# THE CITY OF EAGLE
# CITY COUNCIL
# AMENDED
# AGENDA
# Eagle City Hall, 660 E. Civic Lane, Idaho
# March 12, 2024 5:30 PM

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**Indicates Added Item*

**INVOCATION**

1. **CALL TO ORDER**
2. **ROLL CALL: GINDLESPERGER, KVAMME, MAY, RUSSELL.**
3. **PLEDGE OF ALLEGIANCE**
4. **ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA**
5. **PRESENTATION:**
   - A. **Introduction of the New Eagle Conservation Advisory Committee Board Members:** Mayor Pike would like to formally introduce Mike Pellant and Tim Johnson to the Eagle City Council. Mr. Pellant and Mr. Johnson are newly appointed members of the Eagle Conservation Advisory Committee. (BKP)
   - B. **John Palumbo with the Southwest Idaho Mountain Biking Association (SWIMBA) will provide a presentation regarding the proposal for Idaho's first fully adaptive mountain bike trail to be located in Eagle (Avimor).**
6. **REPORTS:**
   - A. Mayor and Council
   - B. Department Supervisor
   - C. Eagle Police Department
   - D. City Attorney

7. **CONSENT AGENDA:** *ALL CONSENT AGENDA ITEMS ARE CONSIDERED ACTION ITEMS.* Consent Agenda items are considered to be routine and are acted on with one motion. There will be no separate discussion on these items unless the Mayor, a Councilmember, member of City Staff, or a citizen requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda in a sequence determined by the City Council. Any item on the Consent Agenda which contains written Conditions of Approval from the City of Eagle City Staff, Planning & Zoning Commission, or Design Review Board shall be adopted as part of the City Council's Consent Agenda approval motion unless specifically stated otherwise.
   - A. **Claims Against the City.**
   - B. **Minutes of February 13, 2024.** (TEO)
   - C. **Minutes of February 21, 2024.** (TEO)
   - D. **World Wish Month Proclamation:** A Proclamation for the City of Eagle declaring April 2024 as World Wish Month in the City of Eagle, Idaho. (BKP)
     World Wish Month Proclamation - April 2024
   - E. **Military Caregiver Proclamation:** A Proclamation of the City of Eagle in Support of Eagle's Military Caregivers, in collaboration with Idaho's Daughters of the American Revolution and Hidden Heroes, declaring May 2024 as the Month of the Military Caregiver. (BKP)
     Month of the Military Caregiver Proclamation - May 2024
   - F. **Pyrotechnic Public Display Contract Between the City of Eagle and Fireworks & Stage FX American, LLC dba Fireworks America:** A Pyrotechnic Public Display Contract between the City of

Eagle and Fireworks & Stage FX America, LLC dba Fireworks America to provide fireworks for Eagle Fun Days. Compensation shall not exceed $20,000.00. (JDH)

G. **Findings of Fact and Conclusions of Law for the Denial of RZ-04-17 MOD3 – Development Agreement Modification for Bronco Acres Subdivision – Mustang Crossing Eagle, LLC:** Mustang Crossing Eagle, LLC, represented by Stephanie Hopkins with KM Engineering, LLP, is requesting a modification to the rezone development agreement associated with Bronco Acres Subdivision. The request is to modify Condition of Development #3.12, removing the requirement to construct a six-foot (6') high pre-cast concrete fence located adjacent to the northern boundary of the property. The 9.84-acre site is located at the northeast corner of North Park Lane and State Highway 44. (MJW)
Findings of Fact for RZ-04-17 MOD3 Bronco Acres

H. **Findings of Fact and Conclusions of Law for the Approval of PU-03-23 – Valnova Planning Unit Master Plan (PUMP) No. 4 – GWC Capital, LLC:** GWC Capital, LLC, represented by Langvardt Design Group, is requesting approval of Planning Unit Master Plan (PUMP) No. 4 for the Valnova Planned Development (formerly known as Spring Valley). Planning Unit Master Plan No. 4 consists of 26.32-acres of land within the Southwestern Planning Area and includes one (1) 9.92-acre Estate Residential parcel and one (1) 14.28-acre Regional Open Space (ROS) lot, pursuant to Eagle City Code Title 11A and in accordance with the amended and restated development agreement associated with the Valnova Development, designating the land for the future development of the City of Eagle regional sports park. The 26.32-acre site is generally located 2,800-feet northeast of State Highway 16 at Equest Lane. (DLM)
Findings of Fact for Valnova PUMP No 4

I. **FPUD-07-23 & FP-12-23 – Final Development Plan and Final Plat for Kingswood Subdivision No. 1 – LGPD Utah, LLC:** LGPD Utah, LLC, represented by Katie Miller with Bailey Engineering, Inc., is requesting final development plan and final plat approvals for Kingswood Subdivision, an 86-lot (74-buildable, 12-common) residential subdivision. The 38.41-acre site is located on the west side of North Linder Road approximately 1,430-feet north of the intersection of North Linder Road and West Floating Feather Road. (KDO)
Final Development Plan and Final Plat for Kingswood Subdivision No. 1

J. **Findings of Fact and Conclusions of Law for the Approval of FPUD-10-23/FP-18-23 – Final Development Plan and Final Plat for Beaconwood Subdivision No. 2 – Endurance Holdings, LLC:** Endurance Holdings, LLC, represented by Matt Price, P.E. with JUB Engineers, Inc., is requesting final development plan and final plat approvals for Beaconwood Subdivision No. 2, a 38-lot (34-buildable, 4-common), residential subdivision. The 15.89-acre site is located on the southeast corner of West Beacon Light Road and North Lanewood Road. (HSD)
Findings of Fact for Beaconwood No. 2

K. **Appointment to the Urban Renewal Agency:** In accordance with Resolution 20-03, Mayor Pike is requesting Council Confirmation of the appointment of Janet Buschert to the Eagle Urban Renewal Agency. Ms. Buschert will be serving a vacated term that will expire August 2026. (BKP)

L. **Appointment to the Urban Renewal Agency:** In accordance with Resolution 20-03, Mayor Pike is requesting Council Confirmation of the appointment of Jason Barnes to the Eagle Urban Renewal Agency. Mr. Barnes will be serving a vacated term that will expire October 2024. (BKP)

M. **Cost Share Agreement for Maintenance of Service Ditch:** A Cost Share Agreement for Maintenance of Service Ditch between the City of Eagle, Valynn Village Homeowners' Association, Inc., and Bill Cowen in an amount of $2,500. The delivery of water to each party originates from a canal owned and operated by New Dry Creek Ditch Company which is diverted onto a service ditch that is approximately 1,732 feet long extending from New Dry Creek Ditch Company's canal to a distribution box. (ELZ)

N. **Third Amendment to Fleet Service Agreement Between the City of Eagle and Commercial Tire:** Third Amendment to Fleet Service Agreement between the City of Eagle and Commercial Tire to provide fleet services. Exhibit A-3 of the agreement provides service cost. (ELZ)

**8. UNFINISHED BUSINESS:**

A. *ACTION ITEM:* **Ada County Highway District's 2024-2028 Integrated Five-Year Work Plan (IFYWP) Request:** Review of the Ada County Highway District's Draft IFYWP priorities and

discussion of additional comments to the ACHD Commission prior to ACHD's adoption. (NBS)
*This item is continued from the February 27, 2024 Council Meeting.*

**9. PUBLIC HEARINGS:** *ALL PUBLIC HEARING ITEMS ARE CONSIDERED ACTION ITEMS.* **Public hearings will not begin prior to 6:00 p.m.**

- Public Hearings are legally noticed hearings required by state law. The public may provide formal testimony regarding the application or issue before the City Council. This testimony will become part of the hearing record for that application or matter.
- Public hearing testimony time limits: Individuals testifying are allotted three (3) minutes for non-repetitive testimony
- Disclosure of ex parte and/or conflict of interest.

A. **CU-13-23 – Conditional Use Permit for a Waiver of Eagle City Code Section 8-3-5 (A)(1) – Constance Larsen-Witte:** Constance Larsen-Witte is requesting conditional use permit approval for a waiver of Eagle City Code Section 8-3-5(A)(1) to permit the construction of a pergola located within the street side yard area. The 1.8-acre site is located on the southwest corner of West Autumn Crest Drive and North Locksley Way at 2939 West Autumn Crest Drive. (KDO)
Staff Packet for CU-13-23

B. **RZ-04-07 MOD/PP-01-22 – Development Agreement Modification and Preliminary Plat for Flats Sixteen Subdivision – Jordan Tampien:** Jordan Tampien, represented by Clifton Trimble with Storhaug Engineering, is requesting a development agreement modification (development agreement in lieu of a PUD) and preliminary plat approvals for Flats Sixteen Subdivision, a 109-lot (94-buildable [59 single-family, 35 single-family attached], 1-commercial, 14-common) mixed use subdivision. The 31.16-acre site is located on the west side of State Highway 16 approximately 1,290-feet north of the intersection of West Beacon Light Road and State Highway 16 at 3701, 3703, and 3705 North Highway 16. (MJW)
Staff Packet for Flats Sixteen

C. **RZ-11-23 & PP/FP-02-23 – Rezone and Combined Preliminary Plat and Final Plat for Oakwood Meadows Subdivision – Shane Mace – Buffalo Hump, LLC:** Shane Mace – Buffalo Hump, LLC, represented by Sanel Tucakovic, is requesting a rezone from R-E (Residential-Estates) to R-2-DA (Residential with a development agreement), and combined preliminary plat and final plat approvals for Oakwood Meadows Subdivision, a 5-lot (4-buildable, 1-common) residential subdivision. The 2.8-acre site is located on the north side West Oakhampton Drive approximately 200-feet east of the intersection of West Oakhampton Drive and South Mallard Wing Way at 1920 West Oakhampton Drive. (HSD)
Staff Packet for Oakwood Meadows

**10. NEW BUSINESS:**

A. *ACTION ITEM:* **Request for Reconsideration for RZ-08-23 – Rezone from A-R to R-E-DA – Robert West:** Robert West is requesting City Council reconsideration of the decision to deny the following: A rezone from A-R (Agricultural- Residential) to R-E-DA (Residential-Estates with a development agreement). The 4.95-acre site is located on the east side of North Beverly Drive approximately 860-feet south of the intersection of West Floating Feather Road and North Beverly Drive at 950 North Beverly Drive. (MJW)
RZ-08-23 West Reconsideration

B. *ACTION ITEM:* **First Reading of Ordinance 916 - Idaho Power Franchise Agreement:** An Ordinance In Accordance With Idaho Code 50-328, 50-329 And 50-329a Granting A Franchise To Idaho Power Company, A Corporation, And To Its Successors And Assigns, To Construct, Maintain And Operate In And Upon The Present And Future Streets, Highways And Other Public Places Within The Corporate Limits Of The City Of Eagle, Idaho, Electric Utility Property And Facilities For Supplying Electricity And Electric Service To The City, The Inhabitants Thereof, And Others For A Term Of 25 Years, Including The Nonexclusive Right To Physically Locate And Maintain Telephone, Cable, Fiber Optics Or Other Communications Facilities; Setting Forth An Agreement Not To Compete, Reserving Power Of Eminent Domain; Providing For The Payment Of Franchise Fees; And Specifying Other Limitations, Terms And Conditions Governing The Exercise Of Said Franchise. (TEO)

C. **ACTION ITEM:* **Discussion to consider an amendment to Ordinance 833 to reduce the number of**

**Eagle Urban Renewal Board of Commissioners.** (HMR)
Ordinance 833 - Appointing Of Urban Renewal Commissioners

11. **PUBLIC COMMENT:** This time is reserved for the public to address their elected officials regarding concerns or comments they would like to provide to the City Council regarding any matter, up to and including any subject on the agenda with the exception of Public Hearing and land use items. Comments regarding Public Hearing and land use items need to be made during the open public hearing for said item(s) in accordance with Idaho Code. At times, the City Council may seek comments/opinions regarding specific City matters (excluding Public Hearing and land use items) during this allotted time. Out of courtesy for all who wish to speak, the City Council requests each speaker limit their comments to three (3) minutes.

12. **EXECUTIVE SESSION:** 74-206 (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

    (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;

    A. *ACTION ITEM:* **Action Regarding Pending/Threatened Litigation.**

13. **ADJOURNMENT:**

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The City will make reasonable accommodations for anyone attending this meeting who require special assistance for hearing, physical or other impairments. Please contact the City Clerk's Office at (208) 939-6813 at least 24 hours in advance of the meeting date and time.