

Meridian City Council Work Session

September 2, 2025.

A Meeting of the Meridian City Council was called to order at 4:30 p.m. Tuesday, September 2, 2025, by Mayor Robert Simison.

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

Other Present: Chris Johnson, Bill Nary, Bill Parsons, Brian McClure, Bruce Freckleton, Laurelei McVey.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call the meeting to order. For the record it is September 2nd, 2025, at 4:30 p.m. We will begin this afternoon's work session with roll call attendance.

ADOPTION OF AGENDA

Simison: Next item up is adoption of the agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: No changes on today's agenda, so I move we adopt the agenda as presented.

Strader: Second.

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

MOTION CARRIED: ALL AYES.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the August 19, 2025 City Council Work Session**
- 2. Approve Minutes of the August 19, 2025 City Council Regular Meeting**

3. **Findings of Fact, Conclusions of Law for Gramercy Townhomes (H-2025-0019) by Elton Development Company, located at 1873, 1925 and 2069 Wells Ave.**
4. **Findings of Fact, Conclusions of Law for Rockwell Greens Subdivision (H-2025-0002) by Laren Bailey, Conger Group, generally located at the Northwest corner of State Highway 16 and McMillan Rd.**
5. **Interagency Agreement for Water and Streetlight Construction/Roadway Construction - Ustick Road, Phyllis Canal to Owyhee Storm Widening**
6. **Equipment Transfer Agreement Between the City of Meridian and the City of Garden City for Transfer of Special Weapons and Tactics Team Equipment**
7. **Agreement for Use of Kleiner Park for Potato Days, by Potato Days LLC**
8. **Authorize Procurement Manager to sign Purchase Order to DuBois Chemicals for Sodium Hypochlorite 12.5% for the Water Department for the Not-to-Exceed amount of \$218,000 as the second Purchase Order issued for Fiscal Year 2025**

Simison: Next up is the Consent Agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move that we approve the Consent Agenda. For the Mayor to sign and the Clerk to attest.

Strader: Second.

Simison: Have a motion and a second to approve 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 agreed to.

MOTION CARRIED: ALL AYES.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

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

DEPARTMENT / COMMISSION REPORTS [Action Item]

9. Ada County Highway District Draft Five Year Plan: 2026-2030

Simison: So, we go on to Item 9, which is a department report on the Ada County Highway District draft five year plan, 2026 to 2030, and turn this over to -- it looks like Brian. That you lead this one today? Mr. McClure.

McClure: Mayor and Council, annually the city reviews ACHD's five year plan -- previously the integrated five year plan. Mayor and Council previously provided comments on this draft earlier this year and now we have the final draft. The purpose of the discussion tonight is for Council to provide direction on a memo to the ACHD Commission on this final 2026-2030 plan. ACHD would like formal comments back by September 10th. As a related note, our ACHD liaison was planning to be here for the regular agenda, but we gave him the clear on this workshop discussion to not be here, just because we wanted to focus on your feedback to the Commission. I'm going to quickly overview some of the changes -- comments from the Transportation Commission and, then, we can draft -- and, then, I can move forward on drafting a letter based off your comments. High level. These are some observations that are potential comments for you. Top six rows and intersections are all somewhere in the five year plan. Black Cat and Franklin, Cherry, that was advanced, but also sort of downgraded. I will get to that later. Amity was dropped out of the five year plan. Coordination is needed on State Highway 16 opening and east-west arterial construction at the interchanges and, then, city requested Locust Grove and Meridian analysis. Locust Grove is in the five year plan, but not Meridian and no indication for us as to what that rationale was. I have a -- a few slides here that just sort of show our -- your -- your top ten priorities that you previously sent to the Commission and, then, the changes between the two drafts. So, the green and italics are advanced. The red and underline are delayed. And, then, the blue-grey are just other notes. Two projects were advanced. Two kicked out of the five year plan. I have also highlighted Ustick and Venable at the bottom. The -- the emphasis there is while it's not programmed ACHD has committed to that being an opportunity with a partnership program for either the city or Brighton or whoever that is. And I will just leave this here for a second. These are the top ten community programs or as they are now calling them safety and compliance projects. A lot of changes here. Five projects advanced, one delayed and one done. As previously noted the Black Cat and the railroad crossing was advanced, but the Black Cat, Franklin to Cherry, widening was delayed. That was previously not in Council's top ten, but it was also entirely removed from the five year program. So, just eyes wide open. This is a slightly different way of looking at that. This is categorized by whether it's a road and intersection project, like in their Capital Improvement Plan, or whether it's in their safety plan and, then, the emphasis here is on construction year. So, this is when ACHD is planning to construct different projects. So, that sort of darker yellow color on the top towards the right is sequential. So, you will see Ustick Road, Ten Mile-Linder, Linder Road, Franklin, Franklin again Ustick, Ustick -- so -- so forth. So, that's -- that's the -- their order of priority for construction of projects in the current five year plan draft. There are no maintenance or bridges or other programs. This is only the five year plan prioritization. As I sort of noted before, Franklin and Ustick --

ITD is on track to complete State Highway 16 work before ACHD. ACHD is going very quickly. You can see those are programmed there, but State Highway 16 will open before -- unless something changes -- before these programs happen. So, some coordination is probably warranted and -- and I think they are aware of that, too, but just in terms of the public perception and understanding of how that's going to work and roll out. I did mention that we talked to the Transportation Commission. That was last week. They had a special meeting. They really only had two -- one comment -- two projects and they wanted to see Ten Mile and Cherry and, then, Victory and Meridian, Locust Grove added back to the five year plan for design. That way it would be shelf ready in case other funding became available. So, they didn't want it to be delayed if funding was available. They wanted to keep it moving forward. So, these were our number eight and number nine priorities and they want to see it continue moving again in the event that funding becomes available. Caleb noted in his memo to you all, for example, that the current five year plan doesn't take into consideration whether ACHD takes additional impact fees. So, if they increase their impact fees more funding would be theoretically available. So, that was sort of the Transportation Commission thought line and, then, I will just leave it at this slide. These are just some ideas for your consideration. I have mentioned most of these and I'm happy to participate or just take notes, but these are some thoughts on comments you all might have or -- either that you provided in the past or that you might provide now to ACHD on request and, then, just some highlights there for -- for thank yous if you want to do that, some project completions. And -- and with that I would love to help however I can.

Simison: Thank you. Council, questions, comments?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Brian, thanks for this. Has the highway district given us any indication why so many projects are moving off the list? Like what's -- what's -- what's causing it?

McClure: Mr. Mayor, Councilman Cavener, yeah, inflation has not been accounted for in quite some time and they have been getting further and further behind is the primary reason. Projects are more expensive to design, projects are more expensive to build.

Cavener: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Brian, is it fair to say based on the -- I guess revised five year work plan the ACHD is sort of prioritizing Locust Grove? I know we had asked for the analysis to be done on kind of the northernmost portion. I mean have they given you any feedback about that? I'm kind of surprised that they wouldn't at least respond to that request.

McClure: Mr. Mayor, Council Woman Strader, we have tried asking some questions and they are just very busy. That -- that's one of the ones that's sort of outstanding for us. I'm going to just give them the benefit of the doubt and say it's because they have so many cities and so many changes this year. We did ask and we don't know though.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe one more. I guess just -- you know, I mean recently it came up in a specific example, which was, you know, McMillan and McDermott and how that intersects with Highway 16. I just feel like that's a really good example that kind of crystallizes the importance of coordination and I know we are thinking of, you know, kind of reemphasizing that. I definitely agree with that. I think we need to emphasize the importance of coordination on all of the connections to State Highway 16. It just feels to me like there are so many moving pieces with that and I'm really nervous about how the execution of that is going to go when that opens. So, I definitely think that that is a comment that we should make.

McClure: We will also just throw out there if there is things on here you don't agree with we can take them off.

Simison: Brian, you want to put back up the list, so they can look at those?

McClure: Mr. Mayor, do you have a preference on their construction priority or your top tens?

Simison: I would suggest Council look at their top -- what would be our top ten, because that's what they want. They -- they really want to know our top three to five to -- you know, that's what they are going to focus on according to what they have communicated. So, at least want to make sure the top three -- you know, the top five are the Council's wishes and desires or if there is something else that you think should move in or up even in this top ten.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Brian, this is an issue I -- I kind of talked about quite a bit was the intersection there at Ustick and Venable and I know we kind of have a unique sort of the partnership we are trying to work on with -- with some of the developers and things there. You know, when it says future, we know -- you know, that doesn't really give me a whole lot of hope. But, you know, if we are looking at our proposed budget and moving along with the construction of the community center right there at the intersection, is there any consideration that you have received from them that they are understanding some of the -- the -- what we would expect to be a lot more use at that intersection and kind of

increasing the urgency to try to find a way to fund that? I mean can you provide any kind of feedback from them on that particular project? That's number ten.

McClure: Mr. Mayor, Councilman Taylor, when we have talked to them about that project they completely understood the plan out there. I think they are just sort of in a position where it's our project and they are waiting for us to understand and Brighton -- when that's going to happen and -- yeah. They -- they understand there is going to be a lot more impact on their -- both with the development and, then, the community center.

Taylor: Mr. Mayor?

Simison: And I think just to follow up on a general comment that if there is other areas in the city where developers are wanting to do projects, ACHD is much more interested if they are a priority of ours on this list. If they are not a priority of ours, not on this list, then, they may not view them as something that they are willing to enter into or help achieve the outcome.

McClure: Mr. Mayor -- sorry, Councilman, I think you were going to say something. But Steve Siddoway is available -- is aware of the -- of this and he seemed fine with it. I'm not -- I'm not trying to speak for him, but the fact that they are open to having a -- a -- a partnership project on there seemed like a good thing.

Simison: Yeah. I -- I think the word is -- is perfectly adequate for the conversations that I have had or am aware of for how it would likely be funded and built.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Just trying to recall from our prior discussion earlier this year. Did we not move the Black Cat railroad crossing onto this list as one of the top five or -- correct -- correct my memory.

McClure: Mr. Mayor, Councilman Whitlock, there is two slides here, so I have to kind of switch -- switch back and forth if you want. This one's community programs and you can see -- and Black Cat and the railroad crossing specifically is number three on this one. So, there is two Black Cats. One is the roadway widening, which was kicked out of the five year plan and, then, one is the community program for the crossing -- or the crossing arms or flashers and that one was moved up in the community programs.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Yes. Maybe now is as good a time as any to talk about the letter. The widening falling out of the five year plan and -- that boggles my mind. This is an industrial corridor

for us. Franklin and Black Cat's going to continue to serve a lot of industrial traffic. That is where growth is. And the fact that we are at a minimum -- really six, seven years away from the widening to even begin I think it's going to do that part of Meridian a disservice, so -- and, Brian, I don't know if the staff is planning to kind of put a draft letter together to send to us to review, but to me that's -- that's a stark issue that -- that I think that them -- them pulling that out of the five year plan. So, I would -- I would like the letter that we do send to at least incorporate that.

Simison: Do we have a recommendation on one to drop out? Because I know that's -- those are the things that they want to hear from us if there is something else on the list that should not be as relevant what would that be?

Cavener: Well, I mean -- Mr. Mayor. Frankly, I think with -- with Linder Road moving I -- I think we talked about this last time. Why do we need to have it as our number one when this project is -- is moving forward? So, yes, I would -- I would say dump the project that's in the process of being finished if we need to make space for Black Cat.

Simison: I think they would say that that's being funded. The other one's not on here, because there is no money. So, I don't know if that's -- I don't know if that's going to get you the outcome you are looking for if you are trying to find where it, you know, should be prioritized. That's an answer we don't have. If we want to make -- make recommendation that's fine. I just -- you know, these are the questions that -- that come our direction. Or will come staff's direction.

Cavener: Mr. Mayor, what I would say is we have been talking about Black Cat for four years already, so it should not be a surprise. This is a priority for the city and I -- I -- I don't like that we have got to maybe necessarily negotiate or compete against, you know, different segments of Meridian. All these projects here are needed, that's why they are on the five year plan. So, I recognize that the highway district may want to push back, but I guess more than anything I would be looking for a -- an explanation as to why Black Cat was taken off. If it is solely from a budgetary standpoint that's good to know. I don't have a good answer for you, Mr. Mayor.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: The problem I have, Brian, looking at this list is --

Siddoway; Hey, Chris, period, I was on a phone call and just saw the request to mute. Period. Do I need to speak? Question mark? Is there a question about Venable?

Simison: Steve, I think we are good.

Cavener: Might want to take him off the call.

Simison: Councilman Overton, go ahead. Your voice was quite different though.

Overton: It was a little different. Brian, I think the problem is, you know, everything is on this list for a reason and when you tell us we have to reevaluate this list because of the dollar signs, it makes it difficult for all of us from all different parts of the city to come up with the same answer on where we think these priorities should fall. We all come from a little bit different background on where we see the needs. I mean I agree, I concur, we have talked about as an entire Council how important Black Cat from Franklin to Ustick is. I mean that's obviously a problem. It needs to be done. We have talked about it for at least the last three years. Not longer than that. Talked about getting projects -- I think they said eight and nine ready to go. Could you go over eight and nine one more time?

McClure: Mr. Mayor, Councilman Overton, right -- number eight is Victory, Meridian to Locust Grove. That's just a three lane widening -- though it's mostly three lanes now and, then, number nine is Ten Mile and Cherry intersection.

Overton: Mr. Mayor, follow up?

Simison: Councilman Overton.

Overton: Is there any reason that they didn't also -- the Transportation Commission also didn't put the same level of importance on Black Cat?

McClure: Mr. Mayor, Councilman Overton, Black Cat was only number 19 for City Council previously and they are trying to focus -- the commission is trying to focus just on the top ten, so that's where they were looking. To your point -- I mean they are all important; right? So, if I may, one of the suggestions here is, you know, if they do change their impact fees make sure those are spent in Meridian, possibly with some accountability for that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Is it possible that they viewed the pedestrian crossing at Black Cat as like buying time for the additional improvements? Like I -- I find it weird that they kind of split it like that and said, okay, we will accelerate one and, then, the wider project fell off completely like that. I'm not totally following the logic. Maybe what -- maybe part of what we could do would be to request kind of clarification on how they are approaching Black Cat as a corridor; right? I mean it feels like we have -- our Transportation Commission has been really good about trying to push us toward a corridor based approach where we widen whole corridors in order to really make a big impact on traffic and maybe it would be helpful to understand from that framework like where they are coming from. It's hard, because when we get this every year I feel like we do have this conversation every year and it's kind of like we are just -- we are really getting kind of what they are willing to do and so I think it's okay to ask questions. We can clarify. We -- you know, if we disagree

we can -- we can have those conversations, but at least in the past when we have tried to interact with them on this I haven't really found that it's moved the needle a ton. That may -- that may just be my perspective, but I do think if -- you know, if we ask some clarifying questions it might help. I guess, you know, if -- if it was number 19 and -- and it's been pushed back I -- I'm wondering how we can really move the needle at this point. It's not necessarily a question directed at you, but more for the whole group, just talking out loud.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I don't know that there is any way that we can make this letter get us anymore roadways and that's probably the most frustrating thing about what we are doing. On the fourth bullet point down the request for an analysis on investing on Locust Grove and Meridian, first, is still needed. We talked about that months ago. How long do we need to talk about it? I mean I appreciate the Transportation Commission putting that on the list as a talking point to ACHD, but we kind of need some feedback from ACHD on where that's going, so we have a better idea of where we should focus our efforts as well and not having them in the house and you're not being able to get that information back makes it really difficult for us to sit here and try to figure out where we should go on that one, because I would definitely think some of these need an ASAP stamped over the top of them so we can make the decisions that we need to make.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Trying to figure out where my cart and my horse are on some of these projects. I mean absolutely Cherry and Ten Mile needs some work. It's backed up from Cherry all the way to Franklin at this time of day every day. It's just stopped and it bleeds all the way out to the freeway. So, that will relieve a lot of pressure on Ten Mile, but under construction where are all those cars going to go. Probably turn left on Franklin and, then, go up Black Cat. So, we are going to construct an intersection at Cherry and Ten Mile and shut things down even more than they are now and divert all that traffic onto a two lane road over at Black Cat. Again, I'm just trying to figure out where the -- the cart and the horse is and -- and how we get the biggest bang for the buck and have things flow as we address needs all across our city. But to me that just seemed like a natural conflict that will push cars from Ten Mile and Cherry over to -- to Black Cat. Maybe they will go all the way to 16 and, then, we don't have a problem, but if we had to take one off the list and I don't want to go counter to our -- our Transportation Commission, but I'm just wondering if we delayed Cherry and -- and Ten Mile and put Black Cat on that that would be the priority, we could get that corridor widened and, then, move into the Cherry and Ten Mile conversation. Again just thinking out loud.

McClure: Mr. Mayor, Councilman Whitlock, just a clarification. The Transportation Commission was only suggesting that that be designed, not --

Whitlock: Okay.

Simison: And I -- I think that what I would -- what I would at least ask is if we are talking about moving Black Cat up that we see items 11, 12, 13, 14, 15, 16, 17 and 18 just so people understand that that's truly where they think that desire is before they make that overall recommendation.

Strader: Mr. Mayor?

Simison: Council Woman Strader. Maybe just one additional point on the Locust Grove versus Meridian kind of northernmost corridor. Maybe we as a city take that on and -- and further develop our own view. Like I know we have heard there would be feedback potentially from the fire department and we had some other thoughts. Maybe that's something that we can internally work on, you know, if they are overwhelmed at least we could try to crystallize our own view internally on that. That might be something that would make sense.

McClure: Mr. Mayor, I don't know whether I should just keep my mouth shut or not, but I'm going to just open it. So, Council Woman Strader, for reasons I -- I can't explain, ACHD has actually moved the design of Locust Grove up. It's gone into construction design. Caleb was surprised with an invitation e-mail to participate in that process. So, they have bandwidth to look at design, they just sort of have decided one without following back with us on the other one. I don't -- I couldn't tell you why.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: That was my sense from looking at how they had prioritized and part -- and I think that's interesting. I don't know that I'm totally opposed to it. You know, we have -- we have a fire station that I think would benefit from that road widening. I mean there -- there are numerous schools along the Meridian Road northernmost corridor and I think if we really widen that segment there are going to be impacts there; right? You have Heritage Middle School, you have the -- there is a Catholic school. I can't remember the name, but there are several all along there. So, I think after I have had the chance to soul search just intuitively, my thought was -- at least at first glance Locust Grove might be a better priority, but I really did want us to -- I always think it's better for us to be making these decisions with facts and data and kind of have a more methodical approach. So, if that was their determination I just think it would be helpful for us to hear from them, okay, we decided Locust Grove was better. These are the reasons. We are prioritizing that northernmost corridor. So, you can kind of let go of the Meridian Road corridor and that would kind of help us I think to kind of move off of that point and I don't think that's a difficult conversation for them to have with you. I think that's maybe a ten minute

conversation. So, maybe that's a phone call just saying, hey, look, this is feedback from Council. We just want to hear where you were coming from, why -- it seems like this is what you chose to prioritize. We want to understand some of the reasons and -- and take that back to us. I think -- I think that would be a productive way to move -- move that forward. On the Black Cat piece I -- I am happy, though, that they have accelerated the pedestrian crossing, like I -- I -- that is when -- you know, it's frustrating that the wider project has I guess fallen off. Now, did they actually remove it from the plan or did they just move it back so far that it's not on the map anymore? Could you help us understand that piece?

McClure: Mr. Mayor, Council Woman Strader, so it's still in everyone's priority list. They have a master sheet that has all projects everywhere. It's not currently in the five year plan as being programmed to do anything. So, it's not designed, it's not right of way and it's not construction.

Strader: Yeah. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. But I -- I do think -- at least the most acute thing that we felt like was a -- like a public safety issue for kids that were -- that have a school near there was something that needed to be addressed immediately. So, I -- I am happy about that. I do think Black Cat as a whole is like -- to me one of the next big corridors we need to focus on. So, it feels like they have adopted this corridor approach with Locust Grove. I think that's a good thing, but it does feel like Black Cat is maybe a natural next place to look. I -- I take Councilman Whitlock's comments to heart, though, about what's going to happen with the -- with the Ten Mile and Cherry as well, so --

Simison: I guess maybe to ask the question in the most simplistic way, if ACHD increases their impact fees later this year and they generate enough revenue to put everything back the way it was that we recommended last year, would that be this Council's desire or do we think that there is other changes that you would want on top of that? It's one thing if they truly are dropping things out because of financial reasons or -- then that would solve that issue to -- to put things back onto the list. But if it's not that reason, if it's not a financial decision, because they have made their own decisions about Locust Groove or Meridian or maybe even Black Cat, maybe their own analysis to showcase why they dropped that down -- if it was for other reasons I think that's a different question, so -- and our viewpoint is be saved by money or are there other things that we think have risen to the higher level from last year that we need to -- or would like them to address?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Coming off of what Council Member Strader said, maybe the fourth bullet point is something we should be discussing and telling them what our analysis is. Good point.

We talked about that last time and last time I was wholly in favor of making Locust Grove the go to, not Meridian Road and if you look at where we are talking about through the city, making those our north-south roadways and we are talking now Black Cat, Linder, Locust Grove, we are choosing four roadways that all cross the Interstate, but do not have the huge impact of an interchange. Maybe what we should be doing is telling him that we have decided, as long as Council agrees -- we have decided it should be Locust Grove and we don't need them to do an analysis and that's where we would like to see him move forward and reflect our priorities as such.

Simison: Yeah. The other thing that we are going to hear from ACHD in a few weeks is they are going to come and present on their proposed impact fee model modifications, which is not just an increase, but the potential to create zones. So, you could have a zone for the east part of the county and a zone for the west part of the county and be much more for the west part of the county, which in theory depends upon how all the -- where all the growth is -- may generate more revenue for more projects, but it may not. I don't know if they will be showcasing where -- where they think the revenue differences would be, just the total revenue, because the total revenue in theory is the same in both models, but that's just something to think about as that conversation moves forward, how this may parlay your thoughts into that, if this is about money or -- or just corridor direction. Brian, I know they have asked, but I have got a different answer from their director. What day does this go to their Commission for consideration?

McClure: Mr. Mayor, I don't remember the exact date, but it's in October. So, the September 10th is a little artificial.

Simison: We -- we have time to -- if people still want to take some feedback while they requested a date for the letter -- I have been told we can deliver it up to the day before. Not our preference. We want them to have time to do it, but if people want to bring this back next week for more thought and if staff wants to take a crack at what a letter might say based on what you have heard, we could try that and see where that gets us. All right. Thank you.

10. Staff Review of Construction Practices and Design Review Processes

Simison: And with that we will move on to Item 10, which is staff review of construction practices and design review process. Turn this over to Mr. Freckleton.

Freckleton: Good afternoon, Mayor and Council. We are here to report back on our progress from the feedback that we received from you on the 12th of August workshop. Our team took your feedback and -- and went back and met several times and -- and put together some -- some topics or some options for the topics and we will be presenting those to you shortly. It's our hope that at the end of this we will hopefully be able to set some direction forward for staff. Our first topic for consideration is the construction practices. We have set it up in the slides to where there is a pause at the end of -- of that topic where we can kind of pause there and get our thoughts together before we move

on to the design review topics and -- so, first up would be Laurelei with construction practices and, then, Bill will -- Bill will do the presentation on design review.

McVey: All right. Good evening, Mayor and Council. So, like Bruce mentioned since our last meeting we spent time meeting both internally with various departments and external organizations to try to understand and evaluate the options around potentially changing the requirements and enforcement specifically around dust and noise. We also took the time to gather data that we had to help evaluate and understand the scope of this issue citywide. Additionally we did meet with the BCA to better understand their perspective and obtain ideas from them and input that they might have to help us understand the impacts both positive and potentially negative to the development community if some of these were implemented. So, I did want to talk a little bit about the data around this issue and I don't bring this up to diminish the experiences of the citizens that you have heard testify over the last several months. I will admit there certainly was breakdown in processes and their testimony has already driven positive changes in our internal communication, our external communication, documentation and processes. But I think it's important before we look to change entire city processes potentially add cost to citizens and add additional regulation that you get to see what the data looks like from the whole city. So, since 2023 there has been one construction related noise complaint from the Orchard Park area, which was solved with voluntary compliance and education. Admittedly we don't have data -- specific data for construction-related noise citywide and that's one of our suggestions to improve data tracking and reporting. As I mentioned in an earlier presentation, we usually see between ten and 15 construction dust-related complaints in the city each year. However, over this last year admittedly most of those did come from the Orchard Park area. We have seen improvement in that area though. The last complaint that we saw from there was late July. So, one of the things when we are looking at this -- and you are just looking at numbers -- I think it's important to know that we have about 250 active construction projects throughout the city over the past year. So, if you take five working days per project, that equals about 65,000 instances where we could have had construction-related issues and we are regularly seeing less than 20 for a year. So, when we put it into perspective of the whole city of the whole projects that's part of what is leading to our recommendation that we are bringing forward to today. So, we use a lot of data in Public Works to identify trends and evaluate issues and I think it's important as we look to what the appropriate response is to this issue to keep looking at data and our recommendation is to continue to collect data. So, Public Works, the Police Department and the Legal Department all recommend that we move forward with option number one to further supplement the changes that have already been implemented. A couple of things that I think this option does that are really important -- one of the major issues that we have heard over the past month is frustration by citizens of not knowing where to call to get assistance and resolution on issues and feeling like they are passed around amongst the city and amongst external organizations. So, we propose the creation of a website that would assist citizens in finding the right department and the right employee depending on what their construction-related issue was. This would give citizens better, more direct access for reporting issues and would help get the -- the issues addressed quickly and through a single point of contact. Second, we think that this option allows us to continue to collect data and report that data back to Council,

citizens and the BCA. This data and reporting will help us understand if the issue is improving. If the issue is getting worse. Is the issue is widespread or is it a developer-specific issue. The data will allow us to tailor an appropriate level response that will likely result in a better outcome. We are committed to continue to work with DEQ on enforcement and improvement of that when needed. We also worked with the BCA to develop mutually -- mutual group -- mutually agreeable BMPs that were attached to this memo that we are going to now be distributing at all pre-construction meetings to ensure that every project and every developer understand their responsibilities throughout the whole project. Additionally, most projects are and still will be required to submit a SWIP in the city and this is an enforceable essentially dust plan that is something that will continue to work with DEQ and ACHD on enforcing. So, we feel like option one allows us to make data-driven decisions. It doesn't mean that we can't add additional elements to this in the future if we notice that things are not improving or we are getting a whole lot of other complaints or issues, but by allowing us to gather more data and tracking we will know is it specific -- is it developer specific? Is it project specific? And will help us better address those. So, we did evaluate other options, like option number two, where we could change the noise code to specifically address construction hours and we could add dust to the nuisance ordinance. I feel like these could be logical next steps if the data shows that that's where we need to go. However, I think it's important as we started working through these to understand the impacts of these, particularly around enforcement and penalties, so by adding it to these we are limited to having the issue physically observed on site by an officer and the penalty is going to be something that generally goes to the construction employees as a misdemeanor that goes through the court process. So, I'm not sure that that's the intended result that we were looking for. We have also heard that, you know, further restricting construction hours could inadvertently cause projects to take longer and would essentially make those projects last for a longer amount of time. The hours of work are -- we have heard really important for specific trades, especially during summer hours to be able to get certain things poured and done in different temperatures. So, option number three included looking at the requirement for projects to submit a dust plan or a SWIP to the city. So, currently today all projects over one acre are already required to do this. Not necessarily submit to the city, but they are required to have SWIPs. ACHD does review those if they have roadway impacts and both ACHD and DEQ do site inspections and can leverage enforcement. If we wanted to bring a level of enforcement to the city we would have to change our code to give us that authority. One of the things I think we would have to be really mindful of if we wanted to take on enforcement of SWIPs and dust plans is being mindful of understanding who is responsible for what. So, the ACHD actually reached out to us after hearing that we might be requiring dust plans and was asking us if we were taking over SWIP requirements and SWIP inspections and so I think we have to be careful about confusion and duplication of efforts and make sure everybody understands who is doing what and, then, we feel like under this option it would take additional staff time and resources to review, inspect and enforce the requirements of these plans and, then, option four is for the development of a full construction practice ordinance, which I won't spend a lot of time on, since we heard last time that this wasn't necessarily an option that Council really wanted to go down, because this would require full code changes, ordinance changes and likely staffing to operate this program. So, our -- our

recommendation is to pursue option one. This option gives us the opportunity to track, bring you back data and let you know from a full city lens do we have a citywide issue. Do we need to put more resources towards this? Are the developers and the building community listening, paying attention, doing what they need to do and we feel like it gives us -- especially creating the reporting website for our customers -- a better way to handle and address their complaints and concerns and make them have the ability to feel heard and their issues solved in a more timely manner. So, with that I will stand for any questions and I'm looking for direction on where you would like us to go.

Simison: Council, questions? Comments?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Laurelei, great presentation. Thank you so much. I love how thoughtful you gave us options and things and I think that option one is a great idea. Question. We have approved a couple of development agreements lately that we have included a dust mitigation plan requirement. Did -- have we overstepped?

McVey: So, not necessarily, we just don't necessarily have enforcement authority against it. So, the -- the requirements in there -- and we are -- we are working on the language of what that looks like, but we -- we don't necessarily, without changing code, can't necessarily go and enforce against a specific dust plan. But likely what they will do is submit a copy of their SWIP, which they would create anyways, directly to the city.

Little Roberts: Great. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: That's exactly where I was going with it, too, but maybe from a different angle. You know, I actually think how we handled that works well and I would like to see it become part of the findings. So, to me adding the dust control mitigation plan or even if it's like we are giving people an option to just adopt the standard best practices as part of their plan, I think putting that in the findings is really important, because, then, it ties the entitlements to those practices and I think you could argue about our enforcement ability, but because the entitlements actually are tied in the findings to those practices I think it gives us the ability, if we needed to, to say, hey, I'm sorry, you can't get your C of O yet, because we are still having issues on your project or, you know, we want to have -- and I'm sure Mr. Nary would like to weigh in on this -- but I -- I would imagine that we could do a stop work order or other things if we had to and I don't think we would start with that. I think that's like absolute worst case scenario. So, like I like option one, but I want it to be part of the findings. That -- that's where I'm struggling. I think the website is great. I think the feedback from the BCA is fantastic. And I think, actually, their letter could be

like the standard form of what we are expecting and I think most -- the vast majority of our developers can meet those standards and are following those practices already, but occasionally, you know, we may come across a bad apple that's not and so that's why I just feel strongly that there needs to be a mechanism to include it in the findings.

Nary: So, Mr. Mayor, Members of the Council, Council Member Strader, here is the disconnect and that's the problem I think Laurelei's alluding to is development agreements are planning documents. They are not building construction documents. So, they are not related to building permits, stop work orders, or any of those things. So, that's not the tool and the remedy in the development agreement. So, it's -- it's fine to put it in your development agreement, but if you are wanting that to be a tool for that purpose that's not what development agreements do. All development agreements say -- clearly all the means are -- are -- are enforcement are compliance and, then, dealing with things like future development on whether future developments could be moved forward, but not current development. So, it isn't the greatest tool for that purpose. It is for laying it out there, but it holds -- the -- it doesn't always hold the developer responsible, it holds the property owner responsible, which sometimes they are two different people. So, I don't think it solves all the concerns that you have or the ways to address those concerns. It does not tie up C of Os. So, that's not a -- that's not a tool in a development agreement. So, again, I think that's what I think we are trying to figure out is what ways could address it a little bit better. I think Laurelei mentioned, for example, using some of these codes where you are actually going to be citing a person who is using the equipment and violating an ordinance, when really if you're looking at the bigger picture you want to affect the people who are developing the project and so that's what we are trying to parse out is how to get to where -- to solve the problem or address the problem or future problems, but sometimes the development agreement it's not to catch all, sometimes that it feels like it could be or should be and it's not. That's not what it's for.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Again I'm still struggling, though, because that -- that's exactly what we did; right? Like when we approved consent item number four providing that plan as part of the findings. So, I -- I -- I -- that I think is a good approach. I don't think we are being super prescriptive. We are saying we would like you to follow a plan, the BCA has provided a standard plan, that can be the plan that everybody follows, but at least it gives us -- because from my back and forth it feels like -- like the -- the one place that the city has the most influence that I have seen so far are the findings, like that we can count on those from a legal perspective.

Nary: Or -- yes and no. For enforcement -- code enforcement enforces by compliance, notice, opportunity to cure. There is no stop work order that's a part of that. That's not a tool in development agreement. All we can do is enforce current practice and, yes, having a development plan -- a dust plan is certainly part of it, but as Laurelei stated since we don't have a measurement, the measurement is what they tell us in holding them

accountable to what they tell us they are planning on doing, which is generally going to be related to this SWIP. But the stop work order is not a tool in a development agreement. That's not a -- that's not a fix if that's what you are asking or if that's what you are looking for. That's not a fix. Code enforcement is going to say what are you doing to comply with this? What are you doing and when are you going to do it by? We are going to give you notice and we are going to give you opportunity to cure. I mean it's -- it doesn't have a stop work attached to it, so that's the one piece that we have had a lot of discussion about, but it just doesn't attach to that. That's all I'm saying.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Right. But I think what I'm saying is I would like option one, but I would like it to be in the findings, because I feel like at least it would provide us with some clarity that it's part of that agreement that there is an expectation and it just -- it feels to me like it's a little bit -- has more weight to me at least as part of the findings, as opposed to just saying that we are going to hand everybody a flyer of information and whether they follow it or not.

Simison: And I -- I think that what we are -- it doesn't sound like there is a reason why we can't do it. I think it's just the expectations of Council that if they are in violation that they are going to not be able to continue doing their project, that that's -- as long as everybody understands that there is nothing wrong with saying here is our expectation and I know with our staff and with BCA they -- they get it, but I think the data also showcases -- and maybe there is just a few bad apples that need an extra reminder.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Point taken. I -- I think if -- if we can -- if we could proceed -- personally feel like if we could proceed with option one, but ensure that it's part of the findings in projects on a standard basis that they receive the handout, that the BCA -- a city version of -- of that handout, I think -- I think all of their recommendations were fantastic. If we could provide that, then, at least now we will be tracking the information and, then, you could come back to us, because that was another question I had, like I don't think we have a centralized database where we are doing a good job, at least from what I have seen of tracking complaints and so at least with this website we would be able to do that. If it's part of the findings I think it makes it have a little bit more weight and importance and if we do get to a point that we are like, okay, we have asked for this and we start to see that we do have a widespread issue, then, I mean, of course, then, if we have to we will have to update our ordinances and we will have to get more serious about it. I -- I do think starting with a lighter touch is better. Like I don't think we want to go full on option four at this point. I just -- to me having it in the findings is very important personally. I

think it adds a lot more importance and weight to the process. So, that's my feedback on that one from -- just for me.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Fully realizing that I was the one that added that words -- those words to those motions last week, having no understanding at the time I did that what that meant and I will admit that right now. Adding it to the findings I thought -- I might just be adding whipped cream to the top of a piece of pie. I don't know. We wanted to have you guys come back and tell us whether that was something that was a good move or a bad move or where we should go from here. But I can't help but have to step back in -- we are 30 years of time watching things happen at the city and sitting in this room we are doing all this based on one construction site right now and a set of complaints on one project and it's not lost on me. As many as we do in this city over the year and as many as we have done over our city over all the years, there has only been a handful of projects that have caused us repeated problems that we have had to deal with. This is not a chronic issue and I don't think anything other than option one is a fair way to look at this. I think option one is absolutely our best strategy moving forward. We have got amazing people that work in our city, both in Public Works and Planning, Code Enforcement and Police, that can help us identify where those problems are and have in the past and have always been the ones to take action. We don't control DEQ, but they are also a resource, but I think we need to remember just how few instances we have had over the past ten, 15, 20 years that have brought this issue in front of Council. So, I'm definitely in favor of option one.

Simison: Councilman Cavener.

Cavener: I appreciate staff's recommendation for option one. I'm in support of that. I did have a question, though, as you were -- as you were lining out the website, which I think is a terrific idea, it made it sound like the website is just more of a place for people to -- with phone numbers that they need to call and I guess I may challenge staff to think a little bit differently and say that website should be the place where our citizens can log the complaint, as opposed to calling somebody else. Your point about feeling like I don't know where to go, I worry if there is phone numbers, that issue will continue. So, being able to have a one stop shop where somebody can is -- okay. Great. I just -- I wanted to make sure that's where you guys are headed.

McVey: Yeah. We can -- we can do a fillable form that --

Cavener: Great.

McVey: -- goes to the right places, so --

Cavener: Terrific.

McVey: Yeah.

Cavener: Terrific.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I have a question and, then, a comment. Question being kind of along the lines of Councilman Cavener. I -- what I want to know is -- I want to understand if it is a widespread problem, if the -- if it's kind of underreported because people just don't know where to go maybe that's part of it. Maybe this is a bigger issue, people have bigger concerns. So, what's your sense of -- do you think we will get a lot more information through this website and maybe I would suggest that you try to make it as friendly as possible so that people can do that. But what's your -- what's your sense for like -- has it been under reported or do we just really not know?

McVey: I think we just really don't know. What I would like to commit to you guys is to come back after a year and let you know, either in person or via an e-mail report, that basically is like, hey, here is -- here is what happened over the last year. We -- we saw this specific development as a problem and just -- so, not just leave you guys, you know, in the dark, but commit to coming back with that information to know, you know, does it trend up once we have a website.

Simison: Councilman Taylor.

Taylor: And I always appreciate, you know, any effort to provide greater transparency and the ability for us to receive feedback from our citizens. So, I appreciate that and I just encourage you to -- to make that as user friendly as possible and I think just -- this is more of a comment. I don't think I have made up my mind as to whether or not I think we should require this information in the findings. I -- I don't think I have an opinion one way or the other. I understand the argument, but I also -- you know, my inclination is always to say -- providing information, understanding the problem, making sure there is an expectation in our development community what we are asking for -- you know. And this is more of a comment for -- for us as Council just to consider -- do we want to put that in the findings, because I -- you know, the -- Council Woman Little Roberts brought it up right off the bat and we were all wondering what -- what did we do? Did we make a mistake? Should we have not have done that? So, I -- I would still think I would -- we should understand what we are doing if we do want to include that in the findings. So, that's just more of a comment for us to consider and I don't think I have an opinion on that yet, but --

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Laurelei, thanks and appreciate the recommendation and I like option one. I like the fact that you have worked with our partners and come up with best management practices. I think that's -- that's good. I guess my only question is the Mayor and the Council President and I were out in the northwest part of our community, there are a lot of 40 acre fields next to nothing out there that are going to be developed someday, but right now if somebody were to put a development in and we were to require a dust mitigation plan, it would affect nobody. So, I'm wondering if there is some flexibility in option one for staff to hand the recommendations over when they have those meetings and say here is the expectation, particularly when neighbors, other folks are in closer proximity. We -- we will have some developments that will happen in parts of this city -- there could be all the dust in the world and it's -- it's not going to impact anybody. I would hate to have them position water trucks all the time out there and go to the expense when it doesn't impact people. So, that -- to me that's the driver. Are we implementing something that will benefit the neighbors, that will reduce the complaints. I'm just concerned there will be some areas where there is nobody to complain and we are requiring a lot more than needs to be done.

Simison: Anyway, unfortunately, you are not necessarily going to know that, because a development could come through and there is nobody there, can sit there for ten years and everything gets built up around it, so, you know, is it in -- yeah. Yeah. Think you know, but do you know.

McVey: And -- and most developments in the city are required to submit a SWIP. Most projects are over an acre and so they are already required to submit that and that is enforceable through DEQ and with ACHD and so I think, you know, us continuing to leverage that -- that already exists, that's already a requirement that developers are already familiar with it. You know, the only thing is if -- if a development was under an acre, potentially requiring a -- a different dust plan, but beyond that I think having the SWIP already in place kind of stands in as the dust plan, because it would have all the same type of requirements.

Simison: Council, anything else on this one? Okay. Thank you very much. Bill, are you taking over the next one?

Parsons: I get the pleasure of sharing what planning found out for you, so appreciate being here. Laurelei, a pleasure working with you on this project as well. Certainly it's -- anytime we are challenged to look at our processes I think it's a good thing. So, I do appreciate Council having us taking a deeper dive and looking into these issues. So, Planning is a little bit different. It's structured differently than -- than Public Works and -- and so what I have tried to do is give you some historical data. We are all -- I know we are all data-driven and I think that's important to understand that and how we got to where we are -- how we operate today. So, going back I -- I looked at the previous ordinance when the Unified Development Code was originally adopted in 2005 and at that time the city did have design standards, but it was only required for buildings of certain size and it was based on the zone that you were being -- it was being located in. So, for example, in the C-N zone if your building was larger than 7,500 square feet you would go through

a design review process. Well, in 2009 we actually hired a design review planner. I had the privilege of working with that gentleman and he actually established the formal design manual that we operated under until 2015 and in that particular document in 2009 it dealt with site design and building design and, then, 2015 we wanted to further define that and we went ahead and just used what we are currently using today, which is the architectural standards manual and that exclusively focuses on building design only and, then, as I jump over to the -- the right hand of the screen I wanted to focus on building height, because they are kind of synonymous to one another. A lot of times when we take in an application for a preliminary plat or a conditional use permit or planning a development I think the Council understands that we bring forward building elevations and part of -- and that's a requirement of our checklist. So, in our processes we always require elevations as part of that process. So, the reason why that's important is because when I looked at the Unified Development Code that we adopted in 2005, it deferred -- it defers everything to the international codes. The same language that we operate under today is -- is what was in 2005 and adopted. So, that has not changed and, then, also what will happen is if we question building height, for example, it may have a peaked roof and we know the building code measures it differently. In our -- in our current UDC there is no definition of building height. It directly -- it directs us to building code and we go to our building department and ask for their interpretation. So, for example, if we have a pitched roof when residents understand building height they are thinking we are going from the first floor -- the ground, the grade, to the very top of the roof and that may not always be the case in the -- in the building code and so that's why when we see something that is encroaching maybe 30 -- to that 35 foot height limit or maybe close to getting a maximum height limit in any zoning district, we will consult with our building official and say, hey, how are you guys going to interpret this to make sure that we are meeting the -- the maximum height and feet requirement per the UDC and that kind of ties into my next slide on processes. So, currently under the UDC, as I mentioned to you -- so, for example, when findings or development agree -- development agreement comes before City Council there is requirements to comply with those elevations and that concept plan. It's pretty typical language. Sometimes we will say generally, sometimes we will say substantially. It just depends on the project and how much information the applicant gives us. After it goes through that process, then, we -- the UDC allows -- grants the director the authority to do an administrative design review. So, design review does not require -- is not required to come before City Council. It only requires director's approval and that usually occurs with our site plan review, our certificate of zoning compliance process. The one important thing about our design review process -- and it's currently stated in the code -- is that single family detached homes are not required to go through that design review process unless it's required through a development agreement. So, it goes back to our previous discussion where findings and development agreements in our realm mean something. We want those specifics, so that we can enforce that or make sure that we are meeting the intent of what was discussed at the hearing. That's -- that's our critical legal documents that we used to ensure elevation, site designs, those things are -- are meeting the requirements of the code as well. That's a component of it in our world -- in our realm. And, then, most other projects, again, that's kind of that third bullet point, that's defined each piece of it where we -- we rely on that. The height process is a little bit different. So, again, in our code wanted to look at our zoning code, so I can help give you

-- orient you to as to what's required in the code. So, each of our residential districts, commercial zones, industrial zones, traditional neighborhood districts have a maximum height limit. It's in feet. So, for example, most of our residential codes are 35 feet up to -- some of them go up to 60 feet in our R-40 districts and, then, of course, that goes up. The more intense commercial industrial, they all have 50 foot max heights or up to 65 feet and each one of them have the same height exceptions that we have been discussing during our last hearing. But in our tradition -- in our commercial, industrial and traditional neighborhood districts we go one step further. We allow taller heights through the alternative compliance process or through the conditional use permit process. We do -- we do not allow that option under our residential districts for a very good reason. So, it's interesting -- and I wanted to share that with you is because even though we have these other appurtenances and which is a very broad term and that we probably have to button up as I transition to my next slide, those are some of the alternatives that I want to talk about with -- with the Council to maybe button up some of the verbiage in our code and, again, anything we do in our world we try to go vet those through the UDC focus group and the BCA. So, again, here is -- here are the alternatives. As I mentioned to you historically we have not had a building height definition in the UDC. We defer to the building code. So, in bullet point number one I do have one example of where we can maybe have a recommendation or something to consider moving forward. Looking at other zoning ordinances -- and this is pretty typical. It's from gray to the very top of the building. Again, our code -- the zoning ordinance can be a little more restrictive than the building code. It's our code to enforce. As we have discussed at the public hearing process we try to lean toward -- Council towards building height in feet and not stories. So, that's also something that the -- the Council should remember as well as we deliberate an application. Feet is the critical part of the -- the zoning code ordinance. The other alternative you have available to you is removing height extensions altogether. Now, one of the discussions that I do want Council to -- to deliberate on is whether or not you feel we should do that for all districts or are you -- your primary concerned around residential districts. So, you can see here here is a list of examples that are currently in the code and, then, also I added some new ones -- for example, parapets, solar panels, elevator shafts, stair towers, those types of things have been added and, of course, I left in appurtenances and that's something where -- that verbiage we can -- again anything on this list can either be added to or removed if that's the direction of the Council. And, then, second, if we do keep -- want to keep some of those exceptions in the code, then, we want to further clarify that. So again -- and make sure that they are exempt from the building height, so, again, we can -- we can keep it status quo, keep it the way it is, allow those to continue through the administrative process like we currently do, but just have a -- a finer rein on what's allowed under that requirement. Two, we can make anyone that has a request for height exception, they should disclose that in their hearing level application, so that this body knows and the public knows that they are seeking an additional height exception and, then, we can have that discussion on the public record and include those as part of any findings that you -- you take action on. Again maybe the desire of the Council to grant that during the hearing or you may want more information on how that would work and you could continue the project for more information or you can simply put in the required findings or the DA that they come back when they have those details worked out with the -- with the future DA mod or CU -- CUP mod to -- to

review those elevations. So, again, there is a -- there is a lot of things we can do here and certainly open to the discussion that you may have on these topics, but, like anything, looking for direction, as well as Public Works, so -- so, in conclusion of my presentation from our last hearing -- or discussion on these topics, I do want to assure Council that we take your comments seriously. It is important. We don't like citizens complaining. So, what we have done is taken a proactive approach. We have weekly staff meetings. So, I went ahead and reinforced that the planners make sure that building heights and designs remain consistent with those findings and the development agreements, if there is any questions they should certainly come to me or the director and talk about those. Again during our staff reports when we present to both the Planning and Zoning Commission and City Council we will put a greater emphasis on those elevations than anything that -- if they are -- those buildings are getting on those high -- taller heights that we will share those with you and, certainly, if there is any rooftop amenities we will make sure to highlight those for you as well and you could ask those questions of the applicant on how they intend to see those spaces being used and what their height is intended to be and, then, through -- whenever we approve CUP elevations through CUPs, PUDs, or development agreements, again, we are going to use -- we are not going to use generally consistent anymore. We are going to say substantially comply. That way if there are changes to building forms, materials, roof lines that's something that may require a need to come back before this body to take action on it. And, then, also during our last meeting we talked about the director does have the ability to convene a design professionals committee. That is in the zoning ordinance. So, again, if staff has questions about consistency with the design, certainly I think it was encouraged by this Council to leverage that group more and get their direction -- their recommendation before we approve any projects. So, with that I will go ahead and conclude my portion of the presentation -- discussion this evening and, then, just stand for any questions you may have or any -- and any direction moving forward.

Simison: Thank you, Bill. Council, comments, questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So -- and I -- I know we are cognizant of time, because I think we are running short on time, but if -- if we went ahead and defined building height and, then, said any exemption needs to be disclosed to the Council, we also need to tighten up this appurtenances not intended for human occupancy to make things like function the way we want? Because that is something that kind of came out through these meetings was that it was just such a broad definition that it feels like almost anything could fit in that category. So, is your recommendation to do those three things to kind of solve this issue? And I appreciate, by the way, I just want to say thanks for all the work on this and I can tell you really honed in on the challenge, which is we don't want to -- as a Council be talking about finishes or details, we just -- it's really the height thing that I think is the big hot button for people. So, would you recommendation be like those three things together

and, then, come back to us or do you feel like we need to choose among a different set of solutions?

Parsons: Mayor, Council, Council Woman Strader, I think all three will probably give you the assurances that you are looking for. The only caveat that -- to that is is that what you want for residential districts or all the zoning districts, as I mentioned, because, again, all of these things -- all the language is similar in every one of the -- in Chapter 2 of our code. So, if -- if it is just a -- a smaller scope of -- we could certainly wrestle with that. But, again, a lot of these exemptions you see are really for non-residential buildings. You don't -- you won't see a lot of these features on a residential structure, but you could. But, again, when I looked at -- Bruce was kind enough to send me some language from Boise and they were very specific on steeple, spires, belfries, those type of language. It -- it specifically spoke to nonresidential structures, not residential. So, again, that's something we can look at, but if that is your desire, your alternative you want us to move forward with, then, I would say we look at all three and bring back something for consideration and work -- again, work with the BCA and the UDC focus group on that language.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I -- I think all three and I think it -- it should actually apply to all building heights, just because I -- I do think residential impact is where we see this the most, but you can always have a commercial building next to residential where you have a similar dynamic and I think we have seen some of that. I mean usually -- usually there is a transition that kind of takes care of it or there is a buffer, but I personally think people should come to a hearing and kind of understand what they are going to see and that if we made these three changes for all zones we would get a lot of clarity on what -- what the outcome would be. So, that -- that would be my two cents.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just going to follow up a little bit on that line of thinking. If -- if we make these changes and we are focusing on just the height, does that -- from your understanding from other communities here in the valley how they do that, does that make us an outlier in how we would go about addressing that issue or do you see a lot of variance with different communities how they might, you know, talk about building height and stories and all that kind of stuff? I'm just kind of curious if -- I don't want to create something that's, you know, just unique to us that's actually unreasonable, but I do agree that being as simple and clear to constituents as our -- should be our number one goal, so that everyone understands what we are approving and that we understand what we are approving, too. So, can you just provide some insight from maybe as you have done a little bit of research with the rest of the valley?

Parsons: Yeah. Mayor, Members of the Council, Councilman Taylor, I had a chance -- I didn't look at every code in the valley, I just looked at other -- there were some codes in Washington and they measured, again, from grade to the peak, similar to what the city of Boise has done. So, that's pretty typical. Nampa was 30 feet in the residential district and, then, some of their other zones had zero heights restrictions. The only caveat they had is if you were adjacent to a residential district you had to at least be 50 feet away and if you were any closer than -- actually I should put it this way -- if you were 50 feet or closer to a residential district you couldn't exceed the 30 foot height limit in the residential district. But if you were 51 feet away no height limit. So, that was kind of their -- their line in the sand to say, well, you can go as tall as you want as long as you are 50 feet -- 50 and a half -- 51 feet away from the -- the adjacent residential district. So, it's -- it's pretty typical to see communities defining that to the top of the roof. It's not unusual, but, again, it's like anything, we will defer to Council on what you want to do. If you don't want to do anything and, like you said, monitor the situation almost like Public Works, we are happy to do that as well and certainly as you know we keep a running tab of code -- list of code changes and this is something we could certainly add on to it and -- and have those discussions.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Quick follow up. I mean I think this is one -- one thing that has kind of come up sort of consistently is, you know, how many stories -- what's the actual height? Are we talking 48 feet or 44 feet? So, some sense of clarity I think is probably helpful. I would be interested to know some feedback from the development community how they would -- how that would interact with that. I just will leave this last comment. I think the definition of appurtenances certainly would do us well to define that so we actually know what's allowed, what's not allowed, so that when there is exceptions being sought we can have a pretty clear idea what that is.

Simison: So, with that feedback was this something you would like to have them go and work with the BCA on these elements before you see anything come back?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I would just suggest maybe we set aside the nonresidential piece of this, focus on the residential. I think if we start getting into steeple, spires, cupolas, domes, chimneys, parapets, I can think of lots of commercial -- we would be having lots of hearings about whether or not those rooftop structures would be appropriate or not. When, in all reality, they are. So, let's tackle the non -- or the residential piece would be my preference. Set the -- the nonresidential piece aside and visit that maybe in a future meeting.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I would appreciate the feedback from the community as we go through this. I mean just understanding what -- you know, what we are doing and the impact on our partners who are working with us in the city. I actually like your suggestion, too, Councilman Whitlock, about sort of separating it out, because that's sort of the issue with the residential. Seems like what we deal with the most. But I do -- I would like that feedback from the community.

Simison: Okay. Do you feel like we have got -- staff, do you feel like you have enough direction to take that and -- I know we have a representative from the BCA here, they have heard the conversation, so -- okay. Council, it's 5:50. Do we want to move on to the next item, bring it back in a future date? And I -- I say that -- we are not even through -- there is one or two more items that you want to have on this -- Bruce.

Freckleton: No.

Simison: Oh, that's it? Okay. Okay. We wrapped everything up into several items, so -- okay.

Cavener: Mr. Mayor, I -- I don't think we are going to have enough time to go into an Executive Session, so we will just -- we will do executive after our main meeting and so, Mr. Mayor, I would move that we adjourn this afternoon's work session.

Strader: Second.

Simison: Motion and second to adjourn the work session. Is there any discussion? If not, on favor signify by saying aye. Opposed nay? The ayes have it. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 5:50 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK