THE CITY OF EAGLE
CITY COUNCIL
AGENDA
Eagle City Hall, 660 E. Civic Lane, Idaho
August 23, 2022 5:30 PM

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1. **CALL TO ORDER:**
2. **ROLL CALL: GINDLESPERGER, PIKE, BAUN, RUSSELL.**
3. **PLEDGE OF ALLEGIANCE:**
4. **ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA:**
5. **REPORTS:**
   - A. **Mayor and Council Reports:**
   - B. **City Department Reports:**
     1) City Treasurer, Monthly Financial Statement, July 31, 2022.
     073122 Monthly Financial Statement.pdf
     073122 Financial Statements.pdf
   - C. **City Attorney:**
6. **PUBLIC COMMENT 1:** 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 subjects not on the agenda. At times, the City Council may seek comments/opinions regarding specific City matters during this allotted time. This is not the time slot to give formal testimony on a public hearing matter, land use application, or comment on a pending application or proposal. Out of courtesy for all who wish to speak, the City Council requests each speaker limit their comments to three (3) minutes.
7. *ALL CONSENT AGENDA ITEMS ARE CONSIDERED ACTION ITEMS:* **CONSENT AGENDA:**
   - 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 July 21, 2022.** (TEO)
   - C. **Minutes of July 26, 2022.** (TEO)
   - D. **Minutes of August 9, 2022**. (TEO)
   - E. **Prostate Cancer Awareness Month Proclamation:** A proclamation for the City of Eagle declaring September 2022 as Prostate Cancer Awareness Month in the City of Eagle, Idaho. (JWP)
     Prostate Cancer Awareness Month September 2022.docx
     Did you know 2022.docx
   - F. **Appointment to the Urban Renewal Agency:** In accordance with Resolution 14-19, Mayor Pierce is requesting Council Confirmation of the reappointment of Jerry Brakebill to the Eagle Urban Renewal Agency. Mr. Brakebill will be serving a two (2) year term that will expire August 2024. (JWP)
   - G. **Compensation Analysis — AmeriBen:** Staff is requesting Council approval of a proposal for compensation analysis for city personnel. Staff is recommending the use of ARPA funds for this expenditure, in an amount not to exceed $16,300. (TEO)

H. **Agreement between the City of Eagle and Cities Digital Inc. (CDI) :** A Software and Services Purchase Agreement between the City and CDI. CDI provides software, maintenances and services associated with Laserfiche software. The cost of the agreement shall not exceed $44,489.95. Staff is recommending the use of ARPA funds for this expense. (DNG)

I. **Approval of Statement of Work — Cities Digital Inc.(CDI):** Staff is requesting the approval of the Statement of Work from Cities Digital Inc (CDI) in the amount not to exceed $48,182.50. CDI will create a work order reporting and tracking program for Public Works that will integrate with Laserfiche, the City's record repository software. Staff is recommending the use of ARPA funds. (DG)

J. **Temporary License Agreement Between the City of Eagle and Ada County Highway District:** A Temporary License Agreement between the City of Eagle and ACHD for traffic signal cabinet art wraps. (BLA)

K. **Findings of Fact and Conclusions of Law for the Approval of FPUD-07-22 & FP-09-22 — Final Development Plan and Final Plat for Arvory Crest Subdivision No. 3 Lennar Homes:** Lennar Homes, represented by Ken Firmage with FS One, LLC, is requesting final development plan and final plat approvals for Arvory Crest Subdivision No. 3, a 34-lot (29-buildable, 5-common), residential subdivision. The 7.64-acre site is located on the south side of West Floating Feather Road approximately 1,390-feet southeast of the intersection of West Floating Feather Road and State Highway 16. (MJW)
Arvory Crest Sub No. 3 fp & fpud ccf.pdf

L. **Findings of Fact and Conclusions of Law for the Approval of FPUD-08-22 & FP-10-22 — Final Development Plan and Final Plat for Arvory Crest Subdivision No. 4 Lennar Homes:** Lennar Homes, represented by Ken Firmage with FS One, LLC, is requesting final development plan and final plat approvals for Arvory Crest Subdivision No. 4, a 34-lot (32buildable, 2-common), residential subdivision. The 18.28-acre site is located on the south side of West Floating Feather Road approximately 1,275-feet east of the intersection State Highway 16 and West Floating Feather Road. (MJW)
Arvory Crest Sub No. 4 fp & fpud ccf.pdf

M. **Findings of Fact and Conclusions of Law for the Approval of FPUD-04-22 & FP-04-22 — Final Development Plan and Final Plat for Snoqualmie Basin Subdivision — Red Butte, LLC:** Red Butte, LLC, represented by David Sterling, P.E., with T-O Engineers, is requesting final development plan and final plat approvals for Snoqualmie Basin Subdivision, a 35-lot (26-residential, 4-commercial, 5-common) mixed use planned unit development. The 12.84-acre site is located at the southwest corner of West Floating Feather Road and North Palmer Lane at 1833 North Palmer Lane. (MJW)
Snoqualmie Basin Sub fp & fpud ccf.pdf

N. **Development Agreement Associated with A-12/20/RZ-16-20 & PP/FP-01-20 — Spartan Estates Subdivision:** Clark Mahy is requesting development agreement approval associated with the annexation, rezone from RUT (Rural-Urban Transition – Ada County designation) to R-E-DA (Residential-Estates with a development agreement) and combined preliminary and final plat for Spartan Estates Subdivision, a 2-lot residential subdivision. The 4.69-acre site is located on the west side of North Meridian Road approximately 1,500-feet south of the intersection of North Meridian Road and West Beacon Light Road at 2635 North Meridian Road. (DLM)

O. **Development Agreement Associated with Predico Commercial Site — Michael Wright:** Staff is requesting approval of the development agreement associated with the development agreement modification for the Predico commercial site located at the northeast corner of West State Street and State Highway 44. the City Council approved the development agreement modification on August 10, 2021. (RZ-04-14 MOD) (MJW)

P. **Eagle Greenbelt Trail and Repairs — Pay Application No. 5 — TDX Power Services LLC:** Authorization of Payment to TDX Power Services, LLC, in the amount of $367,916.00 and for the partial completion of Project CM-2 (Greenbelt Bank & Trail Repairs and Mitigations), awarded by Council on 2/8/2022 for a total cost of $1,397,020.00. (STN)
Greenbelt Repairs - TDX Invoice #5.pdf

Q. **Live Performance Agreement Between the City of Eagle and Stan Eisele:** A Live Performance Agreement between the City of Eagle and Stan Eisele to provide a performance at the Saturday Market

on September 17, 2022. (JDH)

R. **Impact Fee Reimbursement Agreement for Eagle Sports Park:** Addendum to the Impact Fee Reimbursement Agreement with GWC Capital, LLC to include geotechnical investigation by Atlas Consulting in an amount not to exceed $14,038.75. (NBS)

S. **Master Short Form Agreement Between the City of Eagle and HDR Engineering, Inc.:** A Master Professional Service Agreement and Task Order No. 1 between the City of Eagle and HDR Engineering, Inc. for the engineering and design of the North Channel Center Trail Greenbelt improvements in an amount not to exceed $24,975. (NBS)

T. **An Agreement Between the City of Eagle and Boise State University Extended Studies:** An Agreement between the City of Eagle and Boise State University Extended Studies, Professional and Continuing Education (PACE) for a workshop by PACE at the Library's Staff Development Day. (SJB)

U. **An Agreement Between the City of Eagle and Hoopla Library Platform, Midwest Tapes:** An Agreement between the City of Eagle and Hoopla Library Platform, Midwest Tapes to provide digital content service of Hoopla. (SJB)

V. **D&S Electrical IF Sole Source Contract** *(corrected)***:** Having declared and published as a sole source contract under Idaho Code 67-2808(2)(viii) and 67-2808(2)(b) and having received no opposition, the City is entering into a contract for the provision of polyurethane concrete T22 vaults. (VV)

8. UNFINISHED BUSINESS: NONE

9. *ALL PUBLIC HEARING ITEMS ARE CONSIDERED ACTION ITEMS:* **PUBLIC HEARINGS: 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-11-22 — Change of Nonconforming Use — Dan Frison:** Dan Frison, represented by Craig Kulchak, is requesting conditional use permit approval for a change of nonconforming use to allow an addition to the existing accessory structure (located within the required side yard setback). The .65-acre site is located on the east side of East Stadler Court approximately 1,000-feet south of the intersection of North Edgewood Lane and East Stadler Court at 1726 East Stadler Court. (MJW)
CU-11-22-1726 E Stadler CUP-CC Packet.pdf

B. **RZ-06-22/CU-07-22/PPUD-04-22/PP-10-22 – Rezone, Preliminary Development Plan, Preliminary Plat, and Conditional Use Permit for Shingle Creek Subdivision – Mike Cook:** Mike Cook, represented by Kent Adamson, P.E., with RiveRidge Engineering Company is requesting a rezone from A-R (Agricultural-Residential) and R-2-DA (Residential with a development agreement) to R-2-DA-P (Residential with a development agreement – PUD), conditional use permit, preliminary development plan, and preliminary plat approvals for Shingle Creek Subdivision, a 12-lot (9-buildable, 3-common) residential planned unit development. The 4.41-acre site is located on the north side of State Highway 44 approximately 400-feet west of the intersection of West State Street and State Highway 44 at 2500 West State Street. (MJW)
Shingle Creek Sub pz action - reduced.pdf

10. NEW BUSINESS:

A. *ACTION ITEM:* **Ordinance 879 — Veolia Water of Idaho Franchise Ordinance:** An Ordinance In Accordance With Idaho Code 50-328, 50-329 And 50-329a Granting A Franchise To Veolia Water Idaho Inc., A Corporation, And To Its Successors And Assigns, To Construct, Maintain And Operate In, Upon And Under The Present And Future Streets, Highways And Other Public Places Within The Corporate Limits Of The City Of Eagle, Idaho, Water Utility Property And Facilities For Supplying Water And Water Service To The City, The Inhabitants Thereof, And Others For A Term Of 20 Years, Including The Nonexclusive Right To Physically Locate And Maintain Water Lines, Pipes, Equipment Or Other Water 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, And Providing An Effective Date. (TEO)
Ordinance franchise 2022 Veolia FINAL .docx

11. **PUBLIC COMMENT 2:** 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 allotte 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:* **Pending/Threatened litigation.**

13. **ADJOURNMENT:**

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.