But if there was a 30 foot setback would you be opposed to two story?

White: Well, two stories with a 30 foot setback, yes, sir. Oh, excuse me. Yes, Mayor.

Simison: Okay. So, something for the developer to even contemplate and those -- especially those that are being suggested. Council, any further questions?

White: And if you want to ask about drainage, that risk of having all that drainage go right to a home? No?

Simison: Okay. Thank you.

White: Thank you.

Johnson: Mr. Mayor, next Annette Alonso.

Alonso: Mayor, Council Members, I'm Annette Alonso and I live at 2204 East Hyperdrive in Meridian and I'm here representing the Southern Rim Coalition. I'm sure you guys have heard me many times and don't laugh at my PowerPoint presentation. It's really bad. Okay? Really bad. But it gets the point across. And I actually have some photos from Mr. White's lot, so you can see how the contour is and I also have some photos of other developments that Devco has done where they have done severe filling, which is in Eastridge and the problems they have caused with drainage and things like that. So, you will be able to see that in my presentation. And I do want to say that this rendition that they come back with is somewhat better than it was before and I feel encouraged by that, but there are still several things that I am a little worried about. I don't understand why we would allow and waive all those -- have all those conditions. There is no reason for that in this development. They could make a development that didn't have all those conditions. So, I'm just going to start with the fact that this is not a premier golf community. Now, I don't care what they say, the houses are up on the hill. There is a small portion down on the bottom, but it is not a premier golf community as you would think. Not like you are walking out your back door and the golf course is there. It's not planned on where the golf course is right at their back door, so -- so, I don't understand why they are saying that for one thing and the way they are marketing it that way. As far as the gated community is concerned, I don't believe we even allow that within -- I think it says here that -- my understanding that it's not allowed within the city, except under very specific circumstances. There aren't any specific circumstances here. They just want that development to have like kind of a cushy look to it, so they want to have that private gated. There is no reason otherwise to do that. It's not coming off a major thoroughfare that you have to have it private or gated. The other thing was -- I wanted to talk about was private streets. ACHD even testified at the last hearing that probably 80 percent of those private

streets they come to ACHD asking them to take over those streets in the future. So, again, why would we allow those private streets when we don't need to and a gated community -- I actually spoke to some residents who lived in Movado, because there was somebody here last time that testified who said he lived in that gated community part and I spoke to other people who lived in there and they said it's a hassle. They are always having to deal with the gates. People run into the gates. The gates get broken. There is just kind of a plethora of delays when you are living in a gated community and I have -- I have been selling real estate for ten years and I have been involved in real estate through lending and -- and through construction for 35 years, never had anybody come to me saying I want to move to Boise, Idaho, or Meridian, Idaho, and live in a gated community. Never have I ever heard anybody say that. So, I don't know where their -- their marketing is coming from, but I have not seen that ever and nobody I have spoken to has ever had that asked of them either. So, pass gated. As far as amenities are concerned, I think you guys all know that the amenities in this subdivision are interesting. So, I want to refer to my great PowerPoint. And, again, don't laugh at it, okay? So, first of all, this is -- first I want to talk about drainage, because these are the first slides that come up. This is one of the lots in -- in Sky Mesa. Eastridge is up above there. When this -- when Eastridge was proposed I actually testified to the Council that this road in the Sky Mesa down below had -- was stubbed out to go up this hill and this hill was a gentle slope. On -- on your right there that's a Black Rock Subdivision lot, the last one at the end of the street, and there was a gentle slope that went up here. So, they had it stubbed out here at the bottom to go up that hill on a gentle slope and it could have joined in with Eastridge. Well, Devco said, oh, no, there is no way we could do that because of the contour of the land. Well, so instead they built this and, then, this caused all kinds of problems in this lot and for this neighbor on the right that was in Black Rock, they had water in their lot, so they had to -- there was this ditch way coming down there in the middle and on this bottom lot you will see those white tubes sticking out at the very bottom, they had to put a drain all the way to the bottom of that lot because of that water coming off there and that drainage off that hill. So, then, if you will look at the next slide -- there we go. So, there you will see those tubes. That's looking up to Black Rock. That is on no man's land in there and also because of Sky Mesa, but here is the -- this is Eastridge. So, here is what they had to do, bring that drain down, put the drain in the lot below. Eastridge is up on the upper side here. And, then, they had to put rocks all along the bottom to help take that water drainage, so it wouldn't pour down into those Sky Mesa lots. Okay. These -- this hillside, it's actually -- those are individual lots owned by those homeowners at the top where they put that fence and that just kind of stays in weeds and most of the time it's brown, but it happens to be in this picture when I took it it's green, but -- so, that's what filling does and I know in this subdivision I actually saw it on the preapp notes that they do plan on filling the backside of the lots in Sky Mesa, which is behind all those five lots that are along that Vantage Point and let me show you -- oh, here is another spot where they left this no man's land behind Eastridge. Weeds. It's just weeds. That they could -- they could do with that. So, here -- oh, here is an amenity. This was the amenity that was put in Eastridge. That was a beautiful pond with a water feature. Well, they decided they didn't want to deal with it anymore, so they just filled it with gravel recently and put grass on top of it. So, now that's an amenity. There is another picture of it. And another picture. And there is a pump house right here, but now there is nothing to pump in there, so now they

have no water pond to hold irrigation for the subdivision. So, moving on. So, this is the hill behind Mr. -- Mr. White's lot. This is from his south. It's his northern -- Mr. White's northern east -- northeast corner of his lot looking down the swale. That's that natural drain line that he showed -- they showed you in that arrow that drives -- drains down below. So, if they fill this, which this is looking down. This is maybe a ten foot drop or something into this and, then, it drops down maybe another 20 feet into that swale. That kind of gives you a better idea what's going to happen there and there is no way -- if you will see my next one of -- some of the next photos, there is no way they can build on these lots unless they fill. So, here is another photo looking down the other direction. So, you kind of see how that slope goes down the hill. And this is the smoothest slope right here. If you go around that corner up to the northwest, that becomes 58 feet up a hill. Fifty-eight feet of a hill is what they are going to put that path on. You can't tell me that people are going to ride their bicycles down that lot -- down that 58 foot drop and, then, ride it back up again. It's not going to happen. So, as far as this being usable open space, not going to happen. And here is looking to the west behind the Vantage Point lot. So, that -- that's the fence line over on the far left side there. That's how it looks. It's undulating land that they are going to have to fill or they won't be able to put those lots on there. Those half acre lots. And that's all I have for you. So, I just want to say to finish up is it's nice that they have done some improvements to help out the Vantage Point people. It's unfortunate it took this long when we have had several meetings with them and I have gone to all the neighborhood meetings and they promised they would do everything that the -- the homeowners wanted and it comes to this and now they are still asking for another four of those waivers. Why? Why do we need to have waivers? There is nothing here that's going to require a waiver. They just need to make a plan that fits the contour of the land. The natural contour. When Southern Rim Coalition was established by Susan Karnes, we established it because we wanted to maintain the integrity of the southern rim. This is not maintaining that integrity. This is forcing a square peg into a round hole and we don't need to do that. We are not maintaining anything in our beautification if we do that. So, with that I would like to say why would we do this and, again, thank you for listening to me. Questions?

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Annette, appreciate you being here night. Your PowerPoint presentation wasn't that bad.

Alonso: It was ugly. But that's okay. We are --

Cavener: So, listen, you know, you talked a little bit about the Southern Rim Coalition and one of the things I think your organization has always been very valuable to me is that you have come with recommendations. What I heard tonight was a little bit more of subjective opinions about the application, without a lot of recommendations to the Council.

Alonso: Okay.

Cavener: So, help me see what would you want done differently? I mean I -- I'm -- I'm hard pressed -- thinking we are friends, so I can give you a little bit of a hard time, but you are really not concerned about gates or sidewalks in a neighborhood that you don't live. So, help me understand what your concerns are about the project that you think that the Council needs to address or resolve?

Alonso: Okay. My concern is why are we going to an R-15 if that wasn't what we were going to expect there. Why? And our other concern is why are we filling land that has a natural beauty and contour and drainage? Why? Why are we doing that? Why are we allowing them to come in and rape the land, so that a developer can make more money by selling larger lots. Making rim lots. Why? That's not our purpose. Our purpose isn't to make sure that the developer makes money. Our purpose is to make sure that we have beautification in our natural geologic community. Okay?

Cavener: Thanks.

Alonso: Other questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I wasn't quite sure about the pond example and I'm not -- I just wanted to understand -- was it that this was a non-functional pond that the HOA, then, decided to grass over or was it that the developer you feel in that example changed the pond and grassed it?

Alonso: Okay.

Strader: What was that about?

Alonso: It was just to show that what sometimes Devco says they are going to do and what they do, because they still have control of Eastridge HOA. It's not controlled by the homeowners themselves. And I know the homeowners -- I have spoken to several. They are angry that that happened.

Strader: Okay.

Alonso: So, I wanted to show how when we have an amenity, the amenity might not stay the way it should be. For instance, a hill that's supposed to be natural, when, you know, you go to turn it over to the HOA will it really stay natural? I mean I don't -- I don't know what will happen. But I don't think a hill is an amenity and a pond, obviously, was supposed to be and it was beautiful, but now it's not there anymore.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I was just trying to understand what -- kind of what you were getting at with the example. Would -- if -- what is a good -- I mean I want to give you another bite at what Councilman Cavener was asking. What's a great outcome from your perspective? Would it be less fill and more of a natural drainage similar to what you have now in that rim area? I mean what does a good outcome from your perspective look like?

Alonso: I think they could stagger the lots down the hill. They could do a gentle grading, so that it still maintains the natural contour of the hill. I think that our -- our fill -- our fill and rape method of building lots is hard. I mean it changes -- it changes everything forever. We only have one chance to get this right to maintain what we have and my concern really is that they are going to change that drainage into the Ten Mile Drain so much that there is going to be serious problems down below.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Annette, I know you are really passionate and we love that, but I -- you know, I think -- I'm not sure rape is the -- is the right descriptor in this case; right? Let's -- let's try to keep this -- I appreciate the passion, but let's just try to keep this really directed at the concern and -- yeah.

Alonso: My apologies.

Strader: Sure.

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

Johnson: Mr. Mayor, next is Troy Kagee.

Simison: Thank you. State your name and address for the record and you will be recognized for three minutes.

Kagee: Thank you, Mayor and Members of the Council. My name is Troy Kagee. I reside at 3766 Vantage Point Lane. I'm here this evening in opposition of the development for a number of reasons. But I have had -- I have been to all the meetings with the developer and each time, you know, the response I get is I got to take it back to the team and will let you know and most recently -- I guess I just want to get it -- come out with my biggest concerns. In the last meeting I was here I left, you know, hopeful, because it was recommended that just, you know, be good neighbors and that's really why I'm here is because there was no change to any of the lots on the -- on the -- my -- my north side,

the south side of this development. So, the lot layout is the same. My -- another concern is the drainage. I reached out to the developer asking for a grade map and the response I got was we are not moving any dirt. We will move maybe a foot or two, but we are not going to move a bunch of dirt. But I don't know how the development can be put in with the current grade of the land there. My lot to the west of Mr. White is the beginning of the downslope. So, from the west end of my property down to the east border of my property it drops about six feet and, then, just continues to go down into Mr. White's property at the low point where it comes into a V. I -- I have lived in other subdivisions where my home was built, developer came in next door -- or not a developer, excuse me, but a builder came in next door, built the home, six foot setback on the -- on the side property, elevated the house a little bit and, then, I had a swamp in my yard. So, I had to come in and pay thousands of dollars, have a French drain put in from the back of my property to the front of the property. I don't want my water going into the neighbor's behind me and I don't want their water coming down on me. So, I would like to have some sort of compromise here and so we don't have issues coming down the road and, again, I would like to -- I moved out to this location because of the open space and I know that is a -- it's a big thing for the city and I know there is a time coming up for talking about the green space -- open space in the city and maintaining that. We have one opportunity to get this right. Now it's -- I mean I'm not against development. I mean if we can compromise and reduce a lot and, then, stretch those out so we don't -- I don't have three homes looking down on my backyard -- I would be happy if there was two. But there was no change to the back of my property. I'm not here to talk about view. I'm here to talk about my -- you know, my way of life that I -- I moved out there for and just to have a transition that is appropriate and to transition from these larger lots down to smaller lots. I understand. Eastridge is approximately the same size, 77 acres, that you are looking at about 80 acres. They have 117 homes. We are looking at 316 now. So, I just don't feel the development fits in its current state and I would like to see some changes. Thank you.

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

Kagee: Thank you.

Simison: Mr. Clerk, is that everybody?

Johnson: That was everybody that wished to testify. There are some people online, though.

Simison: Yeah. And there is some people in the audience. Is there anybody else in the audience that would like to provide testimony on this item at this time? If so, if you could --

Conger: Mr. Mayor, could I speak as a --

Simison: As a citizen?

Conger: As a citizen I guess. A one and a half minute discussion of the pond if you would like or we can squeeze it in later.

Simison: Let's squeeze it in later.

Conger: Okay.

Simison: Okay. Thank you. If there is anybody online who would like to provide testimony, if you can, please, use the raise your hand feature at the bottom of the platform and we can bring you in as well. Okay. Seeing nobody online or in the audience who would like to provide testimony, I would invite the applicant for final comments and to talk about ponds in other subdivisions. Your time's up. So, it's really your closing, so --

Nelson: Thank you, Mr. Mayor, Members of the Council. Just to try to tick through some of the comments we heard, there was discussion about the density and, of course, as has been extensively discussed, we are on an MDR designated property that it calls for three to eight. We are proposing at the low end of that range even as an average. Once we get down into those larger lots we are getting much closer to an R-2 level of sizing here. So, we are transitioning significantly through that density. You know, there has been a lot of discussion about grading, but it seems to be more connected with view concerns than actual grading. I mean we absolutely will and have to follow state law and city code about drainage. We will design it with an engineer. Your engineer has to approve both our grading plan and our drainage plan. We are obligated to keep our own drainage on site. The drain that's been discussed about being relocated is also on our site. The neighbors, Vantage Point, are higher than us, so, you know, if they are looking for a compromise here, you know, we can each keep our own drainage, but we will not have a problem with our drainage going to their property. So, this is a very experienced developer. They know how to do this. They work with civil engineers and your civil engineers know how to approve these plans as well. Mr. White commented that every time that they have approached us with something we haven't agreed. But there is actually numerous examples of our agreement along just this border and in particular on the lot that is abutting his home based on his specific request about views and so, you know, as a reminder, the developer has given a tremendous amount and has followed the Council's direction to give even further. We are looking at very large lots along this entire border here and double the rear setback along those, double the side setback on the corner and had already agreed to pull the footprint out of Mr. White's view to try to protect as much of that as we could on the corner and as a result that footprint has already shrunk quite a bit. Mayor, you asked about that particular side setback on that end lot. You know, we have already shrunk down that footprint in response to his request to protect more of his view shed and so it's actually now a pretty narrow spot that is oriented different than the other lots, we are talking about a side setback there that already has been doubled to 15 feet. You reduce that further -- we have only got a hundred feet width there. If you took that to 30 feet we have got to give a side setback on the other side, you are now looking at a very small house on a custom lot with a view and it doesn't seem appropriate for that, nor -- nor needed to protect his view, which we have already done by pulling that footprint back so he can see. You know, none of these homes, of course, have a right to view.



They certainly wouldn't even have an expectation to a view being next to private property on that interior line and we are just asking to build within the code. A two story to two story transition is appropriate. Council Member Strader, you asked a question about where -- what houses in their neighborhood were multi-story and Mr. White indicated there was four. But it's important to understand that none of them are along the border with our property. Those are all multi-story homes and so we are putting two story homes next to two story homes, which is appropriate on the -- on the size of homes in the gated community and the custom homes in -- that we hope to see there. Ms. Alonso talked about how important it was to the South Rim Coalition to maintain the integrity of the rim. We have worked really hard to do that. We had a discussion already this evening about keeping a natural path. We are asking for a waiver not to plant additional landscaping there. We are trying to keep this very natural. We don't have a road going down the hillside. It's not feasible and would be a huge engineering feat to disturb great pieces of this. Instead, we have taken a piece of property that actually has a lot of challenges with the topography and -- and worked with them. We will not be artificially raising our homes through grading activities in any way, shape, or form. We will just be following normal grading practices to construct our homes and to grade this site and to prepare it. I think that's all I have. If there is anything else -- if there is any -- if you have questions or concerns about what was said about other developments I think the developer would love an opportunity to -- to address that if it's relevant at all tonight.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Deb, I think we mentioned something about a fence, too. I just have that written down on my notes.

Nelson: Mr. Mayor, Council Member Bernt, thank you for reminding me about that. There already is a fence along that property and it is already behind the neighbor's homes along Vantage Point and so we don't have any plans for an additional fence in front of their fence.

Simison: And, Deb, just so -- when I was looking at this before when we were in that 30 foot setback question, I was looking at really Lots 75 through 84, not the one on the end, because of their depth. I understand that one lot could not accommodate a setback reasonably due to its odd shape, but -- so we are clear.

Nelson: Mr. Mayor, thank you for that.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: There was a request for phase removal of topsoil. What is the plan for the topsoil removal?

Nelson: Mr. Mayor, Council Member Hoaglund, it's not practical to do that because of balancing the site. They have got to grade the site altogether and so you move dirt from one side to the other to balance the site. That's -- that's not a practical request. But they will, of course, meet all best management practices for dust control and will comply with every condition that the city imposes in that grading plan.

Hoaglund: Okay. And Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And, Deborah, they talked about not exceeding two feet above the elevation. But with everything it sounds like the Vantage Point Subdivision is higher to the south than -- than your property is -- your client's property, so -- and it doesn't sound like -- I think you said there is no plan to build up in terms of anything artificial, other than the normal building requirements for -- for lots. Is that -- is that correct?

Nelson: Mr. Mayor, Council Member Hoaglund, that's exactly right. We will just meet the normal building standards. We will grade in accordance with the topography and a normal grading plan to execute the development plan before you. Nothing will be artificially elevated for height reasons or view reasons and as far as the -- the -- the grade of the first floor, that will be done in accordance with normal building practices. You do have to slope the ground away from the house for protection of grading. But that's all standard.

Hoaglund: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have got a few -- I guess a question to staff. Maybe. Not being a grading and drainage expert, help me understand. It -- I guess I am concerned about if we are following normal grading practices. Are normal grading practices appropriate to preserve this geological area? Like is that what we would expect? Like if we want to try to make sure that the drainage ends up working well, you don't have to put in extra drains, that the rim will still exist and close to its current form. I mean does that look like a different grading practice or drainage practice than what is in code?

Parsons: Yeah. Mayor, Members of the Council, Alan and I certainly aren't engineers or grading experts, but I can tell you we do not have a master grading and drainage ordinance in the City of Meridian. What our code speaks to is basically maintaining drainage on your property. What we have done in these particular instances where we know we have issues with topography on a site, we typically condition the applicant to provide that master grade -- grading and drainage plan to the city for review and approval. Again, I don't know if Public Works has addressed that in their conditions of approval, but if that's something that you would like to add tonight and certainly I think the applicant would be agreeable to probably providing some of that information, so that we can make

sure that there is adequate drainage and grading on the site. But Public Works does have some technical specifications. But, again, it's --

Simison: Mr. Dolsby has unmuted himself to speak, so Mr. Dolsby.

Dolsby: Mr. Mayor, Members of the Council, we did not specifically address that in our specifications or supplemental specifications, but the Ada County Highway District has very specific ordinances and regulations associated with the stormwater drainage. We are required to contain on site, as Bill had mentioned. They need to follow all the codes, meet all the regs and it's reviewed and approved as part of their development plan now.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I feel -- I feel a little bit like I'm adrift, to be honest. Not being an expert in it, I would hope that we would require that condition, so that we can at a later point have some experts review -- review that. Yeah. You mentioned Mr. Conger is interested in coming up. I would love to invite him to do that if he's interested. A picture's worth a thousand words. Maybe those pictures didn't tell the whole story. I didn't think they looked great. Your reputation is important and I would be okay with you coming up, if Mayor and Council are okay with that.

Simison: Nothing prohibiting him from doing so during this time.

Nelson: Mr. Mayor, Council Member Strader, while he is -- if I could just point you to Public Works Condition 1.1-10, it does require a drainage plan to be provided and reviewed prior to plan approval.

Strader: Thank you.

Conger: Mr. Mayor, Members of the Council, Jim Conger, at 4824 West Fairview Avenue. First, on that pond, if you go back to Eastridge original approvals, there is no pond in any of the documents, landscape plan -- it's not an amenity. When we worked through that property and when we were up front in our preliminary plat approval of Eastridge we actually had a waiver of irrigation rights, because this property did not have any water rights. We had worked hard and spend literally a little over a hundred thousand dollars drilling wells to give our residents irrigation water. So, we worked above and beyond to not have to hook onto any city. Got some surface rights. We worked -- or not surface, but subsurface. So, well rights through IDWR. We were concerned that we did not have enough rights and we did a -- what I would call a smallish pond. We -- we had an anomaly -- anomaly happen with our water engineers and ourselves. When we selected the aquifer that we are in it actually, when it comes to the surface -- I'm giving you way too much information, but it oxygenizes and, then, it calcifies. So, that pond started glossing over with a complete sheen of calcium and I went through 7,000, 8,000 dollar pumps like they were, you know, Bic lighters. They -- he calcium just ruined everything. So, what we had to do was -- our wells -- excellent water, excellent well, it just could not be

oxygenated in a pond. So, we spent a lot of money retooling the pumps to use the water straight out of the aquifer, all per our water right, but that pond there was of no value. It doesn't get fed from -- from ditches and it would just be stagnant. So, it actually got put back like the original approval was. There was no bait and switch. It simply is the best thing for that -- for that neighborhood. As far as the drainage, I thought our slopes actually looked amazing in those photos. We had riprap channels at the bottom. There isn't one item in that photo that is an after work. That was all done by our civil engineering and our Conger Group team in advance of design and those actually go down to some subsurface drain beds. The white pipes and all that nasty hillside that didn't have anything, those are -- those are unbuilt lots by Boise Hunter Homes and we have worked with Boise Hunter Homes and his project manager numerous meetings to make sure we did our design right -- pre-design, not after it was done. So, we didn't affect his future homeowners. Jim Hunter is a fairly smart civil engineering individual. All that was done up front to make them happy. Those white pipes you see I don't know what those are. Those are on somebody's future home site in their backyard and Boise Hunter Homes must have done something. I think their photos was a little bit of an attempt to -- to show really what's not on our property and we did not do that. Eastridge drainage is working excellent. Those hill sites work excellent. They are maintained by the CC&Rs that your City Council had us discuss, which we were going to do anyhow, and the maintenance contract on those is working like -- working like it should absolutely work. That's all I have. If you have any more questions.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Just to cut through it -- so, just from -- from your perspective you are not intending to raise the lots on your property creating a drainage problem for these neighbors in Vantage Point?

Conger: Yeah. Mr. Mayor, Council Member Strader, absolutely not. It's -- it is the opposite. We are lower, just as everyone has said.

Strader: Okay. And are you intending to maintain the slope of those properties to some extent as well?

Conger: Yes. That maintenance will be done by -- the maintenance of those slopes will be in our CC&Rs. We take that very serious in all our neighborhoods. When we turn over an HOA they need to economically function and function so we don't create stress on homeowners. So, no, that will all be set up with a maintenance crew. We -- we actually have a -- what we plan to do, but we have done well over a dozen wild urban interface projects in Boise, which does require the WUI. So, you know, with -- with Joe the requirement of this WUI is not abnormal for us and we absolutely know how to create the right WUI plan and implement it. That -- that's not new to us. There is no concern.

Strader: Okay.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I heard your question a little different. I thought Councilman Strader was asking about not maintaining the topography of the proposed common open area. But the lots, which will become homes that -- that that topography and slope would be maintained as part of the development. Maybe I heard the question wrong, but that's what I thought you were getting at.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think to some extent both. But I guess just to -- you know, are you going to be filling these properties a bunch, as Ms. Alonso was concerned about? I mean -- I'm having a hard time judging what normal grading practices are. So, is there going to be a hill here like there is now or is this going to be flat now? I mean what -- what's going to happen, just if you could describe it.

Conger: Yeah. Mr. Mayor, Council Member Borton, to you and Council Member Strader, so, first and foremost, there won't be any lots like Eastridge where the HOA is maintaining some -- some -- some of the individual homeowner's property. So, every lot that will be finished will be a hundred percent maintained by that homeowner in -- in a usable environment. The grading and earthwork -- there is a depression down there. There will be some fill down there, much as if you go to the northwest part of this same property -- we just happen to be talking about the southeast. It is also the drainage of our property going out the northwest. That will get regraded the same, but in the southeast corner. There will be regrading of that property, but -- but there is spots all over the property that will be regraded. These will not -- all of these home sites will be what I would call typical home sites and -- and flat half acre -- I mean we are half acre. We are -- in a couple of them we are 200 square feet under a half acre, but -- so, all of them will be normal home sites. Our Boise foothills -- foothills will come off and be on those slopes, but not our home sites.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Conger -- but looking at Lots 74, 73, that shows the deep -- deep slope, you are definitely going to have to do some fill on that to make it workable for -- for lots of different things, but I think I heard Deborah say whatever happens there you still will maintain proper drainage per -- whether it's state code, city code, all those types of things to follow down and go off to where it needs to go to and that's -- that was my

understanding. I just want confirmation that whatever that fill is there is still going to be some sort of drainage system in place that takes -- takes the water away, so --

Conger: No. Mr. Mayor and Council Member Hoaglund -- and -- and to the other two Council Members -- so, yes, any fill that would be done there is still going to be lower than our neighbors to the south and definitely per state code any drainage going that way. You know, one -- one thing that we did negotiate, just -- the neighbors didn't like it. When we negotiated and self imposed our setback of that lot that you are talking about, that also encumbered -- kind of encompass that drainage area of his. So, it is kind of a two fold -- our self imposed was to attempt to get along with our south neighbor and it also was his drainage area. So, it was a win-win all the way around and we are still comfortable with that, so --

Hoaglund: Thank you.

Simison: So, Jim, just so I can be educated on that component. I mean we always -- I have always heard you keep what's on -- you create what's on your property and you keep it on your property, for lack of a better terminology. But when you are coming in after someone is already there, it doesn't sound like the current property owners have that same restriction. If their property is allowed to drain continuously off -- so under state code or whatever, you are supposed to pick that up and, then, figure out where it goes, because it was there before you and you deal with it? I mean I'm just trying to get an understanding about how this applies in general circumstances.

Conger: Mr. Mayor, yes, sir. There is absolute state code. If there is water coming onto your property in historical flows, you will one hundred percent have to take care of it to and through your property just like it did naturally. Never will you get out of that, never do we try. That -- that's nonnegotiable.

Simison: That just helps me understand the difference between grading your own property, so that you -- what you have on your property doesn't go into others versus historical flow property and the expectations to take it to and through, like their sewer line. Okay. Thank you.

Hoaglund: Mr. Mayor?

Simison: Council Hoaglund.

Hoaglund: Just as quick follow up. Wanted to talk about the path. It looks like the golf cart path you are -- you are putting in some trees there and that seems, you know, a normal landscaping amenity for a winding path and, then, you want to keep that natural grassland following wildland fire plans and whatnot that will be submitted. Having the gravel path, which to me that -- that's a steep -- it reminds me of being in the Boise foothills and hiking. Having natural grass. The places I have hiked over on that side they don't plant trees to -- to forest it or anything like that. So, I would imagine you would have

bikers and hikers and just trying to keep a natural -- natural look to it. That sounds like the vision you guys have for -- for this particular area; is that correct?

Conger: Yeah. Mr. Mayor, Council Member Hoaglund, that is correct. The -- the cart path will definitely be more manicured and meet city code of the trees and everything and we want that. The gravel pathway -- and we did say natural path, but it's definitely going to be graveled path. It will not be dirt and mud and it won't have the influence of water. If you start putting the water, then, come the weeds on the fringes. You try to have trees and you water those, then, you get the weeds with those and you actually add to your fire concern. So, we believe we can do that right. We have experience in -- in east of Harris Ranch. We have done the Bench area. We -- we dealt with a lot of these identical environments and, number two, request out of every one of our homeowners that we continue to discuss over year after year after our dog parks is walkable trails that are not just up and back, they are circular loops and things of that nature, so they can walk every evening. So, that satisfies really our number two amenity that we continue to be asked for.

Bongiorno: Mr. Mayor?

Simison: Yes, Joe.

Bongiorno: Mr. Mayor and Councilman Hoaglund, that's something that we have -- that I have worked with Laren and -- and on this with -- what I shared with them that we planned for Pura Vida and that document is -- is written off of known documents that are out there for wildland urban interface items and part of that document is there is recommendations for how high to cut natural vegetation to keep it from exploding, you know, in case there is something going on. So, I have shared Pura Vida's document with them. It is the same hillside. So, we are looking for consistency throughout that whole project and I know they will -- they will come along with that as well.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Joe, that's great to hear that there is -- there is continuity and consistency throughout and, of course, the safety aspect is paramount, so -- but it's good to -- good to know. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Mr. Conger. If there are no more questions at this point for Mr. Conger, I was curious to hear from some of the neighbors if his comment about -- you know, that there won't be any fill, you know, that's -- the in-fill will be lower than the

neighbors to the south and I wanted to hear some feedback from them if they think that that resolves their concern. Maybe the HOA president or --

White: Larry White. 3804 East Vantage Point. Mr. Mayor, Council Woman Strader, the concern at least on our lot isn't so much raising the elevation too much, it's that drain ditch and -- and I know the developer and their staff is really good about saying we take care of our drainage, you take care of yours. We really don't -- our lot isn't big enough to take care of 12 acres of drain ditch. It's got to go through our property down through Sky Break. So, they can build up their lot, but I'm hopeful that the city engineering staff will look at the full drainage picture and see that we have 12 acres of drainage that could come down here. So, does it make sense to have an engineer fill in the house right in that direct slope. That's our concern.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, if I'm -- being not a drainage expert myself, I -- what I'm hearing is that the city engineers and staff will review a drainage plan as part of our normal course of business. I will hope at that point we have the experts that will take a look at that. But I would think, though, from sort of a common sense -- maybe it was from the comment that Ms. Alonso made, but it sounds to me like any kind of fill that does happen wouldn't be any higher than your properties that are to the south. So, I would think common sense would lead me to believe that the drainage will happen off your property or off the properties that are there on the south.

White: Sure. Again, there is a -- there is a big drainage area, 12 acres --

Strader: Yeah.

White: -- over 500,000 square feet. So, there can be a lot of flow coming in there and cause property damage. So, what happens if there is flow, there is damage, there is a house there, who is responsible? Who is liable? That's what our biggest concern is. That should be a concern of the City Council and city staff we hope as well and we will point that out to them. Hopefully we get an opportunity to review the grading drainage plan. We would love to do that. I'm a licensed engineer. I can hire engineers specifically to do that and we would love to -- to take a shot at that. We just want to make sure at the end of the day that we are not causing -- potentially causing damage to the folks north of us.

Strader: Right. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I didn't realize you had that engineering background. That's really helpful. So -- yeah. And so I guess that I would hope that we would catch any major issues, but it's also pretty hard for me to believe that a developer would construct a



property they are going to sell and it would have a drainage issue that would imperil that property. So, I'm hoping that's not the case. I have to hope that this all gets sorted out through the normal course of reviewing the drainage plans I guess. But thank you for the feedback.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: First I would love it if Council Woman Strader was correct. Unfortunately, it's frequent that that doesn't happen and that homeowners are left with a problem and you add to that a situation where a homeowner is overwatering their property, not managing their own irrigation use well and compounds the issue. I wanted to hear from staff about a couple of things -- and thank you. The drainage plan in 1.1.10 to be provided prior to plan approval. Can you give us an idea of the timing of that and the overall process and, then, when you receive that plan, since we don't have any code to go off of, what exactly happens with the applicant at that point?

Simison: Is this something for Clint? Mr. Dolsby.

Parsons: Mr. Mayor, yeah, I was going to turn it over to Clint and it really happens at the time they submit for final plat. That's when their construction drawings come in.

Dolsby: Yeah. Mr. Mayor, Members of the Council, that's correct. When they do submit for final plat their construction drawings come in and they are reviewed by the development services development analysts, who ensure that they comply with all of our codes and that the drainage stays on site and also Ada County Highway District is in charge of the stormwater for the county and they have got their own set of ordinances and rules associated with stormwater as well, but our thing is that you need to -- you need to contain all of your stormwater drainage on site and on site at your development for each and every development in the city. So, you aren't allowed to like let drainage flow off of your site.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question, Clint. So, even for private streets, that's part of our code, they have to maintain that water from the private -- contain that water from the private streets somehow?

Dolsby: Mr. Mayor, Members of the Council, Council Member Hoaglun, yes, inside their development they need to maintain and control all of the stormwater and keep it on site within their developed ground, including the streets and everything as far as far as I know.

Hoaglun: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Council Member Perreault, but that -- that's concerning, so that doesn't make me feel any better. So, I guess a question for Clint. It sounds like we don't actually -- I mean it sounds like there is a gap here to me, like we may not have adequate city standards for drainage. We are kind of relying on another agency. We get one bite at the apple. Is there something that the applicant could do now that would definitively take this issue off the table? Is it providing a drainage swale on their own property that diverts the water elsewhere? I mean is there anything that can be done so we will know we are not going to have an issue?

Dolsby: Mr. Mayor, Members of the Council, Council Member Strader, I mean one suggestion, if they are willing, is they could provide me an advanced copy of their drainage plan. They usually would submit it with construction plans. I mean it's a little outside the box, but maybe because of the concerns they could provide that plan earlier in the process, so that we could, then, review and kind of ensure that drainage was going to stay on site or drainage was acceptable to kind of the Public Works and, then, we could, of course, share it with -- with you as well.

Simison: I think, Clint, maybe just -- I bring Ted into the conversation a little bit as well. And to my poor understanding, but I think maybe what we are getting to is what happened in Boise a couple years ago with, you know, the land and that -- the housing issues and who is ultimately responsible when these type of things come through. And I'm just going to go to my base understanding. We don't have people on staff that do that. The engineer who stamps the plans is the one that has signified that it meets the requirements and does that and I don't want to say what we do is perfunctory -- is that a word -- am I using it correctly? But Ted, Clint, if you could at least help understand where -- what we are really doing in this process in a legitimate fashion so Council has a clear understanding of expectations.

Baird: Mr. Mayor, you are correct. It's the engineer who is hired by the developer who stamps that drainage plan and that's the person that's ultimately responsible for it. As you saw in that -- the hillside issue in Boise it was ultimately the engineer. The city reviews it, makes sure there is nothing unusual, but we are not certifying what the other engineering has already certified.

Simison: Well, to me that clarifies what my understanding is. I just don't know if that helps Council understand also what our role is in determining this issue.

Baird: And, Mr. Mayor, as long as I have got the floor, we have kind of gone outside the usual process of back and forth and I just wanted to make sure you gave the developer rebuttal opportunity.

Simison: We will.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: On that -- that drainage issue -- and I was going to ask Mr. White to make sure I had the understanding, because I think it is. He wants to make certain that whatever their drainage plan is doesn't cause a problem as the water drains from your property that's coming from other properties and heads out, it's not going to be delayed or detained or in some way allowed to backup and cause any problems on your property, so --

Simison: And I think also the property below.

Hoaglund: And the properties below. So, I think we -- I think we are there on the same page. Yeah. What we are doing is making sure there is not -- no damage to the property above, because it's historical drainage and, then, making sure there is -- and from what I heard that the engineer who stamps that will be responsible to make sure that happens. So, I think we are good. Thank you.

Simison: No comments from Council? Unless Council has more questions for the applicant specifically.

Perreault: Mr. Mayor?

Simison: Councilman Woman Perreault.

Perreault: I would appreciate it if the applicant would respond to concerns regarding possibly -- possibly -- that the applicant didn't take into account the -- the waivers that are being requested, but that the development could have been just the audience and if he could just give some feedback on that. I understand the -- the geography in some of these situations doesn't allow for long block lengths, just because there is no way to create an intersection in some of these locations. But if you could give more detail I think that would be helpful.

Nelson: Mr. Mayor, Council Member Perreault, I would be happy to. So, your code does provide for waivers when you have specific circumstances and so one of the waivers is where you are up against a hillside and that's what's happening in the northeast corner here and so that cul-de-sac length was extended about a hundred feet. Another block length is above the Farr Lateral -- just north of the Farr Lateral over in the southwest and your code also allows an extension of the block length where you have a natural feature, such as an irrigation facility that does not allow a through connection there. The -- the new change that we just provided in request to the Council's request to extend these larger lots across the southeast also creates a longer block length there and there is no opportunity for a through street, because Vantage Point doesn't have any stub streets that come up to our neighborhood and so that has now become a longer length there

when we took out that turn that was around the park area there. So, all consistent with your code and the language that's in your code that allows each of these waivers or extensions and these are natural features on the site and existing conditions from the Vantage Point layout. It's not something that we have done just to create anything different and, again, our layout just takes advantage of the property that's given to us and provides a nice development within that that meets the MDR designation. So, still at the low end of that density and have all of these natural features to work around. Does that answer your question about the waivers?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Deborah, while you're here, one of the things -- there was a comment about R-15, too much density, but the -- my understanding was the only reason you are asking for R-15 was for private streets. It meets density of R-8; is that correct? Did I understand that correct?

Nelson: Mr. Mayor, Council Member Hoaglund, that's correct. Staff's interpretation is that we need the R-15 in order to have the gated community for the private streets, but we have agreed to meet the R-8 dimensional standards throughout.

Hoaglund: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Deborah, still stuck on drainage. I'm really sorry. There is like apparently 12 acres worth of drainage that's heading toward two of your lots here in the corner. What -- what is the game plan so that those lots don't suffer from structural damage because of water? I mean are you guys putting in a drain, a swale? Is there a game plan with these -- because it's not just the neighbors -- from their end; right? The water backing up? It's also these -- these home sites as well.

Nelson: Mr. Mayor, Council Member Strader, yes, we will have to capture that. Absolutely there will be a plan. There is a natural drain there. We will align it in the right location to make sure it works with the graded lots. That -- it's absolutely in the developer's interest and the stamping engineer, as was pointed out, to make sure that this is very functional and so this is not a new game for these guys, they have done a lot of development, they know how that works and they will make sure they have qualified engineers to design that correctly. So, yes, they will design it with that drainage -- natural drainage in mind and the drainage from our property in mind.

Strader: Is there any objection -- Mr. Mayor, if I can --

Simison: Council Woman Strader.

Strader: -- follow up with one -- one of the suggestions. Is there any issue with providing an advance copy of the drainage plan in this case. That was a suggestion for the Public Works Department, at least to -- maybe not necessarily at the exact time we normally would, maybe a few weeks ahead, just to give maybe a little more time than usual for staff to review if it's a perfunctory review.

Simison: Great word.

Nelson: Mr. Mayor, Council Member Strader, we will develop that at the time that all the construction plans are developed and so it's developed in conjunction with that. The same engineering work is going into a lot of that and so that will be submitted at the time of the first final -- or not the first final plat -- it will be? For all of it? Okay. I stand corrected. At the very -- at the time of the first final plat, which will be well before we get to this phase, so there will be a lot of time for review there.

Strader: So, Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, then, I think our staff -- I'm just going to repeat back the process. Our staff -- even though an engineer is doing these plans, our staff still needs to review them. So, I'm hoping it's within our control, then, for staff to take whatever adequate time they need to review prior to signing off.

Simison: Yeah. I think staff takes all the time they need to do their work.

Strader: All right. Thanks.

Simison: We are not re-engineering -- reviewing the engineering.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A couple quick questions. Deb, on the new open space in the center there, it wasn't highlighted in your presentation, but it looks like it's three lots, four lots? How big is that? It is an acre?

Nelson: Mr. Mayor, Council Member Borton, it's approximately an acre.

Borton: And if -- on just to the east of it in the private street area and I want to walk to it, am I walking down that private driveway to get to it?

Nelson: Mr. Mayor, Council Member Borton, you certainly could, but there is a lovely sidewalk that is also along that boulevard to access it as well.

Borton: But realistically people aren't going to do a sidewalk all the way around. Unless -- am I looking at it wrong? It looks like they might just go straight and walk down the private drive.

Nelson: Absolutely they could. Yeah.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A different question. Is it -- remind me. Is it all one HOA intended for the whole subdivision?

Nelson: Mr. Mayor, Council Member Borton, yes.

Borton: Okay. I mean this is one of the funkier parts of it is the disconnect and we have got some geographic -- or some geography issues to deal with, but the southwest and the northeast are as disconnected as you could possibly be for reasons understandable, but if -- you know, one of the conditions is the private streets for 106 homes, paid for by the HOA. We have got some folks -- I'm thinking about the folks over in the southwest who are going to be paying dues for private streets and amenities that they will never touch or see, whether they like it or not. I'm looking if that is correct. Is that a fair --

Nelson: Mr. Mayor, Council Member Borton, I assume that will be allocated accordingly.  
Cavener: Mr. Mayor?

Nelson: You get into the details --

Perreault: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: If I recall correctly, I think we asked this question I think the last time that it came up and if I remember the applicant said there is a special assessment for the folks who live within the gated portion to have the roadway maintenance covered. I may be -- it's rare that I can remember something with that vivid clarity. So, it could be wrong, but that may be something the applicant would want to address, if my memory is correct or not.

Perreault: Mr. Mayor, prior to that response if I may.

Simison: Can you answer that question real quick on the private roads?

Nelson: Mr. Mayor, Council Member Borton, yes, it's been confirmed, it is a separate dues allocation for the gated area.

Borton: Okay.

Nelson: And, yes, we did discuss in detail how that's set aside at the last hearing and allocated right from the beginning. But I don't know that this specific question came up about the differential between the two of gated, nongated, and it is separate for the allocation that's assigned.

Simison: Council Woman Perreault.

Perreault: So, with the -- so, CC&Rs are always based on the goodwill of homeowners. There is no way to get around that. Unless the developer exits their involvement and their voting rights in the HOA, now we are -- now we have neighbors that are executing the conditions. As Councilman Borton stated, we have a variety of different properties here with significantly different ways of living and probably very different needs about what they are expecting from their neighborhood. So, it -- with it -- with the developer's experience, having done these types of properties, a variety of different sizes of homes, sizes of lots, can -- can you give us some examples on how that is addressed through the covenants and specifically what -- what strikes me specifically in this project is that we are going to have some areas to maintain that are really unique. The hillside, for example, and I can imagine some significant challenges in the homeowners association maintaining this very unique MNV. Those decisions being made by individuals who may or may not have any actual knowledge of how to maintain that type of geography. So, I just want some -- you don't have to, you know, give me specific statements out of your covenants. Those probably are not even written yet. However, I want to have some understanding that there is some protection of the -- of the -- some protection of these amenities and that it's going to be written in a way that is kind of foolproof, that the homeowners can't come in and damage what you are attempting to create in the hillside with the features that are so unique to this project.

Conger: Yeah. Mr. Mayor, Council Member Perreault, Jim Conger again. 4824 West Fairview. As far as, you know, wrapping the whole conversation up with the association, there -- there -- you -- we have done this in numerous communities where we have a mix of residential uses. You have seen it in Paramount where they have the normal homes and, then, the Cadence product that Brighton brings on. So, we have a main association and one goes through and picks all the main attractions that everybody gets to enjoy and -- and you have budgets for that and, then, you have the sub associations of the like residential products. So, the gated area would be a sub association. All of those pay different dues. Your sub associations pay into the main. All of it's managed by one HOA and more importantly, managed by one maintenance company as well. So, that's the -- the luxury of the HOA is containing this big umbrella to make it all function properly. As far as protecting the assets, you know, up front a prudent developer with his proper homeowners association manager will set up funds that -- that are paid into, so they -- they all -- when the maintenance time comes they have money associated with that. All of that is set up in advance and when we leave a community, again, it needs to function

economically for the HOA and -- and -- and function, you know, physically on a day-to-day basis. I think I answered that or did not answer that.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: You did. One question and one comment. The question I have is how does -- how does the voting work, then, with these sub -- the sub associations? Are they actually -- I mean it's one board that's making decisions for the entire community. Sub associations have -- do they have separate voting -- I mean help us understand. And the reason that I'm getting so detailed in this is just really a unique property and my anticipation is if this isn't executed -- and we have all seen situations where everything can be -- CC&Rs can be written perfectly, we could try to think through all the possible scenarios of what could go wrong, but there are just situations where the homeowners -- it was just not managed well and now all of a sudden we have a neighborhood in this area, amongst other very well designed, well executed neighborhoods, which just isn't looking so great and I think -- and the reason I'm asking that is because I think there are some unique features to this that -- that were -- that could become an issue and you as the developer can -- can design it, set it up perfectly. But I just want to -- I just I guess I want to understand that that there is -- they are structured in a way that -- that there is some solutions that can be given to future board members, future HOA decision makers, that -- that can help them solve some of those issues. I don't know if I'm explaining myself well.

Conger: Excellent explanation. Mr. Mayor, Council Member Perreault, I will answer tonight and at anytime maybe a coffee meeting to go further over CC&Rs would -- would be amazing, because we love it. We actually -- every project gets set up -- we use Givens Pursley -- a different division than Deb, of course, and we go through it from scratch. What -- and it's exactly that, what are the needs, what are financial needs, what are potential pitfalls. You know, as far as this property, this is a cakewalk compared to our Movado. We had four different single family residential uses that were all sub associations and we had an apartment project and the commercial in the front, which were two other subs. So, we ended up with six sub associations. Regional pathways. And as far as expenses in this one being more unique, we actually have less risk than our pool facilities that we put in Movado. This homeowner doesn't need the pool in what we are demographic targeting, but if we had it we would actually have bigger risk and things of that nature as far as setting money aside and such. So, all of that is not taken lightly. Your questions are amazingly on point. We aren't here for one project, as everybody knows. They have seen us for a long time now. You are only as good as your CC&Rs and how you leave that neighborhood. So, that's up top to one of the most important things. That and drainage and grading. Those two items are most important.

Simison: Thank you. Council, additional questions? Or motions?

Cavener: Mr. Mayor?



Simison: Or dialogue. Councilman Cavener.

Cavener: Every part about me wants to make a motion to close the public, but I fell like we should keep it open just to allow -- if there is any additional deliberation amongst Council before we are ready to -- to render a decision. So, you can grab a seat, but we may pull you back up. Mr. Mayor, I'm happy to start.

Simison: Councilman Cavener.

Cavener: I think I made my feelings about this project well known when it was before us last. I liked what made this product innovative in the previous design. I think it loses a little of its charm, but I understand they are doing that to appease some of the values that are important in our community. So, I think they took some of the comments from Council, added the sidewalks, moved the open space, reallocated some lots. Overall I'm very very supportive of this project. I trust our staff that when it comes to drainage that they are going to look at those plans appropriately and I see no reason why I need to be opposed to this project tonight.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I appreciate some of the changes that were made from the last meeting. I watched the last meeting. One issue that I don't like is sidewalks on one side of the street. I don't agree with that. I understand that the developer has a viewpoint about -- about -- about not wanting that for part of the subdivision. I do feel like that cake was baked. I want to respect some of the feedback and direction that was given to the developer by Council in the last meeting. So, I think I can get over that issue. It meets open space -- where we are going on open space, but not -- not by a ton. I am -- I am concerned that - it sounds to me like we have a real gap in terms of just understanding the topography and an area -- we don't have very many areas like this in the city where we have a geologic feature, like a rim and -- and we are trying to make sure that we have good drainage and we are kind of upholding the natural landscape and the beauty of that landscape. I'm concerned that there is a gap there. I wish we could, you know, have -- have paused development in this area to study this area further and get some recommendations from staff on how to best treat it. I'm not -- I haven't quite made up my mind yet in this meeting. I'm a little bit on the fence. There is -- I think there have been some positive changes by the developer. I'm happy that I'm hearing -- I think there is support for a south fire station or I wouldn't even consider voting for this, but I'm still making my mind up right now.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. I'm in agreement with Councilman Cavener and I kind of like the fact that they pushed the envelope a little bit for the city in their first design, because that is not something -- how we typically do things and, you know, we are all about central locations and those types of things and with an 80 acre site trying to split that up and create different areas of -- of community -- you know. And that was a novel approach and it didn't fly, but -- and now we have -- you know, have to deal with longer streets and for a way the topography and laterals work and hillsides, so I'm okay with that. I do like the fact that we are treating our hillsides area similarly, with Chief Bongiorno pointing out for the WUI and -- and how we handle the grasses and it's kind of exciting to have pathways on -- on hillsides, because we don't have much of that in Meridian. So, I think that was a good treatment and I'm satisfied with how the drainage process will work to protect everyone involved in that. So, I'm certainly in favor of this.

Simison: Mr. Dolsby, you had your hand raised? Was there a comment you were going to make?

Dolsby: Yes, Mr. Mayor, Members of the Council. I just wanted to add a little more context. We have a section in our City of Meridian Public Works design standards that revolves all around grading and drainage that I was just reading here for a while. It outlines requirements that they are going to have to do when they are developing their grading and drainage plan. It references some ACHD standards that they need to abide by when they are developing the plan, sort of kind of walks them through the process on technical requirements we have for drainage plans. What they need to go through to like ensure compliance, that sort of thing. I just wanted to make sure you were aware of that. Thanks.

Simison: Thank you, Clint. Council, any additional comments?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I -- I was pretty specific last meeting in regard what I would have liked to have done, the changes that I -- that I -- that we recommended and I'm appreciative that the developer listened and did exactly what we told them to do. So, with that I'm in support.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I had to exit our last hearing, but I did -- I did watch the rest of the meeting and I was waiting to give my opinion, because I wanted to hear from the Council Members who were here. I think it was very -- I think it was clear what Council requested of the applicant and I think the applicant has really attempted to meet everything that Council asked them last meeting to the best of their ability. Curious if Council Member Borton, who was present, has any other -- has anything else to add before I share my thoughts.

So, I would like to really hear from everybody who was here. Although watching the video is effective, but being here is -- it's not quite the same, but -- if he has no comments, then, I will proceed.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I have been staying pretty quiet. I think the applicant answered the questions that we left the applicant with after the last meeting. You know, I -- it's not a big -- the topography of this project and the location of the waterway on the south -- southwest creates some challenges that are -- it just creates and invites some disconnect, which I have struggled with, understanding that there might not be a lot that you can do and it is a little more disconnected than some of other communities that we see. I had wrestled with -- and we talked at the last hearing about, you know, a larger common open space, some of the more traditional clubhouse, pool, amenities that we see and the applicant's proposed something different and tried to break that up and allocate the open space, dog park, things like that throughout the community to make it more accessible for -- to people to use their one to two acre park -- pocket park. Smaller open space and that's innovative. To Councilman Cavener's perspective asking them to stretch a little and do things different. You know, the gated community and the private streets is a larger component, but seeings it was discussed at the last meeting it can be done well and it's different and I think those circumstances might provide and tip the scales towards approval from me, understanding that that's really what was -- what we are trying to see is something a little bit different, because there is challenges here, but the applicant has done a good job trying to overcome them, so -- I think that the items asked to be addressed were addressed.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Tough property to design and I -- despite being familiar with the applicant's -- some of the applicant's other projects and similar subdivisions in the area, it's still hard to get a sense of it looking in a two dimensional photograph and drawings. I -- and the applicant has met the standards and there isn't anything on here that I can argue with as far as the conditions. The applicant's agreeing to the conditions. But I also don't have anything that wows me either as far as -- I still feel like -- I -- we need -- we need the density, so it's one of those things where for me I have to balance what I know we need as a city. The applicant is not asking us to change any zoning. They are not asking us to, you know, have higher density. So, with that I have to kind of leave that be. Not, because I think that I want -- not because I would like to see this area of Meridian necessarily stay estate lots, but because it's just -- it's really just hard to see 80 acres in an area on the edge of town -- currently on the edge of town -- although I realize that there is a need for it. So, I guess what I'm trying to indicate is I hoped there would be just a little bit more -- I don't know to explain what I'm trying to say. There is quite a bit of

amenities here. The applicant has -- has -- has done really -- everything that -- that Council requested in the last meeting, but what I would still -- standing out to me from this is few trees and a lot of streets and that's what I see when I look at this and I'm just trying to reconcile that for myself and it's not -- it's not a criticism, it's just an observation and I struggle with the same as Council Woman Strader. There is some really great things about this. Unique properties. I am happy that the applicant added some larger lots. I hope that would be -- I would hope that would appeal to the Southern Rim Coalition as that is something that's a priority of theirs. So, I can't say that there is anything in here that I specifically would not approve, I just am -- I can't -- I'm not exceptionally excited. That's a long explanation, but that being said I assume we are ready for a motion.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we approve --

Hoaglund: Whoa. Whoa.

Cavener: Oh. Mr. Mayor, I move that we close the public hearing. Thank you. Making sure you are all paying attention. Close the public hearing on Item 1, annexation and preliminary plat for H-2020-0127.

Hoaglund: Second the motion.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we approve Item No. 1, H-2020-0127, inclusive of the conditions of approval provided by staff on June 29th and include all applicant, staff, and public testimony.

Strader: Mr. Mayor?

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

Simison: I have a motion and a second. Is there discussion on the motion? Council Woman Strader.

Strader: Mr. Mayor, I would like to think about putting in a condition, which I believe reflects the applicant's own agreement that they will not put in any fill that raises the

elevation of their property higher than the neighbors to the south in Vantage Point, without an exception from the city Public Works staff.

Simison: Council Woman Perreault.

Perreault: Sorry about that. For clarification, Council Woman Strader, we talked about raising the ground level to build, but really it's ultimately the height of the home there, so can you clarify what it is that you are --

Strader: Yes. I'm not concerned about the height of the homes. I actually don't think the view shed argument for me personally in this application is -- is very compelling, given that the neighboring homes are at a higher elevation and most of them multi-story buildings. The issue that -- that I am concerned about is seeing the large level of fill on this property that makes it so that the drainage from the 12 surrounding acres actually pools in the Vantage Point properties. It sounded to me like the applicant was agreeable that they will not be doing that level of fill that would actually raise it above the -- the neighbors in Vantage Point.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate the request from Council Member Strader. Again, I understand the applicant is going to have to adhere to all city, state, and federal law. I get a little nervous about a precedent about starting to condition the amount of fill that can or cannot go into a particular project. I hear what you are hoping -- I hear what you are trying to achieve. I guess I feel more confident that that's already going to be achieved at the -- at the city and state level.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess my -- my concern and I will take it upon myself to get more educated on drainage and grading issues, but my concern is I'm hearing that there is a pretty significant gap that we are not reviewing from an engineering standpoint and that city and federal law are not preventing problems in surrounding neighborhoods that are being seen and even fellow Council Members that are saying that there could be an issue. I guess I would just like to see an exception from -- from staff if this were to occur, that it made sense for some reason. I just -- I don't have confidence that this drainage issue is going to be avoided at this point. That's okay, you can move forward, but I probably would vote no.

Simison: And I think just from -- I think the -- no disrespect to all the engineers in the room, including the neighbor, sometimes engineers get it wrong and I don't think that we can correct that, if that's the case in individual homeowner situations where sometimes engineers or people doing the work get it wrong, even when they try to do the grading,

even if it met to how the engineer defined it. So, yes, I have got a drainage issue at my house as well. My neighbor's stuff drains into my yard. I'm not as concerned about it, I just talked to my sprinkler guy and we turned off my sprinklers and they water my yard for me. So, I mean it's one of those things where I -- again, I understand what you are saying from a practical standpoint, but the -- I think the issue you are trying to correct is really one about whether or not the engineering is done correctly and what happens if it's not.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess I'm -- I'm just reacting to the topography and that it's not a sprinkler issue, that it's like 12 acres of land that drained into this property specifically and that we haven't, as a city, studied this geological area to understand the best way to sort of handle it is my hesitation. I -- and I realize I'm an outlier on this one. I'm off on my own. I will try to study up on it. But I -- I'm hearing about a big concern that I don't feel is being addressed at this point.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I thought I recalled the applicant being comfortable in planning to develop in a fashion consistent with that condition anyway. I don't know if there is a head nod or not. Yeah. That condition couldn't certainly hurt to convey here, so if it's -- as Council Woman Strader had represented for all those lots along the southern portion -- probably all of them.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't think there is anything that would prevent the applicant, if that's something that they want to do. I just get very reluctant to conditioning something like that. How it's enforced. How we are monitoring that. I just -- I just think that is -- that's not -- I considered that when making the motion and chose not to include that particular piece, just because I think it sets somewhat of a dangerous precedent that I'm not comfortable with. Motion fails and we want to reopen the public hearing and talk, I'm happy to do that.

Simison: Further discussion on the motion? Okay. Then with that I will ask the Clerk to call the roll.

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

Simison: Five ayes. One no. And the item is agreed to.

MOTION CARRIED: FIVE AYES. ONE NAY.

Simison: Thank you all for coming out this evening and coming back for those that have been here multiple times for this project. With that, Council, we are at the end of our agenda. Do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting.

Hoaglun: Second the motion.

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

MOTION CARRIED: ALL AYES.  
MEETING ADJOURNED AT 8:22 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

\_\_\_\_\_  
MAYOR ROBERT SIMISON

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK



# AGENDA ITEM

**ITEM TOPIC:** Paramount Point Subdivision Pedestrian Pathway Easement



PARAMOUNT POINT SUBDIVISION

**PEDESTRIAN PATHWAY EASEMENT**

THIS AGREEMENT, made this 3<sup>th</sup> day of July, 2021, between **First Federal Savings Bank of Twin Falls**, a federally chartered savings bank and **BVA UC RE Paramount LLC**, hereinafter collectively referred to as “Grantor”, and the City of Meridian, an Idaho municipal corporation, hereinafter referred to as “Grantee”;

WITNESSETH:

WHEREAS, Grantor is the owner of real property on portions of which the City of Meridian desires to establish a public pathway; and

WHEREAS, the Grantor desires to grant an easement to establish a public pathway and provide connectivity to present and future portions of the pathway; and

WHEREAS, Grantor shall construct the pathway improvements upon the easement described herein; and

NOW, THEREFORE, the parties agree as follows:

THE GRANTOR does hereby grant unto the Grantee an easement on the following property, described on Exhibit “A” and depicted on Exhibit “B” attached hereto and incorporated herein.

THE EASEMENT hereby granted is (i) for the purpose of providing a public pedestrian pathway easement for multiple-use non-motorized recreation, with the free right of access to such facilities at any and all times, (ii) perpetual, (iii) subject to all easements and encumbrances of record; and (iv) non-exclusive, provided that any later granted easement shall be subject to Grantee's rights and uses set forth herein.

TO HAVE AND TO HOLD, said easement unto said Grantee, its successors and assigns forever.

THE GRANTOR hereby covenants and agrees that it will not place or allow to be placed any permanent structures, trees, brush, or perennial shrubs or flowers within the area described for this easement, which would interfere with the use of said easement, for the purposes stated herein.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that the Grantor shall repair and maintain the pathway improvements.

THE GRANTOR hereby covenants and agrees with the Grantee that should any part of the easement hereby granted become part of, or lie within the boundaries of any public street,

then, to such extent such easement hereby granted which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

THE GRANTOR does hereby covenant with the Grantee that it is lawfully seized and possessed of the aforementioned and described tract of land, and that it has a good and lawful right to convey said easement, and that it will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor has hereunto subscribed its signature the day and year first hereinabove written.

GRANTOR:

FIRST FEDERAL SAVINGS BANK OF TWIN FALLS  
a federally chartered savings bank

By:   
Jason A. Meyerhoeffer, President & CEO

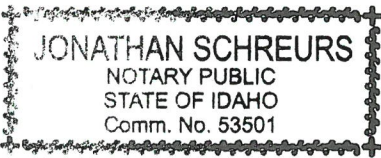
BVA UC RE PARAMOUNT LLC,  
an Idaho limited liability company

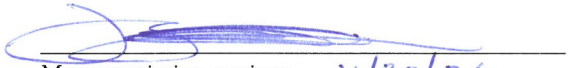
By: BV Management Services, Inc., Executive Manager

By: \_\_\_\_\_  
Cortney Liddiard, President

State of Idaho )  
                              ) ss.  
County of Ada )

This instrument was signed or acknowledged before me on June 18, 2021, by Jason A. Meyerhoeffer, as President & CEO of First Federal Savings Bank of Twin Falls.



  
My commission expires: 11/30/26

State of Idaho )  
                              ) ss.  
County of Ada )

This instrument was signed or acknowledged before me on June \_\_\_\_, 2021, by Cortney Liddiard, as President of BV Management Services, Inc., the Executive Manager of BVA UC RE Paramount LLC.

\_\_\_\_\_  
My commission expires: \_\_\_\_\_

then, to such extent such easement hereby granted which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

THE GRANTOR does hereby covenant with the Grantee that it is lawfully seized and possessed of the aforementioned and described tract of land, and that it has a good and lawful right to convey said easement, and that it will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor has hereunto subscribed its signature the day and year first hereinabove written.

GRANTOR:

FIRST FEDERAL SAVINGS BANK OF TWIN FALLS  
a federally chartered savings bank

By: \_\_\_\_\_  
Jason A. Meyerhoeffer, President & CEO

BVA UC RE PARAMOUNT, LLC,  
an Idaho limited liability company

By: BV Management Services, Inc., Executive Manager

By: \_\_\_\_\_  
Cortney Liddiard, President

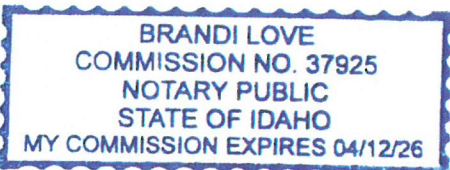
State of Idaho )  
) ss.  
County of Ada )

This instrument was signed or acknowledged before me on June \_\_\_\_, 2021, by Jason A. Meyerhoeffer, as President & CEO of First Federal Savings Bank of Twin Falls.

My commission expires: \_\_\_\_\_

State of Idaho )  
) ss.  
County of Bonneville )

This instrument was signed or acknowledged before me on June 29<sup>th</sup>, 2021, by Cortney Liddiard, as President of BV Management Services, Inc., the Executive Manager of BVA UC RE Paramount LLC.



Brandi Love  
My commission expires: 4-12-2026

GRANTEE: CITY OF MERIDIAN

\_\_\_\_\_  
Robert E. Simison, Mayor 7-13-2021

\_\_\_\_\_  
Attest by Chris Johnson, City Clerk 7-13-2021

STATE OF IDAHO, )  
                          : ss.  
County of Ada     )

This record was acknowledged before me on 7-13-2021 (date) by Robert E. Simison and Chris Johnson on behalf of the City of Meridian, in their capacities as Mayor and City Clerk, respectively.

(stamp)

\_\_\_\_\_  
Notary Signature  
My Commission Expires: 3-28-2022

2775 W. Navigator Drive, Suite 210  
Meridian, Idaho 83642  
www.horrocks.com



Idaho Office  
Tel: 208.895.2502  
Fax: 208.463.7561

Date: June 16, 2021  
Project: ID-2166-2001  
Page: 1 of 2



## ***EXHIBIT "A"***

### ***PEDESTRIAN PATHWAY EASEMENT***

This easement is situated in a portion of Parcel "A" and Parcel "B" of Record of Survey Property Boundary Adjustment No. 12300, records of Ada county, and located in the N.W.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$  of Section 25, Township 4 North, Range 1 West of the Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the northwest corner of said N.W.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$ , from which the northeast corner of the N.E.  $\frac{1}{4}$  of said Section 25 bears S.89°37'14"E., 2669.41 feet; thence along the west boundary of said N.W.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$ ,

- 1) S.00°31'43"W., 40.00 feet to the northwest corner of said Parcel "B", thence along the west boundary of said parcel "B";
- 2) S.00°31'43"W., 44.00 feet to the **POINT OF BEGINNING**; thence leaving said west boundary,
- 3) S.89°37'14"E., 144.90 feet to a point on the west boundary of Parcel "A" of said Record of Survey Property Boundary Adjustment; thence,
- 4) S.89°37'14"E., 146.31 feet; thence,
- 5) N.00°22'46"E., 14.00 feet to a point on the north boundary of said Parcel "A"; thence continuing,
- 6) S.89°37'14"E., 2.32 feet; thence continuing along said north boundary,
- 7) S.44°30'57"E., 39.53 feet; thence leaving said boundary,
- 8) N.89°37'14"W., 176.57 feet to a point on the west boundary of Parcel "A" of said Record of Survey Property Boundary Adjustment; thence,
- 9) N.89°37'14"W., 144.90 feet to a point on the west boundary of Parcel "B" of said Record of Survey Property Boundary Adjustment; thence along said west boundary,

Item #3.

Date: June 16, 2021  
Project: ID-2166-2001  
Page: 2 of 2

10) N.00°31'43"E., 14.00 feet to the **POINT OF BEGINNING.**

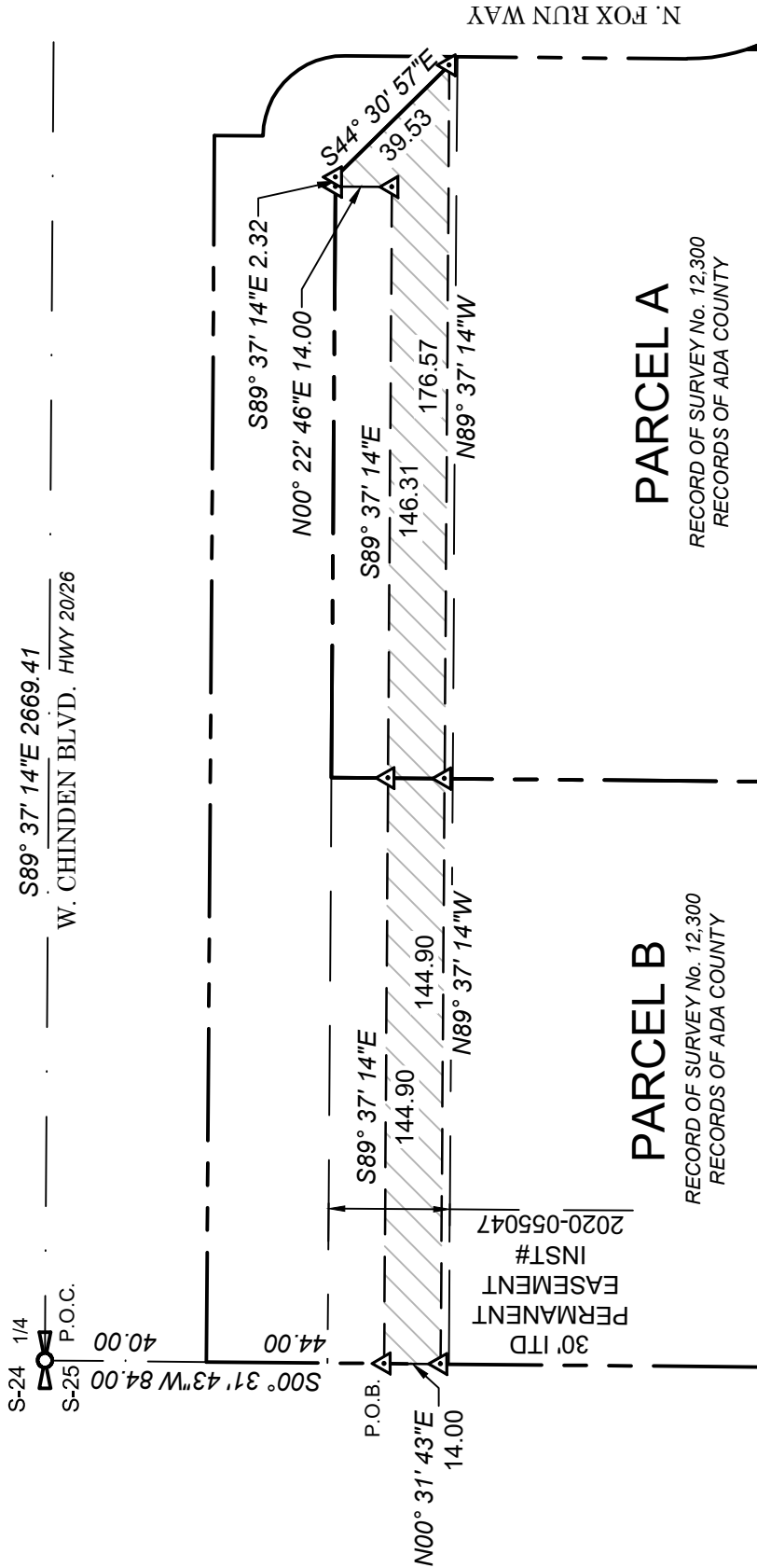
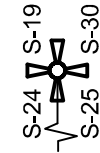


**LEGEND:**

- ▲ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- SECTION LINE
- - - BOUNDARY LINE
- - - EASEMENT LINE
- /// PEDESTRIAN PATHWAY EASEMENT

**PARAMOUNT POINT SUBDIVISION**  
**PEDESTRIAN PATHWAY EASEMENT**

Item #3.



N. FOX RUN WAY

**PARCEL A**

RECORD OF SURVEY No. 12,300  
RECORDS OF ADA COUNTY

**PARCEL B**

RECORD OF SURVEY No. 12,300  
RECORDS OF ADA COUNTY

**HORROCKS GINIBERS**  
 West Navigator Dr., Suite 210  
 Meridian, ID 83642  
 (208) 895-2520  
 www.horrocksginibers.com

**WARNING**  
 1/2  
 IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

**EXHIBIT B**

N.W. 1/4, N.E.1/4, SECTION 25, T4N, R1W

DRAWING INFO	
DATE	06/17/21
SCALE	N.T.S.
REV #	DATE
00	00/00/0000
SEE 2ND SHEET FOR LISTING	
PROJ. NO. ID-2166-2001	

**001**



## AGENDA ITEM

**ITEM TOPIC:** Final Plat for Apex Northwest No. 2 (FP-2021-0038) by Brighton Development, Located at 6575 S. Locust Grove Rd.





# PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** July 13, 2021

**Topic:** Final Plat for Apex Northwest No. 2 (FP-2021-0038) by Brighton Development, Located at 6575 S. Locust Grove Rd.

---

**Request:**

Final plat consisting of 52 buildable lots on 9.89 acres of land in the R-15 zoning district.

**Information Resources:**

[Click Here for Application Materials](#)



COMMUNITY DEVELOPMENT DEPARTMENT

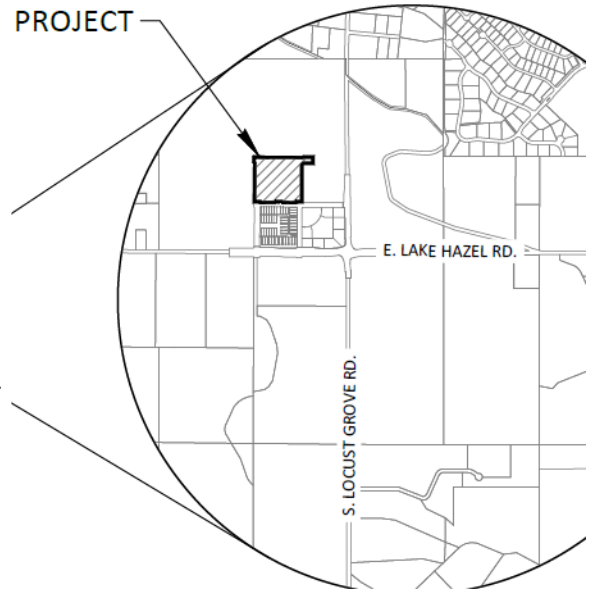
HEARING DATE: July 13, 2021

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner  
208-884-5533

SUBJECT: FP-2021-0038  
Apex Northwest No. 2 – FP

LOCATION: Northwest corner of S. Locust Grove Rd.  
& E. Lake Hazel Rd., in the SE ¼ of  
Section 31, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

The Applicant requests approval of a final plat consisting of 52 single-family residential buildable lots on 9.89 acres of land in the R-15 zoning district.

II. APPLICANT INFORMATION

- A. Applicant:  
Josh Beach, Brighton Development – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642
- B. Owner:  
DWT Investments, LLC – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642
- C. Representative:  
Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat (H-2020-0056) in accord with the requirements listed in UDC 11-6B-3C.2.

In order for the proposed final plat to be deemed in substantial compliance with the approved preliminary plat as set forth in UDC 11-6B-3C.2, the number of buildable lots cannot increase and the amount of common area cannot decrease. Staff has reviewed the proposed final plat and the number of buildable lots and the amount of common open space area is the same.

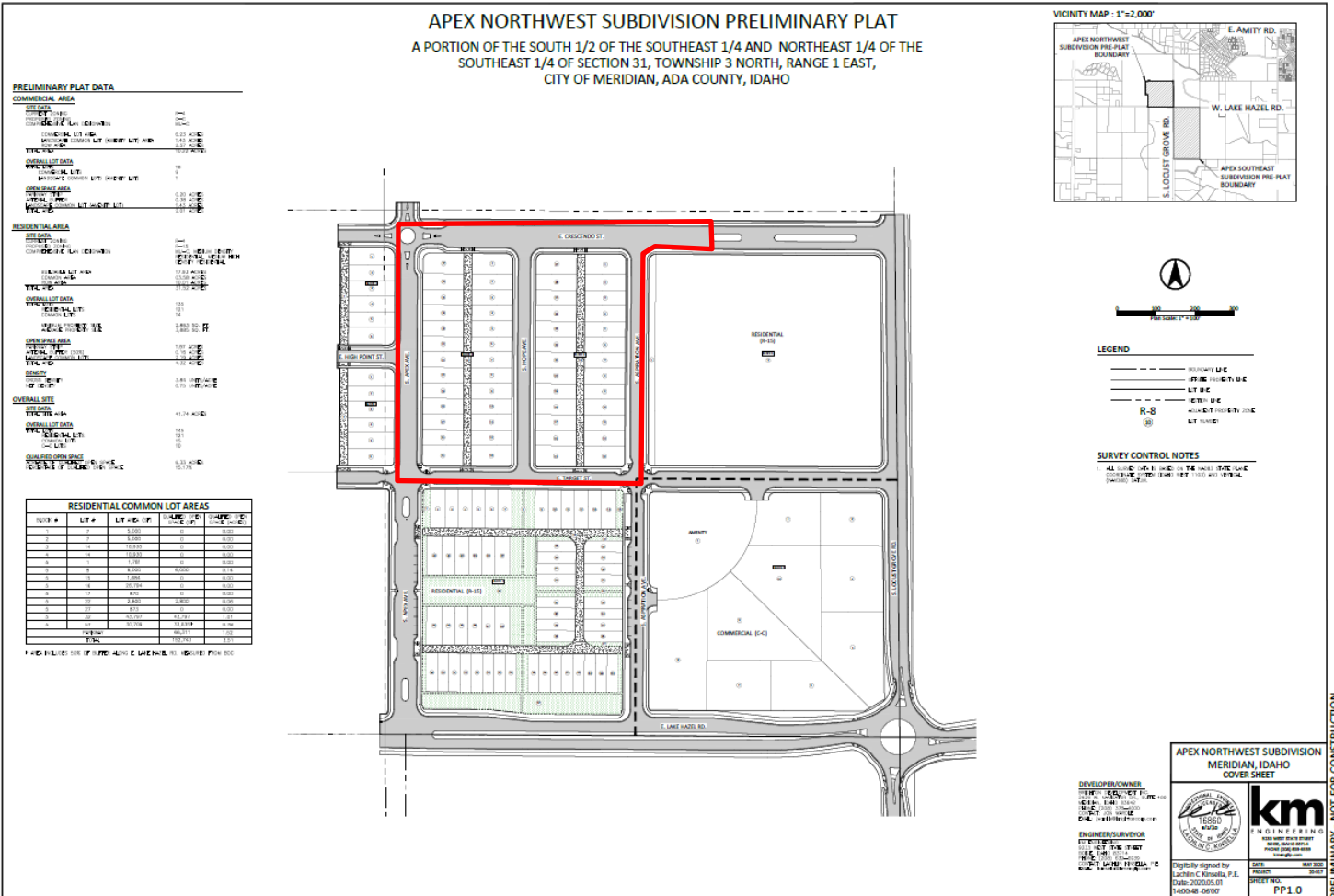
Therefore, Staff deems the proposed final plat to be in substantial compliance with the approved preliminary plat as required.

**IV. DECISION**

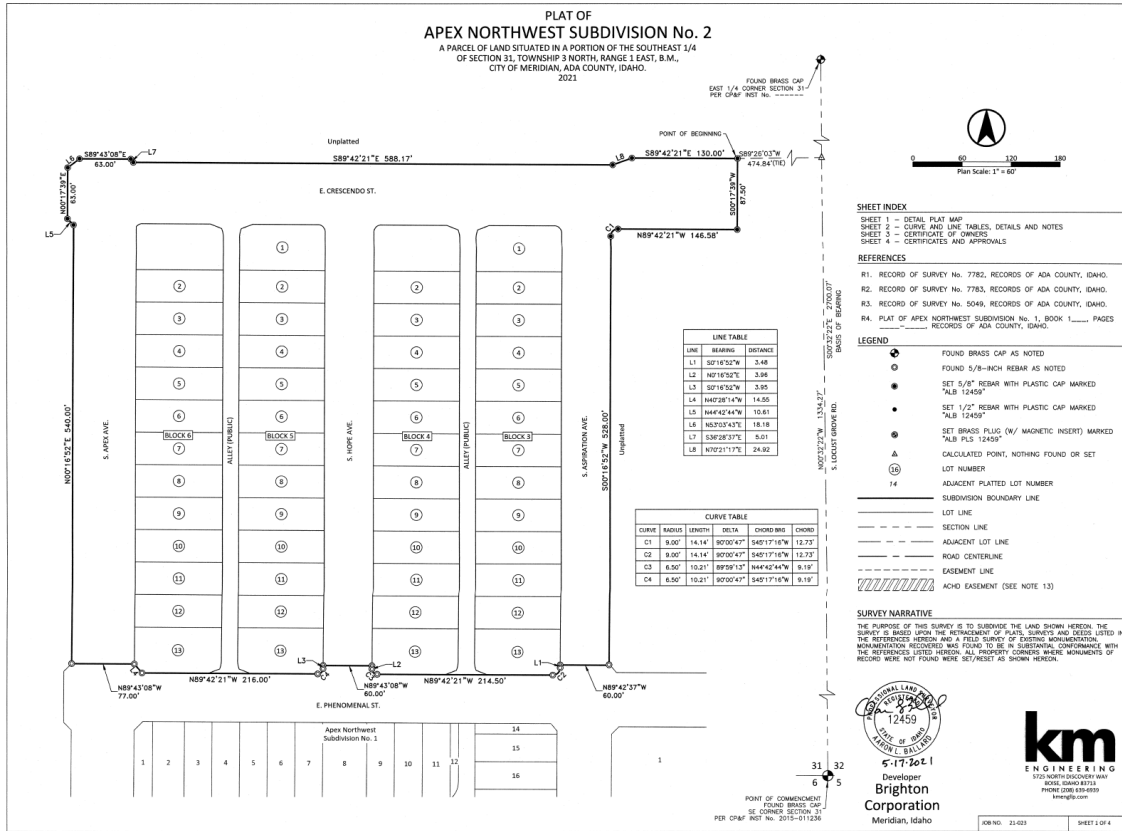
Staff recommends approval of the proposed final plat per the conditions noted in Section VI of this report.

**V. EXHIBITS**

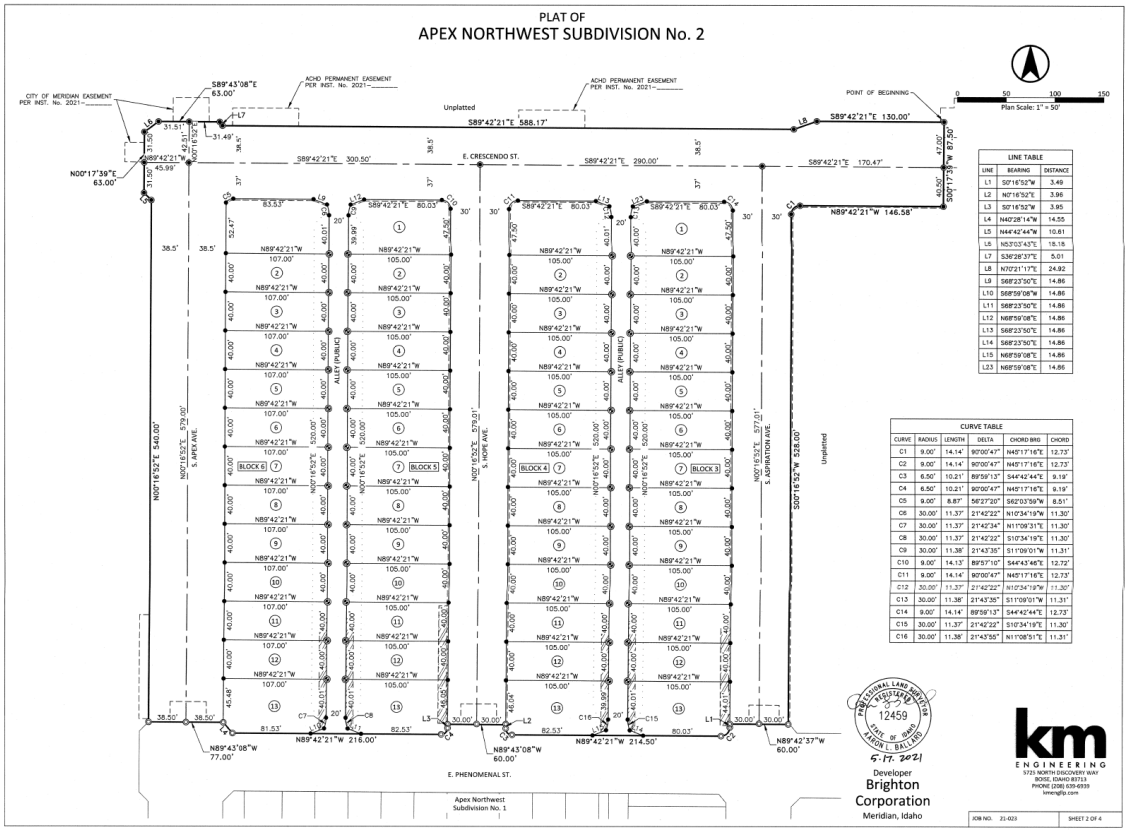
A. Preliminary Plat (dated: 5/1/2020)



B. Final Plat (dated: 5/17/21)



Item #4.



PLAT OF  
APEX NORTHWEST SUBDIVISION No. 2

CERTIFICATE OF OWNERS

KNOW ALL MEN/WOMEN BY THESE PRESENTS: THAT THE UNDERSIGNED IS THE OWNER OF THE REAL PROPERTY HEREAFTER DESCRIBED.  
A PARCEL OF LAND SITUATED IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT A FOUND BRASS CAP MARKING THE SOUTHWEST CORNER OF SAID SECTION 31, WHICH BEARS S90°32'22"E A DISTANCE OF 3,700.07 FEET FROM A FOUND BRASS CAP MARKING THE EAST 1/4 CORNER OF SAID SECTION 31;  
THENCE FOLLOWING THE EASTERN LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 31, N07°32'22"W A DISTANCE OF 1,334.87 FEET TO A POINT; THENCE LEAVING SAID EASTERN LINE, S89°27'38"W A DISTANCE OF 488.94 FEET TO A SET 5/8-INCH REBAR AND BEING THE POINT OF BEGINNING.  
THENCE S00°17'39"W A DISTANCE OF 87.80 FEET TO A SET 5/8-INCH REBAR;  
THENCE S89°42'21"W A DISTANCE OF 123.86 FEET TO A SET 5/8-INCH REBAR;  
THENCE 25.92 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 18.50 FEET, A DELTA ANGLE OF 90°00'40", A CHORD BEARING OF S49°17'16"W AND A CHORD DISTANCE OF 23.34 FEET TO SET 5/8-INCH REBAR;  
THENCE S00°16'52"W A DISTANCE OF 518.99 FEET TO A FOUND 5/8-INCH REBAR ON THE NORTHERLY BOUNDARY LINE OF APEX NORTHWEST SUBDIVISION NO. 1 (BOOK \_\_\_\_\_ OF PLATS PAGES \_\_\_\_\_ RECORDS OF ADA COUNTY, IDAHO);  
THENCE FOLLOWING THE NORTHERLY BOUNDARY LINE OF SAID APEX NORTHWEST SUBDIVISION NO. 1 THE FOLLOWING TWELVE (12) COURSES:  
1. N89°43'39"W A DISTANCE OF 60.00 FEET TO A FOUND 5/8-INCH REBAR;  
2. S00°16'52"W A DISTANCE OF 3.98 FEET TO A FOUND 5/8-INCH REBAR;  
3. 14.14 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 9.00 FEET, A DELTA ANGLE OF 90°00'47", A CHORD BEARING OF S49°17'16"W AND A CHORD DISTANCE OF 12.73 FEET TO A FOUND 5/8-INCH REBAR;  
4. N89°42'21"W A DISTANCE OF 24.50 FEET TO A FOUND 5/8-INCH REBAR;  
5. 10.21 FEET ALONG THE ARC OF A CIRCULAR CURVE TO RIGHT, SAID CURVE HAVING A RADIUS OF 6.50 FEET, A CHORD BEARING OF N44°24'44"W AND A CHORD DISTANCE OF 5.19 FEET TO A FOUND 5/8-INCH REBAR;  
6. N00°16'52"E A DISTANCE OF 4.50 FEET TO A FOUND 5/8-INCH REBAR;  
7. N89°43'39"W A DISTANCE OF 60.00 FEET TO A FOUND 5/8-INCH REBAR;  
8. S00°16'52"W A DISTANCE OF 4.48 FEET TO A FOUND 5/8-INCH REBAR;  
9. 10.21 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 6.50 FEET, A DELTA ANGLE OF 90°00'47", A CHORD BEARING OF S49°17'16"W AND A CHORD DISTANCE OF 5.19 FEET TO A FOUND 5/8-INCH REBAR;  
10. N89°42'21"W A DISTANCE OF 236.00 FEET TO A FOUND 5/8-INCH REBAR;  
11. N49°32'50"W A DISTANCE OF 14.53 FEET TO A FOUND 5/8-INCH REBAR;  
12. N89°41'50"W A DISTANCE OF 77.00 FEET TO A FOUND 5/8-INCH REBAR;  
THENCE LEAVING THE NORTHERLY BOUNDARY LINE OF SAID APEX NORTHWEST SUBDIVISION NO. 1, N07°16'52"E A DISTANCE OF 541.83 FEET TO A SET 5/8-INCH REBAR;  
THENCE 15.10 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 24.18 FEET, A DELTA ANGLE OF 48°15'36", A CHORD BEARING OF N67°04'33"W AND A CHORD DISTANCE OF 18.61 FEET TO A SET 5/8-INCH REBAR;  
THENCE N89°42'21"W A DISTANCE OF 39.34 FEET TO A SET 5/8-INCH REBAR;  
THENCE N07°32'22"E A DISTANCE OF 60.00 FEET TO A SET 5/8-INCH REBAR;  
THENCE S89°42'21"E A DISTANCE OF 38.28 FEET TO A SET 5/8-INCH REBAR;  
THENCE 41.97 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 26.71 FEET, A DELTA ANGLE OF 90°00'47", A CHORD BEARING OF N49°17'15"E AND A CHORD DISTANCE OF 37.78 FEET TO A SET 5/8-INCH REBAR;  
THENCE N07°32'22"E A DISTANCE OF 28.28 FEET TO A SET 5/8-INCH REBAR;  
THENCE S89°43'38"E A DISTANCE OF 60.00 FEET TO A SET 5/8-INCH REBAR;  
THENCE S00°16'52"W A DISTANCE OF 31.25 FEET TO A SET 5/8-INCH REBAR;  
THENCE 17.79 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 20.68 FEET, A DELTA ANGLE OF 49°17'39", A CHORD BEARING OF S22°21'07"E AND A CHORD DISTANCE OF 17.25 FEET TO A SET 5/8-INCH REBAR;  
THENCE S89°42'21"E A DISTANCE OF 491.84 FEET TO A SET 5/8-INCH REBAR;  
THENCE 8.47 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 85.00 FEET, A DELTA ANGLE OF 94°23'38", A CHORD BEARING OF N87°29'20"E AND A CHORD DISTANCE OF 8.47 FEET TO A SET 5/8-INCH REBAR;  
THENCE N48°50'11"E A DISTANCE OF 54.89 FEET TO A SET 5/8-INCH REBAR;  
THENCE N43°58'44"E A DISTANCE OF 5.88 FEET TO A SET 5/8-INCH REBAR;  
THENCE S89°42'21"E A DISTANCE OF 183.50 FEET TO THE POINT OF BEGINNING.  
SAID DESCRIPTION CONTAINS A TOTAL OF 9.893 ACRES, MORE OR LESS.

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE SAID LAND IN THIS PLAT. THE EASEMENTS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC BUT THE RIGHTS TO USE SAID EASEMENTS ARE HEREBY HEREBY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES AS SHOWN ON THIS PLAT. NO STRUCTURES OTHER THAN FOR SUCH UTILITY AND OTHER DESIGNATED PUBLIC USES ARE TO BE ERRECTED WITHIN THE LIMITS OF SAID EASEMENTS UNLESS NOTED OTHERWISE ON THIS PLAT. THE UNDERSIGNED, BY THESE PRESENTS, DEDICATES TO THE PUBLIC ALL PUBLIC STREETS AS SHOWN ON THIS PLAT. ALL LOTS WITHIN THIS PLAT WILL RECEIVE WATER SERVICE FROM THE CITY OF MERIDIAN AND THE CITY OF MERIDIAN HAS AGREED IN WRITING TO SERVE ALL OF THESE LOTS.

JONATHAN D. WARDLE, PRESIDENT  
BRIGHTON DEVELOPMENT, INC.

ACKNOWLEDGMENT  
STATE OF IDAHO }  
ADA COUNTY } SS

THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_, 2021, BY JONATHAN D. WARDLE, AS PRESIDENT OF BRIGHTON DEVELOPMENT, INC.

SIGNATURE OF NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

NOTES

- 1. MINIMUM BUILDING SETBACK LINES SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- 2. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN IN EFFECT AT THE TIME OF RESUBDIVISION.
- 3. IRRIGATION WATER HAS BEEN PROVIDED FROM BOISE-KUNA IRRIGATION DISTRICT IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(d). LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM BOISE-KUNA IRRIGATION DISTRICT.
- 4. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLECTED OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
- 5. ALL LOT LINES COMMON TO THE PUBLIC RIGHTS-OF-WAY CONTAIN A 10.00 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, CITY OF MERIDIAN STREET LIGHTS, HOMEOWNER'S ASSOCIATION PRESSURIZED IRRIGATION AND LOT DRAINAGE.
- 6. UNLESS OTHERWISE DIMENSIONED, ALL LOT LINES COMMON TO THE SUBDIVISION BOUNDARY AND ALL REAR LOT LINES CONTAIN A 10.00 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, HOMEOWNER'S ASSOCIATION PRESSURIZED IRRIGATION AND LOT DRAINAGE.
- 7. ALL INTERIOR LOT LINES CONTAIN A 5.00 FOOT WIDE EASEMENT, EACH SIDE, FOR PUBLIC UTILITIES, HOMEOWNER'S ASSOCIATION PRESSURIZED IRRIGATION AND LOT DRAINAGE.
- 8. THIS PLAT IS SUBJECT TO AN ACHD LANDSCAPE LICENSE AGREEMENT PER INSTRUMENT No. 2021-\_\_\_\_\_, ADA COUNTY RECORDS.
- 9. ACHD PUBLIC RIGHT-OF-WAY EASEMENT (SIDEWALK) PER INSTRUMENT No. 2021-\_\_\_\_\_, RECORDS OF ADA COUNTY, IDAHO.
- 10. DIRECT LOT OR PARCEL ACCESS TO E. CRESCENDO ST. AND E. PHENOMENAL ST. IS PROHIBITED EXCEPT FOR THOSE ACCESS POINTS APPROVED BY THE CITY OF MERIDIAN AND ADA COUNTY HIGHWAY DISTRICT.
- 11. THE BOTTOM OF STRUCTURAL FOOTINGS SHALL BE SET A MINIMUM OF 12-INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUND WATER ELEVATION.
- 12. MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY OR HOMEOWNER'S ASSOCIATION.
- 13. PORTIONS OF LOTS 11-13, BLOCK 5, 11-13, BLOCK 4, 11-13, BLOCK 5 AND 11-13, BLOCK 6 ARE SERVIENT TO AND CONTAIN THE ACHD STORM WATER DRAINAGE SYSTEM. THESE LOTS ARE ENCUMBERED BY THAT CERTAIN FIRST AMENDED MASTER PERPETUAL STORM WATER DRAINAGE EASEMENT RECORDED ON NOVEMBER 10, 2015, AS INSTRUMENT NO. 2015-03256, OFFICIAL RECORDS OF ADA COUNTY, AND INCORPORATED HEREIN BY THIS REFERENCE AS IF SET FORTH IN FULL. THIS MASTER EASEMENT, THE MASTER EASEMENT AND THE STORM WATER DRAINAGE SYSTEM ARE DEDICATED TO ACHD PURSUANT TO SECTION 40-2402, IDAHO CODE. THE MASTER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM.
- 14. THIS SUBDIVISION IS SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS THAT ARE FILED FOR RECORD AT THE ADA COUNTY RECORDER'S OFFICE AS INSTRUMENT No. 2021-\_\_\_\_\_, AND MAY BE AMENDED FROM TIME TO TIME.

CERTIFICATE OF SURVEYOR

I, AARON L. BALLARD, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT OF APEX SOUTHWEST SUBDIVISION No. 2 AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" AND AS SHOWN ON THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

AARON L. BALLARD, P.L.S. 12459



JOB NO. 21-023 SHEET 3 OF 4



## VI. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning Division

#### Site Specific Conditions:

1. Applicant shall comply with all previous conditions of approval associated with this development [H-2020-0056 and H-2020-0066 (Development Agreement Instrument Number 2020-178120)].
2. The applicant shall obtain the City Engineer's signature on the subject final plat within two years of City Council's approval of the previous phase final plat; *or* apply for a time extension, in accord with UDC 11-6B-7.
3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
4. The final plat prepared by KM Engineering stamped by Aaron L. Ballard, dated: 5/17/2021, included in Section V.B shall be revised as follows:
  - a. Depict the Lot numbers for Lot 1, Block 6 and Lot 1, Block 4 that are missing on Sheets 1 and 2.
  - b. References – R4: Include the recorded book & page number of the Apex Northwest Sub. 1 plat on Sheet 1.
  - c. Include the CP&F recorded instrument number of the East ¼ corner section on Sheet 1.
  - d. Include the recorded instrument number of the ACHD permanent easement graphically depicts and noted on Sheet 2.
  - e. Include the recorded instrument number of the City of Meridian easement graphically depicted and noted on Sheet 2.
  - f. Note #8: Include the recorded instrument number of the ACHD Landscape license agreement.
  - g. Note #9: Include the recorded instrument number of the ACHD public right-of-way easement (sidewalk).
  - h. Note #10: Include S. Apex Ave. in the note in accord with preliminary plat condition #2a.
  - i. Note #14: Include the recorded instrument number of the CC&R's.
  - j. Certificate of Owners: Include the recorded book & page number of the Apex Northwest Sub. 1 plat.
  - k. Street buffers are required to be placed in common lots maintained by the Homeowner's Association where they extend beyond the right-of-way as set forth in UDC 11-3B-7C. *Alternative compliance may be requested to this standard as set forth in UDC Table 11-5B-5.*

*A copy of the revised plat shall be submitted with the final plat for City Engineer signature.*
5. The landscape plan prepared by KM Engineering, dated 5/14/2021, included in Section V.C, shall be revised as follows:
  - a. Include shrubs within the street buffers along S. Apex Ave. and E. Crescendo St., collector streets, in accord with the standards in UDC 11-3B-7C.3a. *Alternative compliance may be requested to this standard as set forth in UDC Table 11-5B-5.*



6. The rear and/or side of structures on lots that face E. Crescendo St. and S. Apex Ave., collector streets, shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*
7. All future development, except for single-family detached dwellings, is required to comply with the design standards listed in the Architectural Standards Manual.
8. All alleys shall comply with the standards listed in UDC [11-6C-3B.5](#). The construction drawings shall reflect compliance with these standards.
9. Prior to signature of the final plat by the City Engineer, the applicant shall provide a letter from the United States Postal Service stating that the applicant has received approval for the location of mailboxes. Contact the Meridian Postmaster, Sue Prescott, at 887-1620 for more information.
10. All fencing shall comply with the standards of UDC 11-3A-7C.
11. All alleys shall serve as fire lanes and be signed “No Parking Fire Lane”.
12. Development within the Williams Pipeline easement shall comply with the Williams Developers’ Handbook.
13. Future development shall be consistent with the minimum dimensional standards listed in UDC Tables 11-2A-7 for the R-15 zoning district.
14. Off-street parking is required to be provided for residential uses in accord with the standards listed in UDC Table 11-3C-6 based on the number of bedrooms per unit.
15. Staff’s failure to cite specific ordinance provisions or conditions from the preliminary plat (H-2020-0056) and/or Development Agreement (Inst. #2020-178120) does not relieve the Applicant of responsibility for compliance.

## **B. Public Works**

### **Site Specific Conditions:**

1. No Permanent structures (buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) can be built within the utility easement.
2. Sewer service lines should not cross infiltration trenches due to uneven settling that occurs.
3. Provide an easement to the north property boundary in the northeast portion of this phase.

### **General Conditions:**

1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.

3. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
7. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
9. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
12. Developer shall coordinate mailbox locations with the Meridian Post Office.
13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a

certificate of occupancy is issued for any structures within the project.

17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting ([http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272)). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
19. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
21. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
22. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
23. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
24. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.



## AGENDA ITEM

**ITEM TOPIC:** Final Plat for Oaks North Subdivision No. 11(FP-2021-0039) by Toll Southwest, LLC, Generally Located at 5685 N. Black Cat Rd.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Joseph Dodson

**Meeting Date:** July 13, 2021

**Topic:** Final Plat for Oaks North Subdivision No. 11(FP-2021-0039) by Toll Southwest, LLC, Generally Located at 5685 N. Black Cat Rd.

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**Request:**

Request for Final Plat consisting of 30 single-family residential building lots and 5 common lots on 9.99 acres of land in the R-4 zoning district.

**Information Resources:**

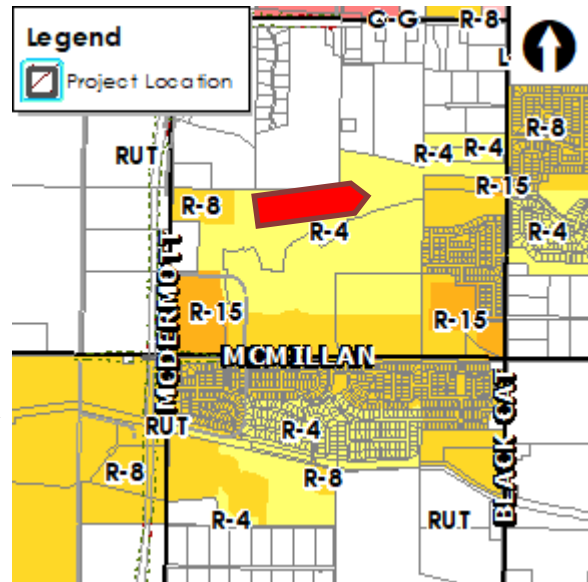
[Click Here for Application Materials](#)

# STAFF REPORT

## COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 7/13/2021  
TO: Mayor & City Council  
FROM: Joseph Dodson, Associate Planner  
208-884-5533  
SUBJECT: FP-2021-0039  
Oaks North No. 11  
LOCATION: Generally located at 5685 N. Black Cat Rd., in the SW ¼ of the NE ¼ of Section 28, T.4N., R.1W.



### I. PROJECT DESCRIPTION

Request for Final Plat consisting of 30 single-family residential building lots and 5 common lots on 9.99 acres of land in the R-4 zoning district, by Toll Southwest, LLC.

### II. APPLICANT INFORMATION

A. Applicant/Owner:

Toll Southwest, LLC – 3101 W. Sheryl Drive, Suite 100, Meridian, ID 83642

B. Representative:

Sabrina Durtschi, Toll Brothers – 3103 W. Sheryl Drive, Meridian, ID 83642

### III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat as required by UDC 11-6B-3C.2. This is the eleventh phase of development of the Oaks North Subdivision. **The submitted final plat shows two (2) less buildable lots than were approved in the preliminary plat for this phase of development;** the same amount of open space is proposed as were approved in the preliminary plat. Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required.

Note: Following Phase 10 and 11, the Applicant has five (5) fewer building lots than approved with the preliminary plat based on all final plat approvals. The Applicant may make up these lots in later phases per code allowances.

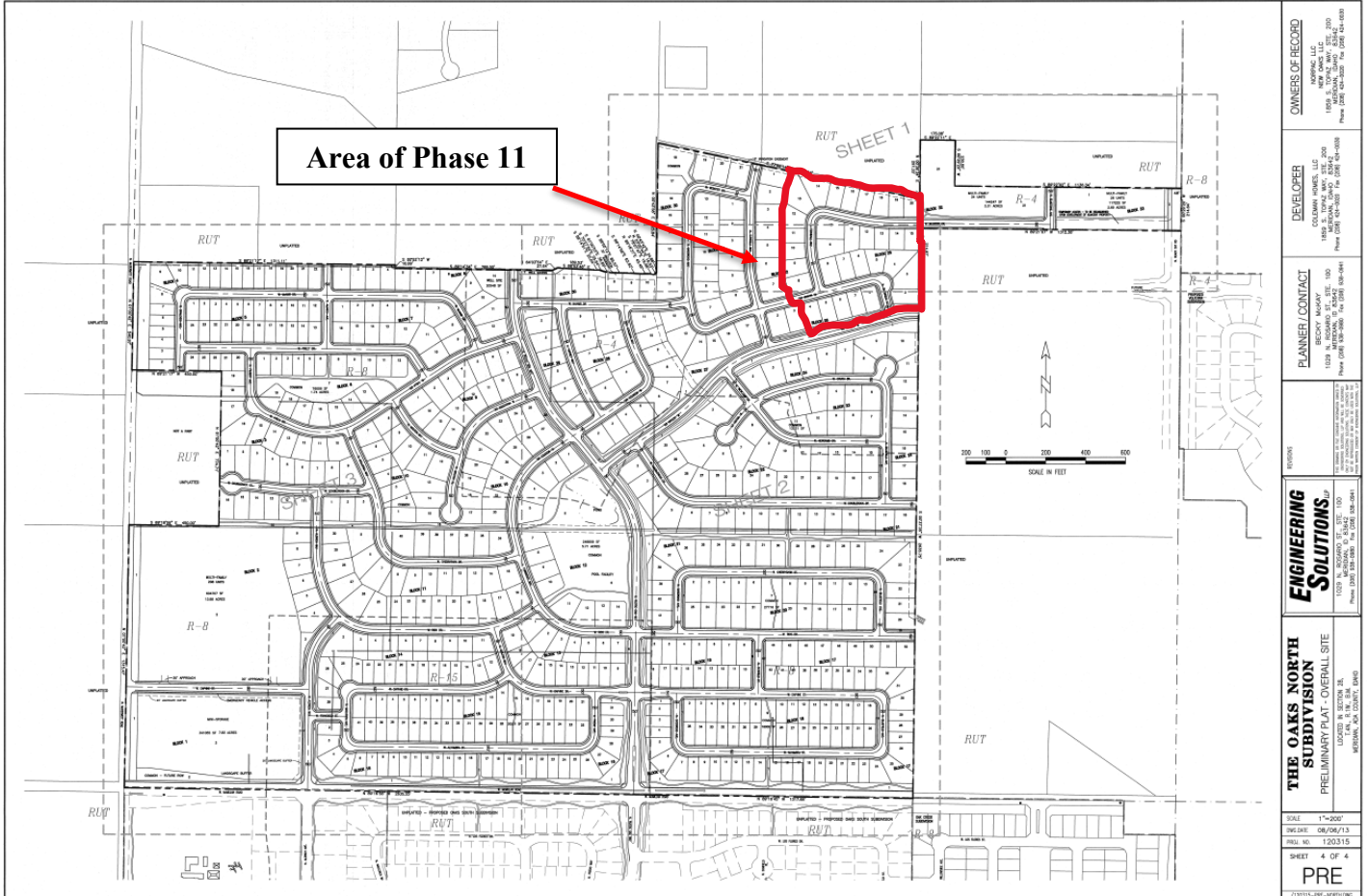
**IV. DECISION**

**A. Staff:**

Staff recommends approval of the proposed final plat with the conditions of approval in Section VI of this report.

**V. EXHIBITS**

**A. Preliminary Plat (date: 8/6/2013)**

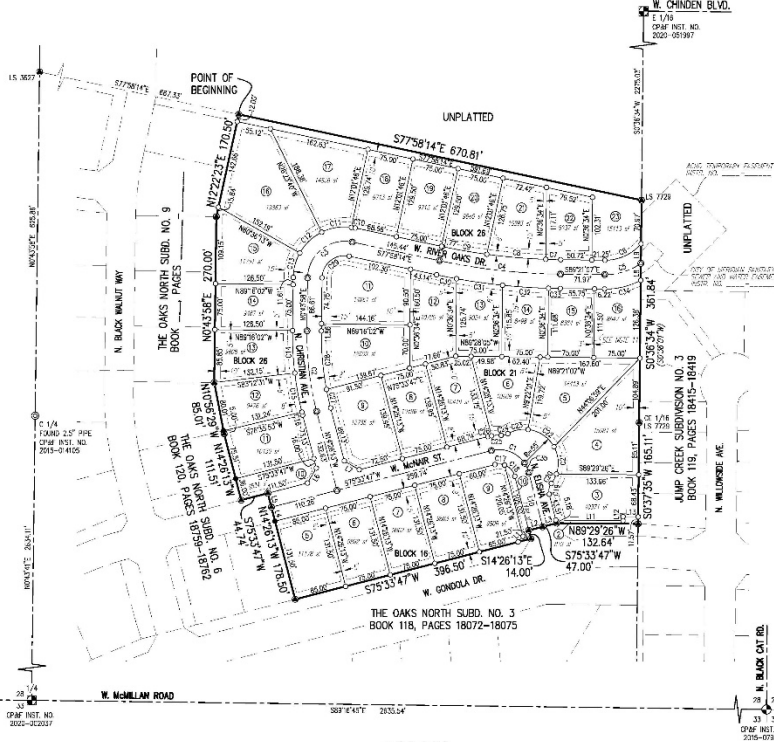


B. Final Plat (date: 6/9/2021)

THE OAKS NORTH SUBDIVISION NO. 11

LOCATED IN THE SW 1/4 OF THE NE 1/4 AND THE NW 1/4 OF THE SE 1/4 OF SECTION 28, T4N, R1W, BM MERIDIAN, ADA COUNTY, IDAHO 2021

LINE TABLE table with columns: LINE #, LENGTH, DIRECTION. Lists line segments from L1 to L15.



LEGEND table listing symbols for FOUND 1/2\"/>

- NOTES section with 14 numbered points detailing survey conditions, easements, and legal references to previous plats and local regulations.

CURVE TABLE with columns: CURVE #, LENGTH, RADII, DELTA, BEARINGS, CHORD. Contains three columns of curve data for blocks and lots.

SURVEY NARRATIVE text block describing the survey process, including the use of a total station and the location of the survey monument.

Professional seal for Clinton W. Hansen, PLS 11116, and the Toll Brothers LandSolutions logo with contact information.



Item #5.

THE OAKS NORTH SUBDIVISION NO. 11

BOOK \_\_\_\_\_, PAGE \_\_\_\_\_

CERTIFICATE OF OWNERS

BEFORE ME, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. This instrument is an acknowledgment of ownership in and to the following described property, to-wit:

THE PARCEL CONTAINS 0.29 ACRES MORE OR LESS. ALL THE OTHER INTERESTS IN SAID PARCEL HAVE BEEN RELEASED TO THE CITY OF OAKS BY A DEED RECORDED IN BOOK 1118, PAGE 1118 OF THE OAKS NORTH SUBDIVISION NO. 11.

BY SUSHI STANLEY, DIVISION PRESIDENT

ACKNOWLEDGMENT

STATE OF IOWA )
COUNTY OF ADA )
I, CLAYTON W. JENSEN, County Clerk, do hereby certify that the foregoing instrument was duly acknowledged before me by the person whose name is subscribed to the same, and that the same is a true and correct copy of the original as the same appears in my records.

CLAYTON W. JENSEN
COUNTY CLERK

CERTIFICATE OF SURVEYOR

I, CLAYTON W. JENSEN, do hereby certify that I am a Licensed Professional Land Surveyor in the State of Iowa, and that the plat as described in the certificate of ownership was drawn from the field notes of a survey made by me or under my supervision and control in accordance with the laws of the State of Iowa.

CLAYTON W. JENSEN
PLS 1118

Toll Brothers LandSolutions
AMERICA'S LUXURY HOME BUILDERS
Land Surveying and Consulting

THE OAKS NORTH SUBDIVISION NO. 11

BOOK \_\_\_\_\_, PAGE \_\_\_\_\_

HEALTH CERTIFICATE

SAFARI PHOTOGRAPHS AS REQUIRED BY IOWA CODE CHAPTER 111.1 ARE BEING SUBMITTED TO THE HEALTH DEPARTMENT FOR REVIEW AND APPROVAL.

ORIGINAL SENT TO HEALTH DEPT

APPROVAL OF CITY COUNCIL

I, THE UNDERSIGNED, CLERK OF THE CITY OF OAKS, IOWA COUNTY, IOWA, DO HEREBY CERTIFY THAT THE CITY COUNCIL HAS REVIEWED AND APPROVED THE FOREGOING INSTRUMENT.

APPROVAL OF THE CITY ENGINEER

I, THE UNDERSIGNED, CITY ENGINEER, IOWA COUNTY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE IOWA ENGINEERING CODE.

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

THE FOREGOING PLAT HAS BEEN REVIEWED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT ENGINEERS.

CERTIFICATE OF THE COUNTY SURVEYOR

I, CLAYTON W. JENSEN, Professional Land Surveyor for Iowa County, Iowa, do hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in my records.

CERTIFICATE OF THE COUNTY TREASURER

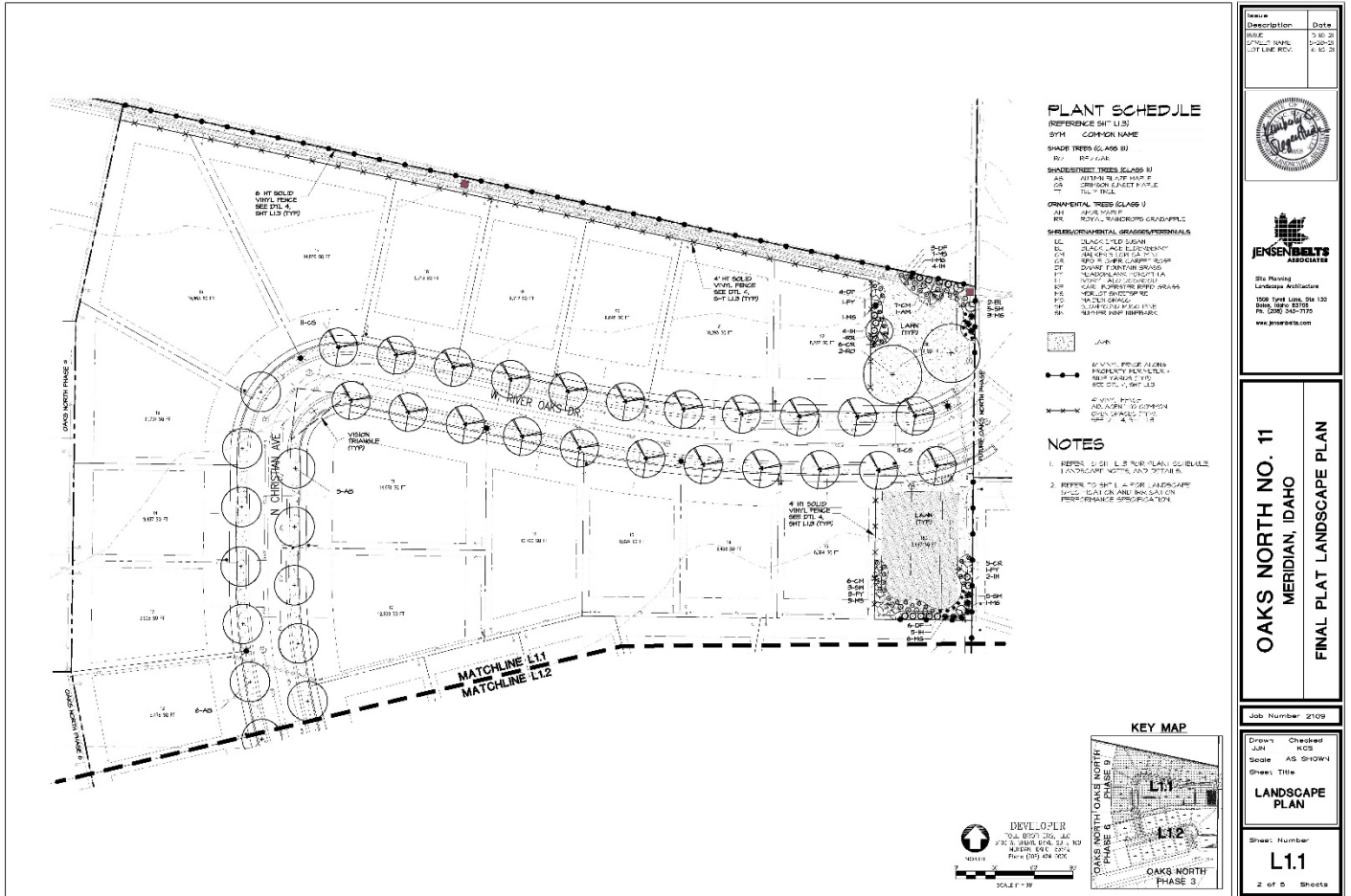
I, THE UNDERSIGNED, COUNTY TREASURER, IOWA COUNTY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE IOWA REVENUE CODE.

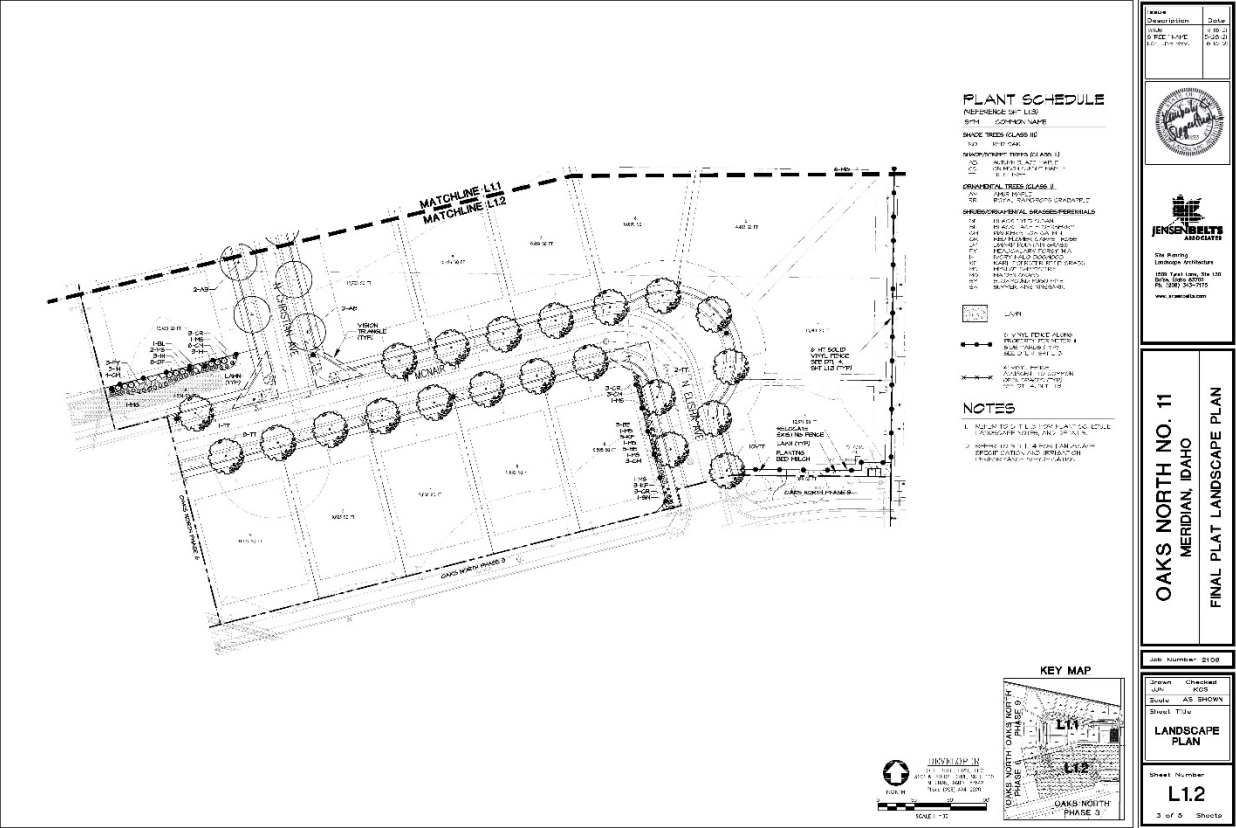
CERTIFICATE OF COUNTY RECORDER

STATE OF IOWA )
COUNTY OF ADA )
I, CLAYTON W. JENSEN, County Recorder, do hereby certify that the foregoing instrument was duly recorded in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Toll Brothers LandSolutions
AMERICA'S LUXURY HOME BUILDERS
Land Surveying and Consulting

C. Landscape Plans (date: 6/10/2021)



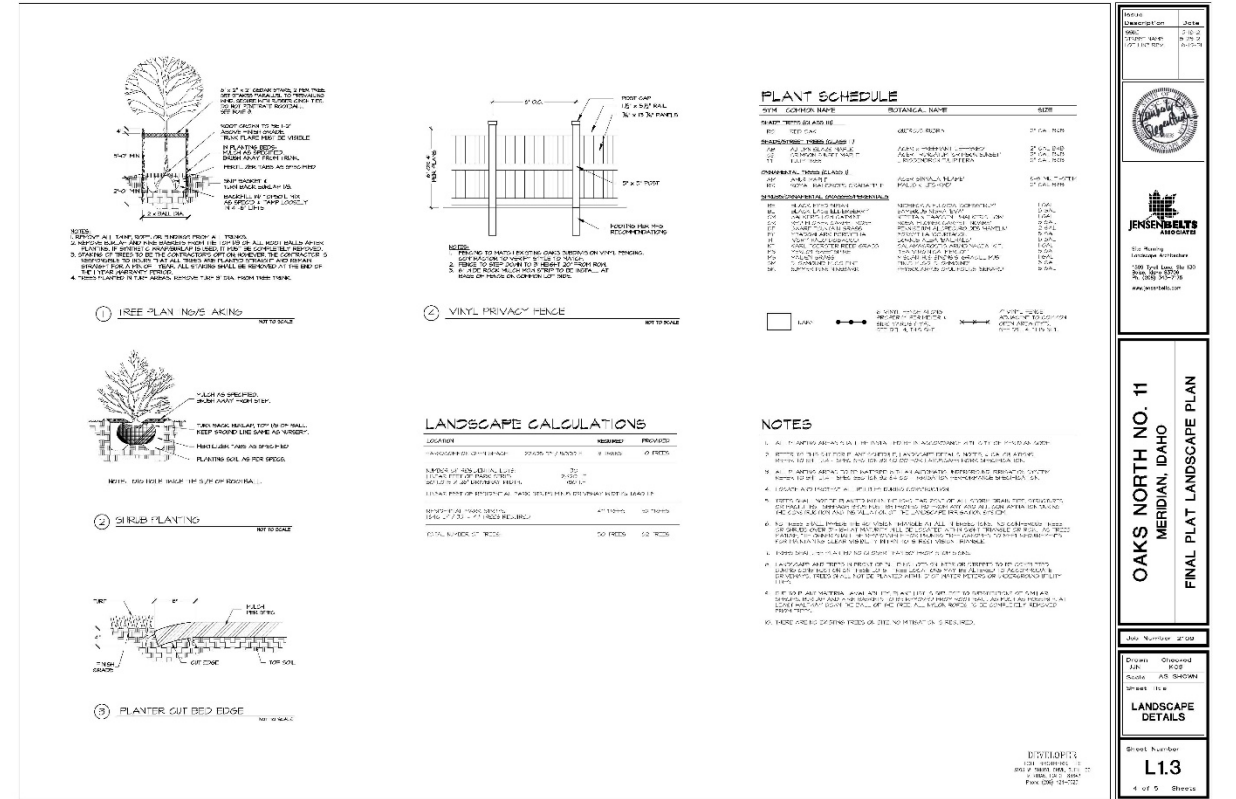


Issue	Description	Date
1	ISSUE - L1.1-2	7/12/12
2	ISSUE - L1.1-3	8/15/12

**JENSEN BELTZ ASSOCIATES**  
 The Agency  
 Landscape Architects  
 100 East 10th, Ste 101  
 Meridian, ID 83402  
 P: 208-335-7975  
 www.jensbeltz.com

**OAKS NORTH NO. 11**  
 MERIDIAN, IDAHO  
 FINAL FLAT LANDSCAPE PLAN

Job Number: 2109  
 Drawn: JKH  
 Scale: AS SHOWN  
 Sheet Title: LANDSCAPE PLAN  
 Sheet Number: L1.2  
 2 of 5 Sheets



Issue	Description	Date
1	ISSUE - L1.1-2	7/12/12
2	ISSUE - L1.1-3	8/15/12

**JENSEN BELTZ ASSOCIATES**  
 The Agency  
 Landscape Architects  
 100 East 10th, Ste 101  
 Meridian, ID 83402  
 P: 208-335-7975  
 www.jensbeltz.com

**OAKS NORTH NO. 11**  
 MERIDIAN, IDAHO  
 FINAL FLAT LANDSCAPE PLAN

Job Number: 2109  
 Drawn: JKH  
 Scale: AS SHOWN  
 Sheet Title: LANDSCAPE DETAILS  
 Sheet Number: L1.3  
 4 of 5 Sheets

## VI. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning Division

#### Site Specific Conditions:

1. Applicant shall comply with all previous conditions of approval associated with this development (AZ-13-008, RZ-13-015, DA Inst. No. 114030972; PP-13-014).
2. The applicant shall obtain the City Engineer's signature on the final plat within two (2) years of the City Engineer's signature on the previous phase final plat, in accord with UDC 11-6B-7 in order for the preliminary plat to remain valid or a time extension may be requested.
3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
4. The final plat shown in Section V.B prepared by Land Solutions, stamped on 06/09/21 by Clinton W. Hansen, is approved with the following revisions:
  - a. Note #10: Include recorded instrument number.
  - b. Note #12: Include recorded instrument number.
  - c. Add the appropriate Book and Pages for the noted Oaks North Subd. No. 9.
  - d. Add a note stating the plat is subject to the provisions contained within the applicable Development Agreement.
5. The landscape plan shown in Section V.C prepared by Jensen Belts Associates, dated 05/18/21, is approved as submitted.
6. Future homes constructed in this phase shall comply with the elevations included in the development agreement (Oaks North and South Subdivision – Inst. No. 114030972) with materials and architectural features to be the same or higher quality as shown in the elevations.
7. Prior to the issuance of any new building permit, the property shall be subdivided in accordance with the UDC.
8. Prior to signature of the final plat by the City Engineer, the applicant shall provide a letter from the United States Postal Service stating that the applicant has received approval for the location of mailboxes. Contact the Meridian Postmaster, Sue Prescott, at 887-1620 for more information.
9. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

### B. Public Works

#### Site Specific Conditions:

1. The sewer main at the eastern boundary of the site should end in a manhole with a minimum slope at the end run of 0.60%.

#### General Conditions:

1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments

Standard Specifications.

2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
3. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
7. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
9. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
12. Developer shall coordinate mailbox locations with the Meridian Post Office.
13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.

16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting ([http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272)). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
19. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
21. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
22. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
23. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
24. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

Item #5.



## AGENDA ITEM

**ITEM TOPIC:** Human Resources Department: Fiscal Year 2021 Budget Amendment in the Amount of \$123,000.00 for Citywide Compensation Market Studies







Item #6.

7/17/2021 1:50 PM

### City of Meridian FY2021 Budget Amendment Form

Prior Year(s) Funding	Fiscal Year 2021	Fiscal Year 2022	Fiscal Year 2023	Fiscal Year 2024	Fiscal Year 2025	Department Name: <u>HR</u>
Personnel	\$ -	\$ -	\$ -	\$ -	\$ -	<b>Title: <u>Citywide Compensation and Market Studies</u></b> <b>Instructions for Submitting Budget Amendments:</b> > Department will send Amendment with Directors signature to Finance (Budget Analyst) for review > Finance will send Amendment to Council Liaison for signature > Council Liaison will send signed Amendment to Mayor > Mayor will send signed Amendment to Finance (Budget Analyst) > Finance (Budget Analyst) will send approved copy of Amendment to Department > Department will add copy of Amendment to Council Agenda using Novus Agenda Manager
Operating	\$ 123,000	\$ -	\$ -	\$ -	\$ -	
Capital	\$ -	\$ -	\$ -	\$ -	\$ -	
Total	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>Total Estimated Project Cost: \$ 123,000</b>						

#### Evaluation Questions

Please answer all Evaluation Questions using the financial data referenced above.

1. Describe what is being requested?  
 This request is to allow the City to contract with a consultant (Gallagher Consulting) for the purpose of providing a proposal to assist the City in performing a full classification and compensation study, involving approximately 223 classifications covering 500 general employees. The results of the study will be presented to Council along with a recommendation from the Compensation Committee on next actions/steps to be taken.

2. Why was this budget request not submitted during the current fiscal year budget cycle?  
 This request is outside the normal budget process to maximize the timeliness of conducting the study as the scope of work was not completed in time for the normal budget process. The City did not want to delay a study any more than it could.

3. What is the explanation for not submitting this budget request during the next fiscal year budget cycle?  
 This request is looking to complete a study for the implementation for the upcoming fiscal year and any delays would not be fair to the employees.

4. Describe the proposed method of funding? If funding is split between Funds (i.e. .General ,Enterprise, Grant), please include the percentage split. List the amounts and sources of anticipated additional revenue that will result from approval of this request.  
 General Fund Balance

5. Does this request align with the Department/City's strategic plan? If not, please explain how this request was not included in the Department/City strategic plan?  
 Yes

6. Does this request require resources to be provided by other departments? If yes, please describe the necessary resources to be provided by other departments.  
 No

7. Does this Amendment include any needed Equipment or Software that will utilize the City's network? (Yes or No)

8. Is the amendment going to result in the disposal of an asset? (Yes or No)

9. Any additional comments?  
 Scope of work is attached from Gallagher Consulting.

**Total Amendment Request \$ 123,000**

*Every effort should be made to avoid reopening the budget for an amendment. Departments will need to provide back up and appear before the City Council to justify budget amendments. Budget amendments are intended for emergency or mandatory changes to the original balanced budget. Changes to the original balanced budget may cause a funding shortfall.*



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# The City of Meridian

## EMPLOYEE JOB CLASSIFICATION & COMPENSATION STUDY

April 2, 2021



Mike Verdoorn  
Managing Principal | Public Sector & Higher Education

Gallagher Human Resources & Compensation Consulting  
901 Marquette Ave S., Suite 1900  
Minneapolis, MN 55402

651.234.0845  
Mike\_Verdoorn@ajg.com  
GallagherHRCC.com



April 2, 2021

Crystal Ritchie  
Human Resources Director  
City of Meridian  
33 E Broadway Ave  
Meridian, ID 83642

Dear Ms. Ritchie:

We appreciate the opportunity to present this proposal regarding services Gallagher's Human Resources & Compensation Consulting practice ("Gallagher") is able to offer the City of Meridian ("the City"). Gallagher is highly capable and qualified to work with the City based on our extensive experience with public sector organizations in Idaho and across the country.

It is our understanding that the City is seeking a consultant for the purpose of providing a proposal to assist the City in performing a full classification and compensation study, involving approximately 223 classifications covering 500 general employees. We have prepared a proposal and organized it in the following sections:

- Letter of Introduction
- Compensation Program Development Experience
- Prior Government Experience
- Project Manager's Experience
- Proposed Project Team Experience
- Resumes

We believe we will provide the City with the most diverse project team of any consulting practice in the country, which enhances the solutions and recommendations we will provide on this engagement. The questions and perspective provided by our team ensure we anticipate the many issues the City may face throughout this project, as well as the ongoing management of the new classification and compensation structure.

We would consider it a privilege to serve the City in this capacity. We confirm that this proposal will be valid for up to ninety (90) days.



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Thank you for this opportunity to offer our services. Please feel free to contact us at any time if you have any questions or require additional information. We look forward to hearing from you soon.

\* \* \* \* \*

Sincerely,

Mike Verdoorn, MA-HRIR  
Managing Principal

651.234.0845  
Mike\_Verdoorn@ajg.com



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## LETTER OF INTRODUCTION

Arthur J. Gallagher & Co. opened its doors for business in 1927 and is still “growing strong” because of a practiced ability to help clients think ahead. Founded by its namesake, Gallagher is now one of the world’s largest human capital, insurance brokerage, and risk management services firms. Headquartered in Rolling Meadows, IL, we have operations in 33 countries, and extend our client-service capabilities to more than 90 countries through a global network of consultants.

Gallagher Benefit Services, Inc. is a wholly owned subsidiary of Arthur J. Gallagher & Company, a publicly traded company under the symbol AJG. Gallagher Benefit Services, Inc. was incorporated in 1999 in Delaware and founded in 1961. **For over 59 years, GBS has specialized in strategic benefits consulting, brokerage and administration.**

<p>Global Reach. Local Presence.</p> <p>Shared Values + Passion of Excellence = Promises Delivered</p>	<p>The Gallagher Way</p> <p>25 tenets that have guided a team-oriented culture for 30+ years</p>	
<p>\$5B+</p> <p>Total Adjusted Brokerage &amp; Risk Management Revenues (2018)</p>	<p><b>SOCIAL RESPONSIBILITY</b></p> <p>Companywide focus on ethical conduct, employee health and welfare, environmental integrity and community service.</p>	<p>30,000+</p> <p>Employees Worldwide</p>
<p>850+</p> <p>OFFICES IN 35 COUNTRIES</p>	<p>FOUNDED IN 1927</p> <p>FAMILY RUN</p>	<p>150+</p> <p>COUNTRIES SERVED</p>



## Public Sector Expertise

Gallagher's public sector consulting practice has been in business since 1981, beginning as the public sector compensation consulting practice of Ernst & Young. In January 1995, Ernst & Young elected to withdraw from the public sector marketplace and sold its public sector compensation consulting practice to Fox Lawson & Associates. On October 1, 2009, Arthur J. Gallagher & Company purchased Fox Lawson. We are now a division of Gallagher and operate with the same personnel.

Gallagher's public sector consulting practice includes extensive experience in developing and communicating a compensation philosophy, designing and implementing market-aligned pay structures, and developing job evaluation methods to maintain internal equity. We conduct benchmark analyses, including conducting custom tailored salary surveys (if needed), and recommend appropriate administrative and procedural guidelines to maintain the compensation system. We ensure that our clients comply with applicable laws and regulations, such as the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA), and Equal Employment Opportunity (EEO) standards and have pay systems that are appropriate for their organization and market strategy. Over the past 32 years, our personnel have served more than 500 public sector clients.

## Approach & Methodology

We respect the uniqueness of each project and strive to customize our approach to the specific needs of every organization. However, we also recognize that some elements remain constant across all organizations. With Gallagher's Human Resources and Compensation Consulting team, you will have a partner who understands the strategic, business critical role of human resources. Our intention has always been to be efficient, yet nimble, in order to deliver a customized solution that will drive and ultimately achieve meaningful business outcomes. Our practice has a holistic focus on employee and organizational wellbeing. It is the guiding principle that informs every aspect of Gallagher's comprehensive approach to benefits, compensation, retirement, employee communications and workplace culture. Our practice is a combination of some of the most respected names in human resources and compensation consulting. Bringing together experts from compensation, performance, search, survey, and leadership fields, Gallagher empowers clients with tools for the entire lifecycle of employment management.





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Our approach to all projects is to establish a partnership with each client, and to deliver work that is:



Gallagher will strive to give the City *all that you need* to be successful and allow your employees to continue to thrive in an inclusive environment. Since our founding in 1927, we have strived for excellence in delivering human resources consulting solutions, risk management, and employee benefits with superior customer service and a focus on ethics and social responsibility. We take pride in being a client-focused organization with a solid record of accomplishment of exceeding client expectations.

By choosing Gallagher, the City will join thousands of municipalities from across the country who have found their consulting needs are best served by a consulting team with public sector specialization and private sector insights. As a Gallagher client, you will be served by a dedicated consulting team and backed by the power of a 33,000+ employee organization with 300+ dedicated public sector consulting specialists.

## Ensuring Project Success

We ensure our clients are satisfied with our services, and we overcome potential challenges, through ongoing communication and regular follow-up upon project completion. Practice Leaders are always available to assist clients in the rare circumstance that the project leader is unable to rectify a situation. We use the following five principles to manage consulting assignments to ensure project success:

1. **Clarifying expectations and planning to meet them.** To make sure we meet or exceed your expectations, we start the project by asking the City's primary stakeholders about their goals and objectives for the project, identify issues to be addressed, and agree upon the timeline and processes. We will then develop a project plan designed to meet those



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expectations, review the project plan with the primary stakeholders, and provide progress reports throughout the project to mitigate unforeseen outcomes.

2. **Using planning meetings to keep the project on track.** We use a project management process, which typically includes three or more planning meetings for the entire team to keep work focused, on time, and on budget.
3. **Documenting essential tactical details.** We keep detailed notes on all interactions with our clients and planning meetings to track issues, document the commitments we make, and focus our efforts on the most important outcomes.
4. **Outlining reports.** Before drafting our report, we will outline the preliminary observations and recommendations with you. In doing so, we use our project plan and notes to ensure the report remains aligned with your project goals, addresses the issues we were asked to address, and focuses attention on major themes.
5. **Ongoing communication.** We maintain open communication with management and the City project manager throughout the project.

Our approach is to maintain ongoing and satisfying consulting relationships with our clients to develop and maintain lasting strategies that support the entire human resources environment functioning on an effective operational level.

## COMPENSATION PROGRAM DEVELOPMENT EXPERIENCE

Gallagher is one of the most successful and industry-recognized providers of employee benefit brokerage, consulting, and administrative services. With over 2,000 Public Entity clients across the country, we are confident that Gallagher is the most proactive partner for the City. Our proposal provides the City with a strong partner in today's marketplace. We go beyond the typical approach, and holistically look at all aspects of your total rewards program with the resources and ability to consult your organization on both benefits and compensation. This strategic perspective allows us to help the City best attract, retain and engage employees.

The following case studies demonstrate our experience with successfully completing comprehensive classification and compensation studies, and our experience with significantly diverse and large public sector employee workforces.

*CITY OF CHATTANOOGA, TN*

In the past year, we have completed a classification and total compensation study for the City's general employee population (excluding its sworn police and fire job classifications).

In particular, the City was interested in applying a new job evaluation methodology to its current positions, updating its minimum and maximum pay ranges, identifying opportunities for career growth and development in current classifications, formally identifying its comparator organizations, updating its compensation philosophy and supporting strategies and revising human resources policies that would allow the City to better attract, recruit and retain top talent.

The project began with an on-site initiation meeting between Gallagher consultants and the City's project team to review the timeframes, deliverables and expectations for the project and to discuss potential comparator organization. Once the consultants and project team were solid on the timeframes, deliverables and expectations, Gallagher consultants spent approximately three days on-site to introduce employees and union representatives to the project and to inform them of what they can expect throughout. These meetings were held at various times throughout the three days (i.e. early morning into the late evening) to reach employees regardless of their work schedules with the City. Meetings were also held with the City's department heads in order to understand the challenges they experience with attraction, recruitment and retention within their respective departments and to obtain their thoughts on where the City competes for talent. Department heads were encouraged to inform the consultants of any concerns they had with regard to job classification and compensation for consideration in the project.

While the meetings were being held, Gallagher consultants were working in the background to research the discussed comparators and to determine if there were any that should be considered that were similar to the City of Chattanooga in population, services and governmental structure. This was an important step as these comparator organizations would be those who would be sent a custom survey on behalf of the City to obtain their pay information as well as pertinent pay practices and benefit information. Once Gallagher consultants and the City reviewed and confirmed the comparator organizations, the survey was developed and deployed. While the survey was out for participation, Gallagher consultants utilized published survey data to add to the market data in order to incorporate the private market compensation.



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Data from the custom survey and the published survey data were combined and the preliminary analysis was conducted on the data, which Gallagher consultants reviewed with the City's project team. This was an important step to ensure both the Gallagher consultants and the project team both agreed on the data and the methodology utilized. Gallagher consultants explained how the data was aged and weighted appropriately.

While the custom survey was being completed, Gallagher consultants introduced the City to the Decision Band Methodology (DBM®) to determine if it was the right job evaluation methodology for the City. The City adopted DBM® and Gallagher consultants provided extensive training and materials to the City's Human Resources staff to ensure they would be successful in applying DBM® to future classifications. Gallagher consultants then applied DBM® to the City's current classifications and reviewed the reasoning for the band and grade recommendations with the City's Human Resources staff.

Based on the findings from the market analysis, Gallagher consultants worked with the City to refine its current compensation philosophy and supporting strategies. Gallagher consultants also worked with the City to make changes to human resources related policies that affect compensation for the various pay actions that would occur throughout employment.

Draft and final reports were prepared and reviewed with the City's project team. The City's team provided input and changes in order to prepare for the final presentation with the City Council in February 2020.

Today, Gallagher continues to be a trusted partner of the City and looks forward to working with the City on the implementation of their new compensation system.

*PRINCE WILLIAM COUNTY, VA*

The County collaborated with Gallagher to conduct a comprehensive classification, compensation, and pay equity study.

The classification study included Gallagher assisting the County in the administration of a Position Description Questionnaire (PDQ) to gather information about each employee's respective role. Gallagher also interviewed a sample of employees in an effort to gain clarity where needed. Once that information was received and reviewed, Gallagher consultants utilized the information to create a new classification structure and classification descriptions for the resulting classifications. Gallagher consultants closed this phase by assigning job evaluation ratings to all classifications.

For the comprehensive compensation study, Gallagher consultants worked with the County to determine what positions should be included in a custom survey that was sent to 25 comparator organizations. For positions that are not easily found in the public sector, Gallagher consultants utilized published survey sources to market price these positions. The analyzed information was then utilized to create a salary structure that was internally equitable and externally competitive.

Gallagher consultants also performed a pay equity study for the County to identify potential pay disparities on the basis of race, age or gender.

Upon the completion of the analysis, Gallagher consultants reviewed the data with the County's project team and incorporated feedback into the draft and final reports. Recommendations with implementation options were provided to the project team.

Final presentations were made to leadership team and to the County's Board.

*CITY OF RALEIGH, NC*

The City collaborated with Gallagher to conduct a classification and compensation redesign study which began in June 2016. The objectives of this study included:

- Review duties and responsibilities of current jobs and employees to develop a new classification system.
- Develop new classification specifications.
- Evaluate jobs for internal value relationships.
- Collect market compensation data from private and public organizations.
- Develop a new/revised compensation system that is externally competitive and internally equitable.
- Review and update compensation policies and practices.
- Develop a transition plan.

The classification review was conducted to assess the types and levels of work across all jobs in the City and provide recommendations for an updated, simplified, and sustainable classification system. The more than 700 current City job classes were consolidated by type and level of work into an updated class system that incorporates approximately 260 job classes across 34 job families. The type and level of work for each class was rated using the Decision Band Method® job evaluation tool. Class specifications addressing the type and level of work for each job consistent with the approved class structures were developed. Employees were allocated to the new class systems based on PDQs and management input. A reconsideration process was also included in the process.

A customized data collection instrument was developed to collect pay data on each of the benchmark classifications from the City's national and local labor market. Survey data was analyzed to develop four separate pay structures tailored for specific groups of employees which was coordinated with the job evaluation results. Structures consisted of broad-banded open ranges and step structures. Gallagher provided implementation cost options for the City's consideration. In addition, pay practice and classification and compensation policy recommendations were provided to the City.



## Project Methodology

Our practice leaders and staff have assisted many public-sector organizations with classification, compensation, benefits, FLSA and policy and procedure issues. Our significant experience has resulted in a comprehensive understanding of the jobs under study and the best practices employed by many organizations throughout the country. These are listed below:

**Employee Involvement:** The study should be introduced to employees so they know what will happen and can ask questions. We suggest summarizing the study findings at the end of the project so employees can understand the results. Updates throughout the process will go a long way toward acceptance of the results. We believe that if employees know how and why they are compensated, they will accept compensation practices more readily than if the system was created without their involvement.

**Leadership Sponsorship:** Change is hard! Updating classification and compensation systems requires strong and visible support of an organization's management and governance.

**Internal Equity:** While market parity is important, most employees want to make sure they are paid fairly in relation to other employees.

**Project Timing:** Doing it right allowing time for understanding and acceptance produces a better study outcome than trying to meet unrealistic deadlines.

**Data/Exceptions:** Rely on data, but make decisions based on your organization. It has been our philosophy that the results and recommendations should be based on verifiable, auditable and valid data and professional standards. Once the basic structure is in place, an organization should be open for adjustment as there may need to be updates for special conditions or other factors that were not anticipated.

**Communication:** These systems need to be simple, straightforward and transparent and require consistent and long-term education of managers and employees to ensure understanding and acceptance.

**Pay Compression:** Attention needs to be paid to implementation costs when employees are placed in the pay ranges and the potential for creating or increasing pay compression. Organizations should be aware of how their actions may contribute to pay compression and understand that pay administration practices may need to be adjusted.



## Compensation Standards & Practices

We follow professionally accepted compensation principles and practices as outlined by *WorldatWork*, SHRM, and the Department of Labor. Some of these guidelines are listed below. We have also authored many articles on various aspects of conducting salary surveys; please refer to our website [www.ajg.com/compensation](http://www.ajg.com/compensation) for these specific articles.

We utilize the following guidelines for benchmark selection:

- Representation of all job families and levels throughout the organization
- Highly populated jobs
- Jobs found in most organizations
- Jobs with recruitment or retention problems

We will review job descriptions and other job documentation to ensure we understand the duties and responsibilities, level that the job is functioning at, and the reporting relationships so that participating organizations can match their classifications to the benchmark jobs. We will draw on our 30 years of salary and benefits survey experience to determine if a comparable job can be found in the labor market. We will ask the City to clarify any questionable jobs and/or answer any questions we may have about a particular job.

We follow guidelines for job matching (match only those jobs that match at least 80% of the duties, responsibilities and functions as outlined in the benchmark job summary).

We follow professionally accepted guidelines for defining labor markets and selecting organizations to survey. We factor in that different jobs will have different recruiting markets, by:

- Type of organization (e.g. Carnegie classification)
- Size of organization
- Geographic location

It is important to define an organization's labor market prior to the survey rather than after the data have been collected so that it does not appear that the labor market data are being manipulated to support a certain conclusion. This could cause significant issues from an employee perception standpoint as well as potentially violate Federal Trade Commission and the U.S. Department of Justice's Sherman Antitrust Act guidelines in regard to the analysis of salary data.

Any published sources utilized must meet the following criteria:

- Be conducted by a reputable salary survey firm
- Survey data is not self-reported
- Survey is conducted on a continual basis instead of a one-time event
- Survey reports its data sources, the effective date of the data, and was tested to ensure accurate matches and data





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We will develop a data collection form that poses questions in a fashion that is simple for participants to answer, as well as being easy to quantify and analyze.

We follow-up with participants to ensure data quality and validity of matches and data being reported. If there are any questions, we seek job descriptions, organizational charts and other information.

We perform several reviews of the data as well as statistical tests to identify any extreme data and to ensure the validity of the data. Items we check for and follow-up on are:

- Job matches
- Labor market is right for each benchmark (as it was defined in beginning of study)
- The range of salaries reported for each benchmark (any abnormally high or low)
- Extreme range spreads (either abnormally high or low)
- Relationship of minimums and maximums (minimums not higher than maximums)
- Actual salaries fall within the specified ranges (not less than minimum or significantly over maximum)
- Relationship of progression in levels (e.g., a level ii job should have a higher salary than a level i job)

We utilize trend factors for aging data so that all data is consistent to a current point in time. The trend factors are derived from either the U.S. Department of Labor data or *WorldatWork* Surveys.

We apply geographic differentials as appropriate and necessary to ensure that the data are reflective of the City's labor market and economic conditions. We use third party resources (ERI) to identify the appropriate geographic differences. These geographic differentials will be shown separately.

We calculate various statistics for summarizing the data (means, medians, highs, lows, percentiles). We follow the Federal Trade Commission and the U.S. Department of Justice guidelines that 5 matches should exist per job in order to draw reliable conclusions. Therefore, we do not calculate statistics (means, medians, etc.) on jobs with fewer than 5 job matches.

## **Gallagher Better Works Assessment Tool:**

With our Gallagher Better Works model, we work with you to establish your vision and path to organizational wellbeing at the City. In order to develop a strategy custom to your distinct organization, we must first align your objectives and priorities as individuals that draft the blueprint of organization success.



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We will leverage the proprietary Gallagher Better Works<sup>SM</sup> Assessment to gather data around the unique nature of your organization's goals and workforce. As key stakeholders, you will complete the assessment using your individual perspective to define urgency around a number of topics in each area of wellbeing (physical & emotional, career, financial, organizational). Gallagher will then aggregate the results to provide your decision-makers with an interactive report defining top areas of organizational urgency. This will provide the City with a set of tiered objectives, and it will allow your Gallagher team to deploy a targeted consultative strategy with the most applicable team and resources in place.

With these answers, it's our job to help you build a better workplace. One that attracts, engages and retains top talent. A place where people feel they belong — where there's a stronger sense of developing a career than punching a clock. And a culture of opportunity that draws new talent because it inspires employees to deliver their professional, and personal, best.

While Gallagher has a broad understanding of human resources systems, our practice specializes in public sector classification and compensation studies. These studies typically include: developing new classification structures and job descriptions, evaluating jobs with a job evaluation methodology to determine internal equity, conducting a custom tailored salary survey, developing a competitive pay system, recommending strategies to implement the new compensation structure, and ensuring appropriate administrative and procedural guidelines are in place to maintain the system. These studies ensure that our clients comply with applicable laws and regulations, such as the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA), and Equal Employment Opportunity (EEO) standards, and have pay systems that are appropriate for their organization and market strategy.

Gallagher is one of the most successful and industry-recognized providers of employee benefit brokerage, consulting, and administrative services. With over 2,000 Public Entity clients across the country, we are confident that Gallagher is the most proactive partner for the City. Our proposal provides the City with a strong partner in today's marketplace. We go beyond the typical approach, and **holistically** look at all aspects of your **total rewards program** with the resources and ability to consult your organization on both benefits and compensation. This strategic perspective allows us to help the City best attract, retain and engage employees.



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## PROJECT MANAGER'S EXPERIENCE

**YOLANDA HOWZE, MPA, SPHR, SHRM-SCP, IPMA-SCP – Senior Consultant** Ms. Howze is a well-regarded, award-winning Human Resources professional with over 18 years' public sector Human Resources experience—primarily in municipal government. Prior to joining Gallagher she was the Assistant to the City Manager/Director of Human Resources for the City of University City, MO, and her professional experience also includes eight combined years as the Director of Human Resources with the City of University City, MO (2005-2010 and 2018-2020) and over six years as Director of Human Resources with the City of Bellaire, TX (2012-2018). She was selected by her peers as the 2015 Texas Municipal Human Resources Association (TMHRA) Human Resources Professional of the Year. As a Human Resources leader her experience and competencies include: Compensation and Classification Administration, Benefits Administration, Performance Management, Project Management, HRIS and Process Improvement, Change Management, Labor Relations, Emergency Management and Disaster Recovery, Full-Cycle Recruiting and Retention, Training and Organizational Development, and Safety and Risk Management. Yolanda has a Bachelor of Arts in Psychology and a Bachelor of Arts in Organizational Leadership from Maryville University St. Louis, as well as a Master of Arts in Public Administration and Policy Analysis from Southern Illinois University Edwardsville. Having worked in the public sector for 26 years, she is passionate about her craft and being of service to others, which, in addition to her employment experience, she has demonstrated through serving on local and regional boards and committees including IPMA-HR and additional volunteerism.

### Project Plan

In the project plan below, Gallagher has integrated the scope of work requested by the City into our approach and deliverables ensuring to address the requests of the City. All phases will require that the City's project team and Gallagher have ongoing project meetings to review the progress of the project, review draft materials, and discuss next steps.

#### PHASE 1: PROJECT INITIATION & STRATEGY DEVELOPMENT

- Meet with key Human Resource staff and/or the City's Project Team to establish and confirm initial objectives, project plans, establish **finite** time frames and logistics, etc. In addition, conversations with



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human resources will lead to a better understanding of the City's culture, philosophies on key issues, and will help Gallagher identify appropriate strategies and methodologies for addressing the City's compensation concerns.

- Interview key management staff. These interviews allow us to obtain a better understanding of management's philosophies on key issues, identify areas of concern, and develop appropriate strategies and methodologies for addressing the City's compensation concerns. The meetings also help to establish buy-in and trust at the start of the project. Gallagher develops a comprehensive interview guide to ensure that the appropriate issues are being addressed.
- Develop communications strategies that will strengthen employees' understanding of the process and guide expectations. This is typically done by conducting informational meetings at the start of the project and an overview of the final results at the completion of the project. It will be imperative for the City's Human Resource staff or Project team to be engaged and to guide this process.

**Gallagher:** Organization & compensation material collected from the City and reviewed by Gallagher.

**Gallagher and the City:** Identification of possible barriers to implementing and maintaining change.

**Gallagher and the City:** Discussion/review of the strengths and weaknesses of the City's current classification & compensation systems.

**Gallagher and the City:** Review, discussion and refinement, as appropriate, of the City's current compensation philosophy and supporting strategies. The City to review, provide feedback, and approve before project finalization.

**Gallagher and the City:** Project timetable confirmed.

**Gallagher and the City:** Employee orientation sessions conducted to explain the study and Position Description Questionnaire (PDQ) process.

**Gallagher and the City:** Conduct of meetings with the leadership team at critical intervals to discuss deliverables.



## PHASE 2: JOB EVALUATION & CLASSIFICATION STUDIES

- PDQ template provided for all employees to complete individually or in groups. While we can use current job descriptions, we highly recommend this approach to increase employee involvement and resulting in higher level of acceptance.
- Representative samples of staff interviewed as individuals or groups. We also recommend holding management (department head and executive leadership) interviews to ensure a comprehensive assessment of the job responsibilities and levels.
- Development of a draft Classification structure (job family structure) for review and discussion with the project team. There are multiple options for the development of the classification design, and we present these approaches for discussion with the project team.
- Review of current job description format and make recommendations related to structure and content for compliance and consistency.
- Career Ladders and Promotional Opportunities  
 We anticipate that municipalities like the City will grow and can often require a higher level of complexity within a job category. To ensure that our pay system grows with the organization and that jobs are properly evaluated and valued, we will include multiple levels within a job category even if those levels are not currently in the City's workforce. We believe this will allow the City more flexibility in creating career paths and administering the system. For example, when available, we will provide information for the different levels within a position like Equipment Operators I, II, III; identifying required years of experience and levels of general knowledge.
- Appropriate FLSA status verified.
- After definition of the classification levels and comprehensive understanding of the types and levels of work, we will apply the job evaluation method. We believe it is important to start with a complete understanding and valid definition of the classification structure that will support the determination of internal equity.
- At the conclusion of this phase and the acceptance of a final classification structure, we will begin the development of the classification descriptions, which will include the framework for future development.
- After initial discussion of the job evaluation methods in the first phase of the project, we will work with the project team to apply the selected job evaluation system applied to all classifications.
- HR and management personnel trained in the use of new job evaluation system.
- Draft internal ratings reviewed to ensure organization-wide equity.
- Job evaluation ratings finalized with HR after training to ensure understanding of methods and results.
- We recommend reviewing the ratings for each department or function area with the key leadership to ensure the understanding and accurate reflection of the job levels and responsibilities.

**Gallagher:** Review of current organization material and job descriptions, and PDQ's.

**Gallagher and the City:** On-site employee interviews and/or employee occupational panels if requested.

**Gallagher:** Development of a recommended classification structure.

**The City:** Provide consolidated and timely feedback to recommended classification changes. One set of revisions by the organization.



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**Gallagher:** Finalized classification recommendations, allocations and crosswalk provided to the City.

**Gallagher:** Development and approval of new class specifications/descriptions including FLSA and ADA recommendations (detailed description of this process below). One set of revisions allowed by the City. Priced separately per specification and completed by the end of the full project study.

**Gallagher:** Application of a formal job evaluation tool selected and provide related recommendations.

**The City:** Internal review conducted, and consolidated feedback provided to Gallagher. Finalized job evaluation.

**Gallagher and the City:** Training scheduled and conducted for the City as appropriate in the use of the new job evaluation system.

## Update Job Descriptions

Job descriptions are a crucial component in ensuring continuity and consistency within an organization. They are useful in training and coaching employees, evaluating employee performance, establishing accountabilities for individuals, and managing employee compensation. Well-written, objective job descriptions are an important aspect of managing and clarifying work responsibilities. Job descriptions help to formalize the essential duties and responsibilities of a job. Effective and well-written job descriptions describe expected outcomes, responsibilities, and working conditions associated with jobs. Specifically, Gallagher develops job descriptions that contain information regarding the following:

- Employee work requirements and outcomes;
- How employees do their jobs;
- Knowledge, skills, etc. that the job requires;
- Working conditions and the physical demands of the job
- And include the specific items requested by the City and in a format approved by the City:
  - Job Summary; Essential Job Functions; Minimum Qualifications (education, experience, knowledge, skills, licensure/certification, etc.); Working Conditions; Physical Requirements; EEO categories; FLSA Exemption Status; Difficulty; Interpersonal Relations; Supervision Given and Received; etc.

## PHASE 3: COMPENSATION STUDY

### CUSTOM SURVEY

Labor market confirmed and survey participants identified to gather data from local, state and regional sources.

Benchmark jobs identified and summarized.

Identification of hard to recruit positions and assessment of the relevance of compensation for recruiting.

Pay practice and benefits questions determined for inclusion in the custom survey.

Custom survey developed and conducted.



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## INTEGRATE PUBLISHED SURVEY SOURCES

Use published survey sources to supplement custom survey data.

Identify appropriate published survey sources.

Collect market data from published survey sources using data cuts from public, private, local, state and regional sources.

### The following activities will be performed on all data:

Comprehensive internal salary relationship analysis of data to ensure the structure is internally equitable and externally competitive.

Competitive analysis performed.

Recommended pay structure developed or existing structures updated (includes 1 revision if requested).

Internal review conducted and consolidated feedback provided by the City. The City approves the updates to the pay plan(s) and other recommendations and implementation options.

Provide the City with up to three (3) transition options, recommendations and next steps/ongoing maintenance.

**Gallagher and the City:** Labor market confirmed, and survey participants identified of up to 50 organizations and confirmed by the City.

**Gallagher and the City:** Benchmark jobs identified and approved by the City.

**Gallagher:** Market pricing specifications detailing the survey and data collection process developed by Gallagher and approved by the City.

**Gallagher:** Custom salary survey document developed by Gallagher and approved by the City.

**Gallagher:** Published survey (private sector) sources and data identified and approved for compensation research.

**Gallagher:** Custom survey distributed collecting pay and benefits information. Published survey data collected, and research completed if required.

**The City:** Completion of the survey document as if it was a participant

**Gallagher:** Data verified, and competitive analysis performed.

**Gallagher:** Recommended pay structure(s) options or update of existing structures.

**Gallagher:** With the advanced input and current employee listing, up to three transition options costed and next steps/costs outlined.



## PHASE 4: PROJECT FINALIZATION, DRAFT & FINAL REPORTS

Conduct of meetings with the leadership team at critical intervals to discuss deliverables.

Establish guidelines that govern classification and compensation for affected City employees as well as evaluating existing compensation and classification processes and make recommendations that align with business standard best practices and promote internal equity and career advancement. Also, include recommendations for compensation guidelines that will protect the integrity of the compensation system when, or if, budget constraints threaten the system.

Draft reports and presentations developed.

Quality assurance reviews conducted.

City review and feedback consolidated.

Finalization of the City's compensation philosophy and supporting strategies alongside compensation study results.

Development of a compensation plan document and supporting administrative guidelines for ongoing management.

Final report and presentation of study findings and recommendations.

Training provided for staff including necessary tools to maintain the system.

**Gallagher:** Draft reports developed and discussed with the City.

**The City:** Quality assurance reviews conducted. Review and written feedback provided.

**Gallagher:** Report finalized.

**Gallagher:** Final presentations made to the City.

**Gallagher:** Project closure and training of City staff as appropriate and requested by the City.

## PROPOSED PROJECT TEAM EXPERIENCE

Gallagher fosters a commitment of excellence, professionalism, integrity, collaboration, and urgency to each of our clients. With each unique client, Gallagher combines these principles to deliver client services customized, specifically to meet your needs. Your Gallagher consulting team has years of experience consulting to public sector clients. Each team member has a back-up so that there would be no loss of momentum should an issue arise with any given staff member.

**RONNIE E. CHARLES, SPHR, GPHR, IPMA-CP – National Managing Director** – Mr. Charles will serve as Project Director for this engagement. Mr. Charles has over 30 years of Public Sector HR experience including Chief Human Resources Officer (CHRO) experience most recently in the District of Baltimore with additional professional stints in the District of Columbia,





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State of Virginia, and City of Suffolk, Virginia. Mr. Charles has a Bachelor's Degree in Management from Saint Paul's College. Mr. Charles is a member of several professional organizations, including the International Public Management Association for Human Resources (IPMA-HR) and currently chairs the International IPMA-HR Professional Development Committee. In addition, Mr. Charles also currently serves as the Chair of the Human Resources Institute (HRCI). Mr. Charles will personally be responsible for project overview and will be directing the services of other staff in our Minneapolis, MN office.

**YOLANDA HOWZE, MPA, SPHR, SHRM-SCP, IPMA-SCP – Senior Consultant** – Ms. Howze will serve as Project Manager. Ms. Howze has worked in public sector for 26 years including over 18 years' public sector Human Resources experience—primarily in municipal government. Prior to joining Gallagher she was the Assistant to the City Manager/Director of Human Resources for the City of University City, MO, and her professional experience also includes eight combined years as the Director of Human Resources with the City of University City, MO (2005-2010 and 2018-2020) and over six years as Director of Human Resources with the City of Bellaire, TX (2012-2018). As a Human Resources leader her experience and competencies include: Compensation and Classification Administration, Benefits Administration, Performance Management, Project Management, HRIS and Process Improvement, Change Management, Labor Relations, Emergency Management and Disaster Recovery, Full-Cycle Recruiting and Retention, Training and Organizational Development, and Safety and Risk Management. Yolanda has a Bachelor of Arts in Psychology and a Bachelor of Arts in Organizational Leadership from Maryville University St. Louis, as well as a Master of Arts in Public Administration and Policy Analysis from Southern Illinois University Edwardsville.

**MIKE VERDOORN, MA-HRIR, CCP, IPMA-SCP – Managing Principal** – Mr. Verdoorn will serve as Technical Advisor for this engagement. Mike has been with Gallagher for 15 years and has experience working with public sector organizations across the United States. Mr. Verdoorn has led over 100 similar projects addressing the compensation issues in complex organizations. He has a Master's Degree in Human Resources and Industrial Relations from the University of Minnesota and has earned his CCP certification from *WorldatWork*. Prior to joining the firm, he was a compensation analyst at Imation and at the University of Minnesota.



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**KAREN WELCH, MBA, PMP - Consultant** - Ms. Welch will provide staff support during all phases of this engagement. She has a Bachelor of Science degree in Business Administration from Northern Arizona University and a Master of Business Administration degree from the University of Phoenix. Prior to joining Gallagher Benefit Services, she was a consultant with Deloitte Consulting, LLP.

**DEEKSHA GARG, MA-HRIR – Consultant** – Ms. Garg will provide staff support during all phases of this engagement. Ms. Garg has a Bachelor’s Degree in Psychology from Bangalore University, India and a Master’s Degree in Human Resources and Industrial Relations from the University of Minnesota. She previously worked at Nielsen Company (India) as a consultant for 2 years and later joined Basix Microfinance (India) in talent acquisition.

**MEGAN OLSON, MA-HRIR – Consultant** – Ms. Olson will provide staff support during all phases of this engagement. She has a Bachelor’s Degree in Psychology from North Dakota State University and a Master’s Degree in Human Resources and Industrial Relations from the University of Minnesota. Prior to joining Gallagher Benefit Services, she held project based roles in the nonprofit sector and with Ford Motor Company.



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## PROJECT COST ESTIMATE

Our fees to conduct the classification and compensation study outlined above (including out-of-pocket expenses) will be \$108,500 - \$123,000. The table below outlines the price per phase.

Phase	Fees
<p><b>Project Initiation &amp; Strategy Development</b> Includes virtual meeting and ongoing project management meetings throughout.</p> <p>We anticipate 2-3 initial meetings with City leadership and 2-3 introductory meetings with employees.</p> <p>**On-site meetings are available at an additional cost</p>	<p><b>\$13,500</b></p>
<p><b>Job Evaluation &amp; Classification Studies</b> Includes training remotely</p> <p>Option 1: Includes review of current job descriptions, interviews with representative sample of employees, building of classification structure and establishing internal equity through job evaluation.</p> <p>Option 2: Includes all of the above along with the ability for employees to complete a Position Description Questionnaire for the collection of primary source job responsibility information.</p>	<p><b>Option 1 (using current Job Descriptions): \$35,000</b></p> <p><b>Option 2: \$49,500</b></p> <p>(*does not include the writing / updating of job descriptions)</p>
<p><b>Compensation Study and Pay Structure Development</b> Includes use of a custom survey to include approximately 15-20 comparable organizations with 60-80 benchmark jobs. In addition, use of published sources to collect market on the same, plus other City jobs with the goal to collect market data on close to 150 benchmark jobs.</p>	<p><b>\$45,000</b></p>
<p><b>Project Finalization, Draft and Final Reports</b> Includes virtual meetings</p>	<p><b>\$15,000</b></p>
<p><b>TOTAL COST (inclusive of all Tasks) will not exceed: \$108,500 - \$123,000</b></p>	

\*Should the City request Gallagher to update/w rite job descriptions, those services will be priced separately since we are unable to determine the number that will be required. Pricing would be \$250 per job description and is in addition to the "Total Cost" identified above.



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Our study costs are directly derived from estimating the number of hours needed to perform the work and the level of the consultant charged with performing the work. Gallagher typically bills on a monthly basis up to the maximum of each deliverable; however, has agreed to bill the City on a quarterly basis as appropriate. Please note, as phases may sometimes run concurrently, a phase may not be completed at the time it is billed. All expenses are included in this quote.

\*\*Should the City wish to have on-site presentation days or meetings, the estimated cost would be \$5,000 per day which includes all expenses.

Item #6.



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## AGENDA ITEM

**ITEM TOPIC:** Community Development Department: Orchard Park Certificate of Occupancy Approval Process



Item #9.

Mayor Robert E. Simison

City Council Members:

Treg Bernt  
Joe Borton  
Luke Cavener

Brad Hoaglund  
Jessica Perreault  
Liz Strader

July 13, 2021

**MEMORANDUM**

TO: Mayor & City Council  
FROM: Bill Nary, City Attorney  
RE: Linder Village (Orchard Park) Development Agreement

This application was heard by the City Council at a public hearing on February 18<sup>th</sup>. At the hearing, the City Council voted to approve the Applicant's request for an annexation and zoning, preliminary plat, and a variance. The Council approved the application, substantially as recommended, by the Planning and Zoning Commission by a vote of 3-2.

The Legal question that has been posed upon the opening of the primary initial tenant to Linder Village, the WinCo Grocery Store, is whether the Council's direction or the development agreement required the completion of the all the access roads that were being funded primarily by the Developer, LYNX/DMG Real Estate holdings would be completed prior to the opening of the store. The store was granted TCO status for the purpose of opening the store on June 24, 2021. At the time of the opening of the store the ACHD improvements on Linder Road and Meridian Road were in substantial compliance with ACHD and therefore they authorized the approvals in relation to the work under their control. Additionally, the portion of the roadway between Linder Road and Meridian Road was substantially complete by the Idaho Transportation Department standards for the road under their authority and therefore the store opening was allowed. There is side work and landscaping that continues to be done on both roadways, but the agencies approved the work as substantially complete from a traffic safety standpoint and therefore the delay was approved by the road authorities. The City has a surety in place for the outstanding landscaping in accord with UDC standards.

The development agreement required as a condition of approval of the annexation a zoning of the property required all existing stub streets from the adjacent property (i.e. Paramount Subdivision), Arliss, Bergman, and Director be connected and that the developer complete all improvements required by ITD and ACHD in relation to the roadways in accordance with the STARS (*Sales Tax Anticipation Revenue*) agreement between the developer and the road agencies. The only local street that was required by the City to be extended into the site with the first phase of development was N. Bergman Ave. This roadway is constructed and includes the required traffic calming per the recorded development agreement. It is also important to note that the STARS agreement was not finalized at the time of annexation. During the public hearing it was discussed that the improvements to Chinden Boulevard would be

phased. This appears to be the contentious point at this time. The timing and construction of phase 2 is solely at the control of ITD. The developer is responsible for paying for the costs of the improvements, however the timeframe for construction is specified in the executed STARS agreement in accord with the development agreement with the City. It is Legal's opinion that the City followed the established process of the City and did not violate the terms of the recorded development agreement in order to grant WinCo a TCO to open the store. The final certificate of occupancy will not be issued until all improvements have been completed per the terms of the development agreement.



TEMPORARY CERTIFICATE OF OCCUPANCY  
(TCO)  
&  
CERTIFICATE OF OCCUPANCY (CO)

# Temporary certificate of occupancy (TCO)

**[A] 111.3 Temporary occupancy.** The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

## **2018 IBC Interpretation:**

The building official is permitted to issue a temporary certificate of occupancy for all or a portion of a building prior to the completion of all work. Such certification is to be issued only when the building or portion in question can be safely occupied prior to full completion. The certification is intended to acknowledge that some building features may not be completed even though the building is safe for occupancy, or that a portion of the building can be safely occupied while work continues in another area. This provision precludes the occupancy of a building or structure that does not contain all of the required fire protection systems and means of egress. Temporary certificates should be issued only when incidental construction remains, such as site work and interior work that is not regulated by the code and exterior decoration not necessary to the integrity of the building envelope. The building official should view the issuance of a temporary certificate of occupancy as an act as substantial as the issuance of the final certificate. Indeed, the issuance of a temporary certificate of occupancy offers a greater potential for conflict because once the building or structure is occupied, it is very difficult to remove the occupants through legal means. The certificate must specify the time period for which it is valid.

# Certificate of Occupancy (CO)

## [A]111.1 Change of occupancy.

A building or structure shall not be used or occupied, and a change of occupancy of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**Exception:** Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

### 2018 IBC Interpretation:

This section establishes that a new building or structure cannot be occupied until a certificate of occupancy is issued by the building official, which reflects the conclusion of the work allowed by the building permit. Also, no change in occupancy or the use of an existing building is permitted without first obtaining a certificate of occupancy for the new use. The tool that the building official uses to control the uses and occupancies of various buildings and structures within the jurisdiction is the certificate of occupancy. It is unlawful to use or occupy a building or structure unless a certificate of occupancy has been issued. Its issuance does not relieve the building owner from the responsibility for correcting any code violation that may exist. The exception simply states that when work is not under the monitor of the building department, there is no need to deal with a certificate of occupancy..

# Key Differences – TCO vs CO

## ★ TCO

- ★ Limited number of occupants, for a limited period of time; generally only those persons required to set up fixtures, furnishings, equipment, stocking and systems.

## ★ CO

- ★ Full number of occupants allowed by the building design, including staff and public. Full business operations allowed

## NOTES:

TCO and CO require all life safety requirements met and are operational. The project construction is “substantially complete” and able to be used for it’s intended purpose

TCO – Allows non-life safety items to still be in progress.

# Improvement measures

- ★ Move focus of project completion to Certificate of Occupancy
- ★ Temporary Certificate of Occupancy to only be initiated in extraordinary situations.
  - ★ WinCo at Chinden and Linder is an example of how a TCO should be issued. The store was complete and actually ready for issuance of a Certificate of Occupancy. Site improvements, not under WinCo's control, were operational but not fully completed and presented no threat to life safety.
- ★ Development agreements should not use TCO's as leverage to accomplish objectives. Bonding/Surety alone should be the method of assuring completion of non-life safety items, such as landscaping, roadways and finishes.