

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Tuesday, April 13, 2021, by Mayor Robert Simison.

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

Members Absent: Joe Borton.

Also present: Adrienne Weatherly, Bill Nary, Bill Parsons, Sonya Allen, Berle Stokes, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☐ Joe Borton
☒ Brad Hoaglun	☒ Treg Bernt
☒ Jessica Perreault	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: So, with that, Council, I will call this meeting to order. For the record it is April 13th, 2021. It's 6:02 p.m. We will begin this evening's City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Okay. Moving on. Our next item on the agenda is the Pledge of Allegiance. If you would all rise and please join us in the pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Our next item on the agenda is the community invocation, which tonight will be delivered by Pastor Hanke with Valley Life Christian Church. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection.

Hanke: Mr. Mayor, City Council Members, it's a joy and blessing to continue to be present with you this evening. Would you join me in praying. Father God, we thank you for the opportunity to continue the work of the city and this evening I pray that you might grant wisdom, discernment and peace to each of the members of our City Council. God, we pray especially for those who work to serve our city as first responders, God, both on -- in the medical field, God, in law enforcement -- in all areas. God, would you keep them safe and give them the same wisdom and discernment to lead in a servant like manner. And, God, would pray for the citizens of the city, would they continue to exist in harmony with one another seeking to care for and love their neighbors as themselves. We lift up

the work of the city to you, God, and ask that it might be done in a manner that would glorify your name. It's through the Savior Jesus Christ we pray, amen. God bless you all. Thank you.

ADOPTION OF AGENDA

Simison: Thank you, Pastor. Next item is our adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: There are no changes to the agenda, so I make a motion to adopt the agenda as published.

Hoaglun: Mr. Mayor, I second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Madam Clerk, do we have anyone signed up under public forum?

Weatherly: Mr. Mayor, we have one person signed in, a Garrett Blackner, wishing to speak about roads.

Simison: Thank you, Mr. Blackner. If you would come forward, state your name and address for the record, and you will be recognized for three minutes.

Blackner: Hello. My name is Garrett Blackner. I live at 1912 Northwest 12th Street in Meridian. Just a -- you know, a lot of people are moving to Idaho because we wanted to get away from big traffic, high density housing and, you know, all the stuff that comes along with a huge impacted city. Each week I'm looking at the agendas and I just see more and more plats and they are all medium to high density, which brings a lot of people in one area, but also what I don't see in that is a lot of talk about roads and improving -- making roads wider. A couple weekends ago we had a nice good weekend, the whole -- it was congested everywhere, you know, driving around. So, I mean as Corona goes away and we get back to normal, this is going to continue to get worse and worse and -- I mean I know you have been following the -- you know, the state, you know, and they just did pass a -- House Bill 326 was the transportation fund and they added an extra 30 million, but when I dig down into this and you look at where all this money is going, you know, it's not just going to roads, it's going to computers, it's going to two percent raise to

employees -- you know, this money is not going to just widening all the roads and I -- my -- my major question is -- is, you know, other than -- I don't think we could rely on that to make sure that our city doesn't get to be LA, you know, just getting packed and sitting in traffic now. Do we have any plans to get these roads wider at a city level and if that -- if we do have a plan does that plan involve raising our taxes and that was kind of what I wanted to have a question about. Thank you.

Simison: Thank you. Garrett, we will -- my office will follow up with you to have a direct conversation, just so you are educated and know about what we are and are not doing and if there is a further conversation with Council we will let you know. Thank you.

PROCLAMATIONS

1. Meridian High School Wrestling State Champions Day

Simison: Okay. With that we will move on to our next item, which is a proclamation for Meridian High School Wrestling State Champions Day. So, I will go down to the podium and, hopefully, we can get the team into the room. If they want to.

Hoaglun: Mr. Mayor, as you are turning the podium, I will just take the mic and just say a few quick words. You know, this is back to back that my alma mater is here to be honored for a state championship. So, you know, I can be proud of that. And Meridian High School has had a great tradition of a strong wrestling programs over the years. So, I just like the fact that we just have a -- a great competitive team. You know, you can't always win the championship, but you want to be in the running and, fortunately, this year these young men got the job done. So, it's exciting and I like seeing that blue and gold, so --

Cavener: It's cool to see them all coming in. This is awesome.

Bernt: Agreed, Councilman Hoaglun.

Simison: All right. I'm not going to lie, I like this -- the size of this group a lot better than the basketball team. I feel more at home, just so we are clear. Yeah. Absolutely. You got a few tall ones, but this is -- this is more my crowd from that standpoint. While -- as you were walking in Councilman Hoaglun, who was a Meridian High School graduate, was just making a few comments and it's great to see the Warriors coming in for these proclamations. This is our second one in the last -- in the last few weeks. I have no doubt there will be many more for -- for the Warriors over the coming decade. It's a great time to be an athlete in the Meridian high school system -- or the West Ada school system, but in the City of Meridian especially. So, what we are going to do is I have got a proclamation here that we are going to read, then, what we would love to do is have each of you come forward and state your name, your weight class, and your year, just so we can put it on the record that you were here. The proclamation -- there is a second proclamation, which will be entered into the record, which has everyone's names in it as well. So, if you ever want to come back, you know, if the school won't let you in so you can't go in to see the trophy, you can always come here or look it up online and show your kids someday from

that perspective and, then, coach we would love to have you say a few words about the team for everybody as well. Probably before they come up and each state their name into the -- into the record. So, with that I'm going to go ahead and read a proclamation. Whereas being a Meridian High School wrestler is more than scoring points, escapes, takedowns, pins and achieving state titles. It is training to build leadership, character, confidence, teamwork and resilience, all traits needed to succeed on the mat, in the classroom, and in the real world and whereas the Meridian Warrior wrestling team qualified 29 wrestlers for state and 16 of them finished on the medal stand and whereas their hard work racked up 324 points, finishing 70 points ahead of Kuna with 250 points in second place to bring home the 2021 state wrestling championship trophy and whereas the Meridian Warriors steamrolled the competition in pursuit of the first state wrestling championship title since 1987 and whereas the leadership, training, and discipline of their coaches helped all team members to focus their talents, passion, and determination to become a winning team, with each player making valuable contributions to their victory. Therefore, I, Mayor Robert E. Simison, hereby proclaim April 13th, 2021, as Meridian High School Wrestling State Champions Day in the City of Meridian and call upon the community to join me in congratulating the Meridian High Warriors on the remarkable athletic achievement and for representing Meridian so proudly in the state tournament. Dated the 13th day of April 2021. With that a round of applause for these fine young men. Coach, would you like to come forward.

Muri: All right. Well, I will keep this short and sweet. I'm beyond proud of what these kids accomplished this year and it's a -- it's been a long time coming. They said last time we won it was 1987 and I was -- I was four months old. So, yeah, what these guys accomplished -- it's pretty awesome, because it took a whole army and these kids and put in a lot of unglorified hours behind the scenes lifting weights, running, drilling, going to camps and for them to see the fruits of their labors -- pretty amazing. So, very proud of them.

Ewing: Like the year I graduate? All right. All right. I'm Forest Ewing. I'm a junior and I graduate 2022. And I wrestled 126.

Gooley: I'm Carson Gooley. Freshmen. And I wrestled at 220.

Frix: My name is Caden Frix. I'm 160 and I'm a junior.

White: My name is Cade White. I'm 138 pounds and I'm a sophomore.

Mara: I'm Jason Mara. I wrestled 126 and I'm a freshman.

Ewing: I'm Lucas Ewing. I wrestled 98 pounds and I'm a freshman.

Dixon: My name is Roc Dixon. I'm a senior and I wrestled at 195 pounds.

Twait: Isaiah Twait, 170, sophomore.

Smith: My name is Kaleb Smith. I wrestled at 182 pounds and I'm a senior.

Kimes: My name is Zach Kimes. I'm a junior and I wrestled 113 pounds.

Hunsaker: My name is Jayden Hunsaker. I wrestled 132 and I'm a senior.

Papa: My name is Matthew Papa. I wrestled 113 and I'm a freshmen.

Gomez: My name is Jacob Gomez. I'm a senior and I wrestled 120.

T.Papa: My name is Tanner Papa. I wrestled 145. I'm a senior.

Morrill: My name is Breyden Morrill. I'm a sophomore and I wrestled 195.

Sears: I'm Lucas Sears. I'm a junior and I wrestled 152.

Sallee: I'm Jay Sallee. I wrestled 182 and I'm a junior.

Merritt: I'm Dallas Merritt. I wrestled 285 and I'm a junior.

Arruda: May name is Kaiden Arruda. I wrestled 170 and I'm a senior.

Kolka: I'm Kellen Kolka. I wrestled 98 and I'm a sophomore.

Mack: My name is Parker Mack. I wrestled 152 and I'm a junior.

Smilie: My name is Tristan Smilie and I wrestled 138 and I was a sophomore.

Sunada: My name is Brodyn Sunada. I'm a junior and I wrestled 145.

Dickerson: My name is Teigan Dickerson. I'm a junior and I wrestled 106.

Simison: One more time for your 2021 state championship wrestlers. If you will get in front of the podium and do a group picture and we do have some City of Meridian pins.

ACTION ITEMS

- 2. Public Hearing Continued from February 23, 2021 for Prescott Ridge (H-2020-0047) by Providence Properties, LLC, Located on the South Side of W. Chinden Blvd. and on the East Side of N. McDermott Rd.**
 - A. Annexation of 128.21 acres of land with R-8 (99.53 acres), R-15 (8.82 acres) and C-G (19.85 acres) zoning districts.
 - B. Preliminary Plat consisting of 371 buildable lots [single-family residential (215 detached/102 attached), townhome (38), multi-

family residential (14), commercial (1) and school (1)], 42 common lots and 6 other (shared driveway) lots] on 124.81 acres of land in the R-8, R-15 and C-G zoning districts.

Simison: All right. Council, with that we will move on to our public hearings for the evening. First item up is a public hearing that was continued from February 23rd, 2021, for Prescott Ridge, H-2020-0047 and I will ask staff, Sonya, if there is any comments at this point in time. Additional comments.

Allen: Mr. Mayor, Members of the Council, no comments from staff at this time.

Simison: Okay. Is the applicant here to make any comments? Madam Clerk, would you turn the podium -- or maybe -- I'm sure Stephanie remembers how to do it. There is a little -- thank you, Stephanie.

Hopkins: Thank you.

Simison: And state your name and address for the record.

Hopkins: Good evening, Mr. Mayor, Members of Council. Stephanie Hopkins with KM Engineering. 5725 North Discovery Way in Meridian, Idaho. I don't have anything new to add since the last time around. I think we had determined that we were going to cover just new information. So, I can do my presentation and some other things if you would like to go through that. I know that we are kind of still talking about legislation. There is some stuff that's involved with that, too. So, I don't know if there is -- been kind of watching other Council meetings and familiar that you have continued a couple projects on the basis of that. But if there is anything further you would like to discuss or questions or -- if you do want to hear this project tonight I'm happy to answer questions.

Simison: Council, any questions, additional information, or direction? Councilman Bernt.

Bernt: Mr. Mayor. Stephanie, I -- totally up to you. We will never -- we are never going to tell you that you -- it's not appropriate for you to say what you need to say and present what you think you need to present. That's -- I will punt to you and if that's -- whatever you would like to do this evening. But you were right on with our past comments about continuations, so I think it's probably going to continue.

Hopkins: Yeah. Mr. Mayor, Councilman Bernt -- I think the only new thing that's really happened -- I -- we got an e-mail that came through from one of the adjacent neighbors that it talked about access points and so we are currently working with our development team to try to figure out how we could maybe have alternatives that we will present to you. One of those -- a couple of those would be through the subdivision that we are proposing. So, to the southwest corner, a cul-de-sac, and, then, aligning the backage road in a way that maybe would appeal to the neighbors and in a way that wouldn't be through Serenity Lane. So, I think Serenity Lane and the medical campus were the main things that we kind of left on the table from the last discussion and I mean I think -- my

understanding in talking with staff and kind of just through watching the previous meetings is that a continuation tonight might have been the way that Council is going, but if we would like to have this open and -- and to have the discussion and if you feel like you might make a determination tonight I'm happy to talk through those things about Serenity Lane and the medical campus.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: We could possibly, you know, continue it keeping that portion open, so that we can have those further discussions, if that's what you desire.

Hopkins: Sure. That sounds great. Thank you. So, I don't know if -- I have a flash drive and I can kind of load it onto the computer if you would like. Once Adrienne gets that loaded up I will kind of talk through what we were talking about with the access via Serenity Lane, but I won't bore you with more the -- or some of the details that we have already discussed a couple times as far as what the project is composed of.

Weatherly: Mr. Mayor, it's just going to take me a few minutes to get the presentation queued for you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: If -- if this is an issue getting pulled up and we are having some problems with it, I mean, Stephanie, are you opposed to just talking more about this when you guys come back at a later date?

Hopkins: Sure. Yeah. I'm -- Mr. Mayor, Councilman Bernt, I think that that's probably reasonable. The PowerPoint I was going to pull up is actually from the last time around. I was going to show you roughly where those access points are -- we were talking about possibly proposing if Serenity Lane isn't going to be a viable option, so -- but that, yeah, could be a discussion that could be had at a later date.

Weatherly: Mr. Mayor, Stephanie, the challenge is that the presentation is contained in the meeting minutes and not as an individual presentation. It doesn't look like we still have it saved as an individual presentation.

Hopkins: Okay. Thank you. And, Adrienne, I think for some reason it didn't save on that flash drive, so -- thank you.

Simison: Well, what I'm sensing is we are going to be continuing this item for a couple of reasons. It is a public hearing and we do have at least one person online. I want to make sure we give those that have come in this evening an opportunity to make comment if

they would like, in case they are not able to make it to whatever day we choose to continue it to. So, Madam Clerk, did we have anybody sign up to testify specifically?

Yearsley: Mr. Mayor, we did not.

Simison: Okay. Well, if you would like to provide any comments, knowing that this hearing is going to be continued, if you can use the raise your hand feature or raise your hand here in the audience and we can ask you to come forward, but we will continue this to another date. Not seeing anybody, excuse me, raise their hand or come forward. With that, Council, would you like to make a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we would continue Prescott Ridge, H-2020-0047, until May 18th.

Perreault: Second.

Simison: I have a motion and a second to continue this item until May 18th. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and we are continued until May 18.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hopkins: Thank you.

Bernt: Thank you, Stephanie.

Simison: Thank you.

Cavener: Thanks, Stephanie. Nice to see you.

3. Public Hearing Continued from March 9, 2021 for Shafer View Terrace (H-2020-0117) by Breckon Land Design, Located on the East Side of S. Meridian Rd./SH 69, Midway Between E. Amity Rd. and E. Lake Hazel Rd.

- A. Request: Annexation of a total of 40.48 acres of land with R-2 (10.66 acres) and R-4 (29.82 acres) zoning districts.
- B. Request: A Preliminary Plat consisting of 50 buildable lots and 10 common lots on 39.01 acres of land in the R-2 and R-4 zoning districts.

Simison: Next item on the agenda is another continued public hearing from March 9th,

2021, for Shafer View Terrace, H-2020-0117. Before we see if there is any staff comments I'm going to turn this over to Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Just -- Council, before we get started as just a quick reminder, I was absent on the March 9th meeting. Although I was able to watch the proceedings from home via YouTube, I wasn't active and participating in the meeting, though I have watched that meeting, I have reviewed the minutes, it's likely that we may be continuing this one as well, but just wanted to note it for the record that I have reviewed everything and am prepared to be involved in the conversation should one exist.

Simison: Thank you, Councilman. With that I will turn this over to Sonya for any staff comments.

Allen: Mr. Mayor, Members of the Council, staff has no comments.

Simison: Is the applicant here this evening?

Wall: Yes. This is Mary Wall with Breckon Land Design.

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

Wall: Mary Wall. 5636 North Portsmouth Avenue in Boise.

Simison: Do you have any additional comments you would like to add at this time?

Wall: I do not. We would like to continue the hearing until the May 11th City Council meeting.

Simison: Council President, how does that look?

Bernt: Mr. Mayor, thank you. On May 11th we have three public hearings it looks like. Am I looking at that correctly, Madam Clerk?

Weatherly: Mr. Mayor, Council Member, that is correct.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: We -- this evening we have -- we moved to continue a previous item to May 18th, so we now have two scheduled for that date. We do have one -- only one scheduled for the 25th. My -- my recommendation would most likely be the 18th or the 25th if those work for the applicant.

Wall: We would prefer as soon as possible, so -- so, the 18th, please.

Simison: The 18th is what is being proposed by the applicant and is one of the options.

Bernt: Mr. Mayor, I -- you know, I think it's important to a certain degree that we are somewhat cognizant of these -- these folks and it's really not their fault that they are -- we are having this discussion right now and -- and I would be -- I think the 18th is fine. I do feel like if -- if going forward if this is continuing to go out I wouldn't be opposed to having a special meeting to address some of these issues, so that we are not back logging multiple continued hearings, along with current applications that are just going through the process and so I don't know if that's a discussion that we need to have right now at this very exact time. We do have some -- I wouldn't be opposed to putting it on the 18th, but we -- maybe the Mayor and I are -- maybe we should have this discussion about what that looks like going forward.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I would move that we continue the public hearing for Shafer View Terrace, H-2020-0117, until May 18th.

Strader: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

4. Public Hearing for TM Center/Ten Mile Crossing (H-2020-0074) by SCS Brighton, et al., Located East of S. Ten Mile Rd. and south of W. Franklin Rd.

- A. Request: A Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts.
- B. Request: A Development Agreement Modification to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area. The proposal includes a request for adoption of project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan (TMISAP), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height of up to 100-feet to allow for 6-story

buildings [i.e. TM Crossing – AZ-12-005 (Inst. #114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)].

- C. Request: A Rezone of 40.98 acres from the R-40 and C-C zoning districts to the C-G zoning district, 3.9-acres from the TN-C and C-G zoning districts to the R-40 zoning district, 0.65 acres from the R-8 and TN-C zoning districts to the C-G zoning district, and 0.53 acres from the TN-C zoning district to the C-G zoning district.

Simison: Thank you, Mary. Appreciate it. And we will see you back here next month. Next item on the agenda is a public hearing for TM Center/Ten Mile Crossing, H-2020-0074. We will open this public hearing with staff comments and turn it over to Sonya.

Allen: Thank you, Mr. Mayor. I'm not seeing my presentation. Give me just a moment, please. All right. Here we go. The next applications before you are a request for a development agreement modification, a rezone, and a preliminary plat. This site proposed for the subdivision consists of 132.42 acres of land. It's zoned R-40 and C-G, located east of South Ten Mile Road and south of West Franklin Road. The proposed plat encompasses land that was annexed with the Ten Mile Center, Ten Mile Creek East, Calnon and Bainbridge Franklin projects. The Comprehensive Plan future land use map designations are mixed use commercial, mixed use residential, high density residential and medium high density residential. A development agreement modification is requested to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area. The proposal includes a request for adoption of project specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan, which includes deviations from certain goals and guidelines, including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height in the C-G zoning district of up to one hundred feet to allow for six story buildings and I'm going to just let the applicant go into more detail on this, rather than being repetitive tonight, and move on to the other requests, because I know they have quite a presentation on this. The applicant is requesting a rezone of 40.98 acres of land from the R-40, C-C, and C-G zoning district, 3.9 acres from TN-C and C-G to R-40, .65 of an acre from R-8 and TN-C to C-G and .53 of an acre from TN-C to C-G. The smaller areas proposed to be zoned C-G will clean up the zoning in this area where it's irregular and doesn't follow parcel lines and/or proposed streets. The area proposed to be rezoned to R-40 south of the Ten Mile Creek will be an extension of the R-40 zoning that exists to the west and will allow for the development of additional multi-family residential uses with conditional use approval. The proposed zoning and use is consistent with the underlying mixed use residential future land use designation. The

target density for this designation is eight to 12 units per acre. The future land use designation of the abutting property to the west is high density residential, which allows for multi-family residential uses at a target density of 16 to 25 dwelling units per acre. Future land use designations are not parcel specific and an adjacent abutting designation when appropriate and approved as part of a public hearing with a land development application may be used. Because the high density residential designation allows for a higher density, staff recommends this designation apply to future development of this property since the density will be higher than 12 units per acre if apartments are developed on the site similar to those to the west in TM Creek Apartments. Future development of this property is currently governed by the existing development agreements for Ten Mile Center and Calnon. Conceptual development plans were not approved for these projects, other than a conceptual street layout for the Ten Mile Center property. The larger -- larger area to be rezoned to C-G between Franklin Road and the Ten Mile Creek is designated on the future land use map as mostly mixed use commercial, with approximately a quarter of the area on the west end as high density residential. As noted, because the future land use map is not parcel specific and allows for abutting designations to govern, staff recommends the abutting mixed use commercial designation to the east apply and govern future development of the western portion of this site. The proposed C-G zoning district is an appropriate zoning choice for the mixed use commercial designation, which allows for a variety of uses, including commercial, vertically integrated residential, live-work, employment, entertainment, office and multi-family. Future development of this property is currently governed by the existing development agreements for TM Creek East and Calnon. Conceptual development plans were not approved for these projects. The applicant submitted a conceptual land use plan as shown to ensure a mix of uses from each major land use category, commercial, residential and employment are provided as set forth in the Ten Mile plan in accord with the provisions of the annexation. A preliminary plat is proposed consisting of 83 -- which consists of 74 commercial and nine high density residential buildable lots and two common lots on 132.42 acres of land in the R-40 and C-G zoning districts. The plat is proposed to develop in six phases as shown. Phase one consisting of multi-family residential apartments in TM Creek East on Lot 16, Block 3, is currently under construction and almost completed. No development has occurred on the remainder of the site. Phase two commenced last year with the completion of Wayfinder from Vanguard to Cobalt between the existing roundabouts. The development of phases three through six may vary in area and sequence based on the product need and market demand. The proposed common lots will contain the Ten Mile Creek corridor, which includes a ten foot wide segment of the city's multi-use pathway and the relocated Vaughn Lateral, which will be deeded to NMID. There are no existing structures on this site. Wayfinder Avenue in the western portion of Cobalt in front of the TM Creek East Apartments, has already been constructed outside of the subdivision process and are not consistent with the street sections designated in the street section map in the Ten Mile plan. However, they do comply with ACHD standards and have been approved by ACHD. These street sections were constructed as standard street sections with two travel lanes, a center turn lane, bike lanes and no on-street parking. South Vanguard Way from Ten Mile Road to the roundabout at the southwest corner of the site was approved and constructed with the TM Crossing development to the south. The eastern portion of

Cobalt to New Market and Benchmark and the extension of New Market-Benchmark from Franklin Road to the southern -- southern boundary of the site is proposed with the subject plat and has not yet been constructed. Staff recommends New Market and Benchmark is constructed as a residential collector street in accord with street section D in the plan with on-street parking along both sides of the street. Staff did discuss this with ACHD and they are supportive of this design. Because Cobalt is already partially constructed, staff did not recommend any changes to that street. There are two driveway accesses proposed via Franklin Road with the plat, one to the east and one to the west of New Market and Benchmark. These accesses require a waiver to UDC 11-3A-3, which limits access points to arterial streets unless otherwise approved by Council. A cross-access ingress-egress easement is required between all lots. All -- excuse me -- nonresidential lots within the subdivision and those proposed accesses, if you can see on the landscape plan, are right here by Franklin. The Commission heard these items on March 18th at the public hearing. The Commission moved to recommend approval of the subject request. Summary of the Commission hearing. Jon Wardle and David Turnbull for Brighton Corporation testified in favor. There was no one that offered testimony and opposition or commented on the application. Written testimony was received from Ben Thompson. Key issues of public testimony. No public testimony other than the applicant's presentation was presented. Key issues of discussion by the Commission were as follows: They would like to see a central common open space and site amenity area. They have a desire for pedestrian scale lights to be provided along walkways. Desire for the developer to follow the use plan submitted to ensure a mix of uses is developed as desired. They were concerned that it may not be appropriate to extend building height limit up to one hundred feet in the overall C-G zoning district and that certain areas may not be appropriate for buildings that tall. For example, adjacent to Franklin and Ten Mile Roads. The applicant's request for additional driveway accesses via Franklin Road and, finally, the Commission was generally in favor of the proposed design guidelines for the development that are part of the development agreement modification request. The Commission made the following changes to the staff recommendation. The applicant should work with staff prior to the Council meeting to identify specific areas where buildings could extend up to one hundred feet in height and provide a conceptual diagram for Council to consider. Consider the area south of Cobalt and west to Benchmark Avenue for those taller buildings. These areas should provide significant buffering between future residential uses and neighboring roadways. The applicant and staff did meet to discuss this and agreed that leaving flexibility in this area may be the best option. If Council disagrees, Condition A-1A-3 should be amended accordingly. The Council should follow the bubble plan concept presented at the hearing as they move forward with their concept plans and, finally, the Commission wanted to see some sort of significant central amenity added to the concept plan for the project, whether it be an amphitheater, a plaza, or a park and that they might seek assistance from the urban renewal agency or work with Council on what that amenity might look like. Outstanding issues for City Council tonight are as follows: The Council should determine if a waiver to the standards in UDC 11-3A-3 is appropriate for the proposed driveway accesses via Franklin Road in the absence of a conceptual development plan for this area. After the Commission hearing staff did meet with the applicant to discuss the Commission recommendation and go over the applicant's requested changes to the new development agreement provisions in the staff report. In

response to the applicant's letter to Council, dated April 5th, requesting modifications to the development agreement provisions based on the discussion with staff, staff is in general agreement with the changes if City Council supports the proposed amendment as follows: Replacement of references to the guidelines in the Ten Mile Interchange Specific Area Plan with the Ten Mile Crossing design guidelines. If Council approves the proposed design guidelines, replacement of these references is appropriate. Removal of the requirement for pedestrian scale lighting to be provided along the adjacent arterial frontages and internal collector streets and change the pathway location from the north to the south side of the creek. Pedestrian scale lighting exists along Wayfinder Avenue north of the creek. Because the applicant proposes extra streetlights along internal collector streets, which nearly double that required, staff feels this should provide adequate lighting for pedestrians if Council agrees. Modifications to the timing of the provisions requiring the final platting of the property prior to issuance of building permits or CZC to issuance of certificates of occupancies instead. Staff is amenable to this change for consistency with past approvals for previous phases. Removal of the requirements for buildings along Ten Mile Road to address the street with windows overlooking the pathway and a minimum building setback of 50 feet to allow 35 feet instead consistent with UDC standards for entryway corridors. Because of the six to eight foot drop in grade from the road it is not feasible for the first floor of structures to overlook the pathway. The 35 foot wide setback is consistent with that on the northern portion of the site in TM Creek. The current DA provision as written allows building heights up to one hundred feet in all areas without restrictions or further application. The Commission directed the applicant to work with staff as mentioned to identify specific areas where this would be allowed and provide a conceptual diagram for Council to consider. They felt taller buildings should only be allowed in certain areas. Staff and the applicant, as I mentioned, discussed this and felt it may be better to leave flexibility in this area and the caveat that significant buffering between future residential uses and neighborhood roadways should be provided. Removal of the requirement for a pedestrian connection to be provided across the creek in TM Creek, west of Wayfinder and north of Cobalt, if approval can be obtained from Nampa-Meridian Irrigation District. Because there is an NMID access road along the north side of the creek, NMID will not allow pedestrian access in that area. The existing drive aisle and two streets over the creek with pedestrian walkways alongside should provide adequate pedestrian connectivity over the creek. Inclusion of the proposed future land use map percentage designations and conceptual land use plan as exhibits in the development agreement and requirement for development compliance is agreeable to staff to ensure compliance with land use goals in this area in lieu of a requirement to modify the development agreement to include a more detailed conceptual development plan in the future. Staff is generally supportive of the land use as proposed to the extent that they are allowed in the district per the UDC. In regard to the preliminary plat condition, A-4, pertaining to design features proposed for complete streets, the applicant proposes to provide sidewalks, bike lanes, wide shoulders, bus stops, refuge medians on all legs of the roundabouts, crosswalks where the multi-use pathway along the creek crosses roadways, on-street parking along Wayfinder north of the creek and along South Sentinel Lane and West Excursion Lane, internal private streets. Sidewalk bulb outs in residential areas for traffic calming and street furnishings consisting of benches, flowerpots, trees and wells, hardscape areas for widened sidewalk

corridor within the development per the proposed design guidelines and request removal of this condition. If Council determines additional features should be required, such as additional crosswalks, refuge medians, bus, pullout special bus lanes, raised crosswalks, audible pedestrian signals, additional sidewalks bulb outs, additional on-street parking, et cetera, a condition requiring such should be included. Staff recommends on-street parking is provided along Benchmark Avenue. The applicant is not in agreement with this recommendation and requests a modification to condition 2-D as follows: South New Market Avenue, Benchmark Avenue shall be constructed with two travel lanes, bike lanes, parallel parking south of Ten Mile Creek on the east side of the street adjacent to future medium density residential development if allowed by ACHD at preliminary platting of that area. Eight foot wide parkways and detached sidewalks and pathways consistent with the Ten Mile Crossing design guidelines, the development agreement, pathways master plan and pathways plan for this site. The first 200 feet of -- south of Franklin Road on New Market is not allowed to have on-street parking per the ACHD report to allow for right and left turn lanes. Written testimony since the Commission hearing was received from Mike Wardle, Brighton Development. There is a letter dated April 5th. Staff did issue a memo to the Mayor and Council in response to that letter. You should have that in your packets. Written testimony was also received, again, from Doug Thompson. Basically the same letter he submitted for the -- for the Commission hearing. He is not in favor of the Ten Mile Interchange Specific Area Plan being further altered. Not in favor of the proposed rezone and not in favor of the proposed building height above four to five stories. That's all that staff has. Stand for any questions. I believe the applicant will have a pretty lengthy presentation, though, which may -- may answer some questions. So, may want to wait on that.

Simison: Thank you, Sonya. Council, any questions for staff at this time? Thank you very much. I thought I saw -- yes, there we go. Jon, you are recognized for 15 minutes.

Wardle: Mayor and Council, give me just one second to pull the presentation, so -- but I did -- for the record my name is Jon Wardle. My address is 2929 West Navigator, Suite 400, in Meridian, Idaho. 83642. I just want to confirm you can see my screen. Perfect. Thank you. Mr. Mayor -- and before I start, I'm wondering how often you have used the word steamrolled in official proclamations, because that was -- that was epic seeing all of those young men and those that support that wrestling team. So, glad to see their recognition. Thank you, Sonya, for the overview tonight. Mayor and Council, we appreciate the opportunity to be in front of you tonight. On the surface the applications may simply be -- look like a rezone, preliminary plat, and approval of access points, but there is a lot more to this as I will get into here shortly. These applications also include a DA modification and design guidelines for the entire area. We have submitted, in addition to the applications, Ten Mile Crossing design guidelines. You see it -- there is a staff report and memo, applicant requests, and Planning and Zoning Commission unanimous approval to you as well. These applications now integrate a cohesive vision for 300 acres to the adoption of specific design guidelines, concurrent with a unified development agreement, instead of five separate DAs. The -- the genesis of -- of our application tonight really relates around the Ten Mile Interchange Specific Area Plan that some of you are familiar with, some of you maybe not. So, I wanted to get into a little bit of background

on this. The TMISAP was created through a public process that included property owners, citizens, developers, professionals, agencies and elected officials to provide input. However, in our opinion developer input was not given adequate consideration based on market acceptance. There were workshops, agency meetings and public hearings to create a vision for a major community asset that had at that time been generally undeveloped. The TMISAP was adopted in June 2007 with practical and aspirational goals as well as a directive to implement the plan and achieve results. Just a couple of excerpts -- excerpts here from the plan regarding implementation. The city encourages developers and key landowners to take the initiative and bring forward detailed design guidelines. The city could look beyond the existing development regulations to new development provisions. By the development of new provisions, such as new zoning districts, overlay districts, design guidelines and development standards and, finally, it will require leadership on behalf of the city and a willingness to innovate and collaborate with all the players involved. Just a couple more quotes here. Developers are strongly encouraged to undertake these tasks. Developers are also encouraged to work together to prepare a set of design guidelines and there is also an incentive potentially by the city to develop and expedite a review process for projects that embrace this standard. So, what -- what do all these have as it relates to the project? Ten Mile Crossing, since its adoption -- Ten Mile that -- that was adopted in 2007. As we all know that the commercial real estate market stalled and user demand shifted. This required a close evaluation of the plan and how best to move forward to secure end users, but create flexibility to adapt to more changes, including those to come, like COVID. It also presented opportunities to work with adjoining property owners. When Brighton and FCS began the process of development we had two properties with entitlements. We had TM Creek, 40 acres on the corner, and we had TM Crossing, which was about 80 acres along Interstate 80, both bounded by Ten Mile Road. Development finally commenced of those two projects in 2014, but an item that kept coming up was the ad hoc approach to planning a large area and interpretation of the TMISAP. There has been a lot of effort, discussion, and maybe occasional frustration by both city staff and us, seemingly because site specific actions were referencing back to general aspirational statements no longer applicable, achievable in the market, or not responsive to current conditions. Additionally, we have seen seismic changes and a need to be flexible given COVID. In collaboration we worked very closely with our adjoining property owners and neighbors to address land use with the Calnon property owners and with Treasure Valley Investments. We ultimately purchased those properties to -- and so we could incorporate a complete vision for 308 acres. So, this exhibit right here shows everything that we currently own out here. The Calnon property, the Bainbridge property, and Treasure Valley Investments. So, all that is 308 acres. By assembling all these parcels together we were able to achieve one of the goals of the plan, which was to work across property lines in a collaborative way. This has been a long time coming. We actually started this process back in May 20 -- May 29th, 2020, when we had a pre-application with staff and, then, we ultimately submitted a subdivision plan for TM Center, the area outlined here in yellow. However, there is -- there continued to be a discussion regarding what is the design standards, what's the vision for the area. So, we set out trying to create a set of design standards. We hired Cushing Terrell to research, review, and create a draft study. So, for the Ten Mile Crossing DA mod and design guidelines we engaged city staff also a year ago to discuss a sub

area plan and project specific guidelines. We had a pre-application in July. We had a secondary application in November. Ultimately we submitted applications in November, which included a comp plan text amendment, combining five development agreements, a planned unit development and zoning modifications. Ultimately, as the applications in front of you, those were reduced down to the DA modification to create a single DA for the entire project with design guidelines and zoning modifications. I want to spend just a few minutes talking through the design guidelines that we have created here. Again, we went -- going back 13 months, that's where this process began. It applies to all 300 acres. It provides a cohesive approach to all this from a design perspective and will be the governing document that we would use to review all applications prior to them coming to the City of Meridian. In total there is about 71 pages here. I don't expect you to review all of it, but we did spend quite a bit of time looking at the -- what should go into this. We have created design review process, they are specific design guidelines, as well as a photo library showing examples of what the look and feel should be and these are all based on projects that have been approved or will be approved in the future. Probably the thing that we are most proud about is coming up with a way to offload some of staff's time to review architecture for the project. So, we have created in this document a design review board where all applications for all exterior improvements will come to us, we will review those, we will make comments back and once we have approved those, then, at that point they can come to the city. There will still need to be a CZC application submitted, but the design review part of it will be taken off the plate of staff and let them focus on other activities. Included in the site -- in the design guidelines we have site and landscape elements. We have architectural elements that you will see here in just a second and we have also created a cohesive signage approach to all Ten Mile Crossing. We have also identified locations in the project where additional architectural control needs to occur. These are highlighted here in red and, as we mentioned earlier, the flexibility to have taller buildings throughout the project should that demand be there. We have created complete roadway standards throughout Ten Mile Crossing. Here is three slides showing the public and private elements throughout the project with specific details on how those function. Those have all been reviewed with ACHD and have been approved by ACHD as they relate to public roadways. One of the things that I wanted to highlight here was the pathways and amenities for the project. This exhibit here lays out the -- the public pathway system, which would be eight foot to ten foot regional and internal pathways. It also shows where we have detached sidewalks and some other landscaping elements that we propose here. In total there will be 3.5 additional miles of public pathways created at the completion of Ten Mile Crossing and this represents what that would be. One of the things that I note here as well -- we have a star, which is a future gathering plaza. That was requested by the P&Z Commission. We really feel like that future gathering plaza should look and feel -- be integrated into the project, much like generations plaza is in downtown Meridian. We need flexibility to be able to design that in the future, but are making a commitment to do that at the request of Planning and Zoning Commission. Just a couple of more items here in the design guidelines. We have site and landscape elements, so that they are cohesive throughout the project. Plantings. Parking areas. Exterior lighting. Wall and service areas. We have also spent a lot of time looking at the form, scale, proportion, elements in details for commercial projects, mixed use flex projects, as well as residential multi-family projects. And like I mentioned,

we have created an overall signage plan for the project detailing size and type of signs, both for monuments and pylons, as well as signage for buildings throughout the project and the thing that we have spent a lot of time as well is on the photo library, which is included in our design guidelines. Of all of these -- all of these things, including the landscape elements and how this should look and feel -- and these are actual pictures of the projects as they have been built to date. In summary, there were a few items that we want to just to hit on a high level. The conceptual land use map, which I show here, the staff requested that we do -- create a bubble plan to show the type of uses that we can expect. We aren't getting into the granular details here, because we do need flexibility, but we are making a commitment as to the type of uses that would be in the project. The future land use map, which I show here, there was a discussion with staff just recognizing or confirming that we were aware of the percentages that were allowed -- the maximum percentages in the mixed use community and the mixed use residential and, yes, we do acknowledge that and we do agree that that will -- we can comply with that. Back to this -- the design guidelines. This applies to all 300 acres. That's why we want a single development agreement that will pull this in as part of -- of Ten Mile Crossing as a whole. The thing that is important on this is we will have an independent architecture -- architectural review board, including outside architects that will participate in this and be able to provide and maintain the high quality mixed use for this entire project and, like I said, this would be the overall vision for Ten Mile Crossing. This exhibit here, just quickly, shows the roads that have been complete all predominantly to the west and the future roadways that are going to be coming forth in the future. There was a discussion by Sonya about on-street parking on Benchmark. I can address that in more detail if you have questions. We are supportive of on-street parking relate -- related to the residential piece -- property that will come through to you in the future, but this portion of Benchmark very well could have on-street parking as it relates to that. But the other part of Benchmark would be left just as they are currently designed with the collector status. Sonya mentioned this, but I wanted to highlight the two access points that we are asking for, that City Council approve. This is a way to consolidate multiple access points into two. Yes, there are -- there is a cross -- there is a -- an access point to the east with 12 Oaks, but, candidly, it's poorly designed and substandard to provide adequate cross-access. So, we are asking for these two access points that we can internally circulate in and out, but we do have other collector roadways that will also provide internal cross-access as well. On the pathways and amenities, I just wanted to highlight once again the pathway plan. One thing I kind of glossed over really quickly, but I want to come back and highlight it, is there are some red circles here on the pathways plan. At those locations we intend to create plazas outside of the further gathering plaza internal to the project, but there will be plazas and seating areas here that as both residents and those that are employed out here have an opportunity to walk, to sit down, take a break and, then, move on to wherever they need to go. But there will be designated points along all these pathways where we will be putting these plazas and seating areas. And, finally, we are going to be enhancing -- let me go back to this one. At the entrance of Vanguard and Ten Mile, as well as Franklin and Ten Mile, we are going to be enhancing both of those entrances with significant landscaping, a plaza area on both of those, as well as greatly enhanced entry into Ten Mile, so that it is the premier office and planned community in this part of the city. We have provided you with all these items as noted in our requested

changes to staff's recommended -- recommendation for approval. We are anxious to move forward the pre-plat process, which has been on the agenda since August, with a unified master DA, simplifying that from five down to one, accompanied by specific design guidelines, so the Ten Mile Crossing can be planned and developed as a complete project and sets the standard for the Ten Mile interchange area. With the encouragement of staff and of the TMI -- with the encouragement of the TMISAP and a three year long collaboration with staff we have now taken five separate projects and combined them into a single 308 acre mixed use development to be governed by a single DA with project specific guidelines. Staff has expressed support as documented on the April 8th memo to Council. Planning and Zoning Commission expressed its general support for a unanimous approval -- recommendation for approval. We concur with staff and P&Z recommendations for approval and request your approval tonight of the Ten Mile Crossing DA modification with proposed design guidelines. The proposed rezones, approval of the TM Center Subdivision preliminary plat, including the requested modifications to the conditions of approval per the applicant's April 5th request and as supported by staff on April 8th. We request your approval tonight and stand for any questions you might have regarding Ten Mile Crossing, the design guidelines, the pre-plat and the rezone that are before you tonight. Thank you.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, Jon, thank you for that presentation and the tremendous amount of work you and your team have put into this application. Numerous things -- I'm thoroughly impressed with the design guidelines that were created in your work with Cushing Terrell and doing that and my question there is for that district board that Ten Mile Crossing design district, there is -- there is that -- have a board review applicable -- that development applications are going to be submitted to. Is that a board that is appointed by the city or I -- it seemed to me it was more part of the Ten Mile Crossing district that would appoint the architects to -- to oversee and to review the -- the submissions. Can you fill me in on that?

Wardle: Yes. Mr. Mayor, Council Member Hoaglund, thank you for the question. Our intent is to appoint the review board internally within Ten Mile Crossing. That board will include architects that are not associated with the projects. We have several different architects that are out here. It, obviously, wouldn't be appropriate for them to be reviewing their own projects. I will tell you that we have a very keen eye to the design and so we are very much involved in that as well, but we will have outside architects involved in that process, make recommendations to the applicant on those buildings and, then, have them make those changes prior to a CZC package coming to -- to the city. What we are trying to do is make sure that the design is cohesive with the guidelines, but also maybe lessen staff's load a little bit as it relates to design review and it would also help with -- or provide an expedited process of that review, so that when they finally get to staff there they aren't

wasting their time going back and forth. We will have addressed those issues already.

Hoaglun: Thank you, Jon. Appreciate that. Mr. Mayor, follow up on another question I have.

Simison: Councilman Hoaglun.

Hoaglun: One other question I have -- it sounds like you and staff have come to agreement over a number of the different changes to the new DA and appreciate you and staff working on that and I know it took a lot of time on everybody's part to make that happen and it comes down to my question about the South New Market Avenue, Benchmark Avenue parking. Staff is recommending on-street parking is provided along Benchmark Avenue. We know that the first 200 feet from Franklin are not allowed to have, you know, parking per ACHD regulations, but you are proposing that there is parallel parking south of Ten Mile Creek on the east side of the street and I want to know does that go to the -- in your bubble plan, the conceptual land use plan, to the border of the medium to medium high density residential area there in green on -- on that particular map or does it go down to -- near the curve and why not both sides of the street, as opposed to one side of the street, so --

Wardle: Mr. Mayor, Councilman Hoaglun, I just want to make sure that you were -- were you referring to this exhibit or the one before this? This one or the other one? It probably doesn't matter --

Hoaglun: Yes. That one right there.

Wardle: So -- so, our intent is with the residential that we will have here we do see that there is a great opportunity to have on-street parking there. We do feel like this -- on this side will be very much more commercial oriented, office, maybe even a little bit of retail, but -- but we feel like the on-street parking really relates more to the residential, as we would have residential in this area and that would be the appropriate place for the on-street parking.

Hoaglun: Okay. And, Mr. Mayor, to --

Simison: Councilman Hoaglun.

Hoaglun: -- just for clarification, Jon. And, then, would it go down just to the boundary of that -- what you are showing as the medium to medium high density residential bubble, approximately right there where you have the cursor?

Wardle: Mr. Mayor, Councilman Hoaglun, yes, that is correct. This was originally called New Market, but now it's Benchmark, but it's basically built to this point anyways. We have a little bit more to make that connection, but we would just -- we would do on-street parking on the entire eastern frontage between the -- I can't remember the name of the subdivision there, but from that point all the way up to Ten Mile -- TM -- Ten Mile Creek

to that point. The Primrose Subdivision.

Hoaglund: Thank you, Jon. Thank you, Mr. Mayor.

Simison: Council, further questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Jon, if you could talk a little bit about the need for flexibility on up to one hundred foot buildings. You know, I don't know if that works out to be ten stories quite. I'm sure you have to add some mechanicals and stuff, but do you -- do you really think there is a need there and -- and how would you foresee -- like where do you think in this development that would fit?

Wardle: Mr. Mayor, Council Member Strader, that's a great question. Just for context, a hundred foot would satisfy the need for a six story building. We currently have out here on this exhibit right here -- the Paylocity building is five stories and so that's our tallest building we have right now. But what we have had to do is to go through and we have had to actually ask for alternative compliance to even get to that level. We, honestly, don't know how many of those there will be, but what we are finding is if we can increase the size of some of those buildings as we move in -- into the north area up here in particular, we -- you know, we are able to work on the design a little bit more. Really, it's -- we would top out at six stories. But the -- the flexibility to a hundred feet allows us to -- to do that without having to ask for alternative compliance on each and every one of those buildings like we have already with Paylocity in particular, which is five stories currently. Do -- where do we think that that probably would occur? Again, we think that the -- the hundred foot level would be most likely in this area. I don't know that we would go all the way up to Ten Mile. But what we have found, Councilman -- Council Member Strader, is the need to be flexible, so that if we do have a tenant that wants to use all of the building or most of the building, that hundred foot request may be necessary and we want to be able to move quickly and so that's why we are asking for the flexibility on this.

Strader: Mr. Mayor, a follow up?

Simison: Council Woman Strader.

Strader: Is the alternative compliance process cumbersome? I'm not very familiar with it. Is that a real obstacle that you have had or -- I'm trying to understand how much the flexibility is really necessary.

Wardle: Mr. Mayor, Council Member Strader, it's not cumbersome, but there -- it is -- it can be -- it can be subjective. So, what we -- what we have ended up doing out here is we have created, you know, the pathway system as -- as a way to mitigate some of that. We have added plazas in front of buildings as well. What we are asking for is -- and we

are going to continue to offer all those things. We are just asking for a little bit more flexibility, so that we know for certainty that we can get there. As it stands right now the maximum height we can do without -- without alternative compliance is four stories and so anytime we even ask for five stories it's in for alternative compliance, as well as six. As a comparison -- well, a six story -- an example of the six story building that exists in the city right now would be the ESI Select Health building, which is on Franklin and Eagle Road. That's six stories. So, again, will we have many of those? I'm not sure that we will, but we are just asking for a little bit more flexibility. There was discussion about what is the extent of that. I -- honestly, I don't believe we would have anything that would be up on Franklin, but in this core area where we already have a very defined office core, I could see where this would be -- be needed. One other thing that's -- that's of importance is Ten Mile sits very high, as well as Franklin Road, so even if we had a six story building here, it's not going to look like six stories from either Ten Mile or Franklin. We have as much as 20 feet of grade difference between Franklin Road down here to Cobalt and as much as eight feet at this point coming a little bit lower.

Strader: Thank you. That's helpful.

Simison: Councilman Bernt.

Bernt: Thank you, Mr. Mayor. Good to see you, Mr. Wardle. Appreciate you joining us this evening. I have a -- I have a question in regard to the connectivity to 12 Oaks. You mentioned that it was a -- sort of a poor design and you would rather have that access coming off of Franklin in a couple of points historically. We have always -- we -- as a Council we have always consistently been in favor of and supported cross-access with neighboring properties. Would there be a way to continue that or is that -- is that not doable? Further clarification would be nice. I would appreciate that.

Wardle: Mr. Mayor, Councilman Bernt, thank you for the question. Regarding the 12 Oaks access or the cross-access, we -- we intend to maintain it, but the issue that we -- that we have with the access is that it cuts through a parking lot right next to multi-family and a future little pad, which is on Franklin Road. I don't -- this doesn't -- this aerial doesn't show it, but it comes in and it's not even a direct shot into us. You come in, you have to take a right coming into the site and also you have to climb up over the Vaughn Lateral piping that's there and so you are coming up and you are coming back down. With that said, we do intend to keep it, so that that cross-access does occur, but it's a very poor access point for dominant commercial here back through a multi-family project. So, we -- we want to be able to encourage access to occur on Benchmark, as well as access that would occur directly across from Republic Services, their access point, which we have done. We consolidated all of our access points and we are showing it right there across from theirs and over here we take the midpoint as well between those two. We will continue to have cross-access internally. We will have access back to the collector road system as well. But having a way to get in and not push it through 12 Oaks residential or the primary way to get in, that's our request tonight. We have discussed -- we have discussed this with ACHD. They are ultimately the ones that will need to approve that. There is a way that can be done. But we do know that we need City Council support of

that request to pursue that further.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would like to change the topic of discussion back to design guidelines and get some more understanding from the applicant, as well as the staff, on the concern about whether the design guidelines coordinate well, I suppose, for lack of a better word, with -- with the plan that we currently have, the Ten Mile plan, and just want to understand a little bit more about some statements that are in the staff report in regard to the applicant's not being in favor of some of the recommendations that the staff made about how to go about this. So, specifically, the -- the staff report says that the applicant wasn't in favor of the idea of applying for amendment to the Ten Mile plan or excluding the area from the plan, to -- you know, so that the design guidelines they just would apply to the location that -- that Brighton owns and is attempting to modify and/or that -- see if I understand this correctly -- basically, that the design guidelines -- the changes that are being proposed to the design guidelines would, then, just be part of the DA. So, it sounded to me from the staff report that the applicant wasn't in favor of either of those and so I just wanted to have some more understanding about why and exactly what you -- you know, how you want this to -- what your expectation is as far as incorporating the design guidelines into a method that the city can use to incorporate legally into the process.

Wardle: Mr. Mayor, Council Member Perreault, thank you for the question. There -- there is a bit of history to -- to this. We actually -- when we submitted our application in November we did request an amendment to the comp plan for this item. When you -- when you note the amount of staff time on this -- I don't want to overlook that. Your staff, legal, have all been involved in the best way and best way to approach this process. So, we did look at that. Ultimately it was determined that that needed to come off the table, so we removed that as an application and updated our -- our applications in February. But we feel like the best approach here, because the city does -- the Ten Mile Interchange Specific Area Plan very much does encourage project specific guidelines. There is a little bit of what I would say maybe interpretation or lack of clarity on how best that those be done and, ultimately, where we landed on this was to bring all five development agreements together. So, instead of going to try to piecemeal each and every one of them, we will have one development agreement for everything and one set of guidelines, which will be part of that development agreement and specific to Ten Mile Crossing. That seemed to be the best approach. So, I just want to be clear that we weren't -- we weren't opposed to it. In fact, we had presented that application and there had been lots of back and forth between staff on the best approach to it. But, ultimately, that came off the table and we -- we, in connection with the city staff, have moved forward with five -- reducing five development agreements down to one with one set of design guidelines for all 308 acres. Was there another part to that question, Council Member Perreault?

Simison: Council Member Perreault, any follow up?

Perreault: Yes. No, there was not another part to that question, Mr. Wardle. I -- I just wanted to get your perspective on it, because all I had to read specific to that was what was in the staff report and -- and as far as, you know, just -- just understanding kind of how -- that history. So, appreciate your synopsis and also would like -- and we can hear from staff after the -- after our discussion is done with you on how -- you know, I just want a verbal acknowledgement from our staff that they are in agreement with using that process as well to incorporate design guidelines -- attaching it to the DA. It says in -- it says in the information I have that staff did not review all of the design guidelines, with the exception of the items that were specifically addressing in here this evening and so that's something that I had -- you know, really would prefer, actually, that they do before we attach the entire -- the entire set of guidelines to the DA and approve it.

Allen: Mr. Mayor, Members of the Council, if I may respond. Staff is not against having a separate set of guidelines for the Ten Mile Crossing development area. Initially, though, staff had asked the applicant to contrast the differences, so that everybody could understand staff, Mayor and Council, Commission, what the differences are between the existing plan and the proposed plan. So, that -- that was what staff's reference was about in the staff report. Additionally, as -- as it sits today, the Ten Mile plan -- this -- this land area is part of the Ten Mile plan and it's not accepted from the guidelines in that plan. So, that's -- that's why staff recommended that without an amendment to the plan to either exclude this area or preferably reference this other set of design guidelines, it -- it -- we can't just accept it and that's per discussions with our city attorney.

Simison: Mr. Nary, would you like to weigh in?

Nary: Sure. Mr. Mayor, Members of the Council, as Mr. Wardle stated, this is a pretty lengthy discussion we have had over which process would make the most sense in this and there was some concern expressed by Planning to amend the comp plan, because of issues surrounding that type of process. This to -- to be honest, this -- in my opinion for the city's sake, from an enforcement standpoint, from a usability standpoint, having one development agreement when you have essentially one developer for that large of an acreage, you have more consistency in how it's applied, you have more consistency in how it can be enforced and so it -- through those discussions with both my staff -- predominantly me and the planning staff and Brighton, it was determined that this was the path that would provide them a great level of flexibility without either excluding them from the Ten Mile plan, which didn't seem like a logical thing to do, but recognizing that because they have such a large stake in this property that it would make more sense to use this as a tool to get these projects done and built in a consistent manner with a means to enforce them. Some of the other tools we have in our code are a little more difficult to track and keep track of versus a development agreement that gets recorded and so no matter who develops in the future, if they sell portions of this or whatever, it's all going to be just one master plan for all of it and one master DA. So, that was our intent.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, if there are design guidelines that currently exist that -- that are in opposition to the design guidelines that the applicant is proposing, then, how does that work? Does the DA essentially free them from other guidelines that are currently in the Ten Mile plan?

Nary: Mr. Mayor, Members of the Council, yes, that was our intention is that the DA would be the controlling document, because you have the ability to make exceptions and the DA is the contractual way to do that. So, again, you have an enforcement tool in the DA. You have a set that's recorded so it's clear what they are. It is governing this very large patch of land, so we just felt, again, from a -- from a -- from a practical standpoint for both Legal and Planning, we felt this was the best avenue to do.

Strader: Mr. Mayor, for Mr. Nary, quick question.

Simison: Council Woman Strader.

Strader: So, Bill, I mean I -- I'm kind of -- tell me if this interpretation is right, but the developer is creating their own design review outside of the city process. Does that -- staff could leverage that, but does that legally take anything away from the city in terms of our oversight or review -- ability to review, in your opinion?

Nary: Mr. Mayor, Members of Council, Council Woman Strader, I don't think so. I mean I think, again, the intention is to create this collaborative effort between the city and the developer and, you know, again, if there is a discomfort level, obviously, many of these things are either going to be at staff level review or beyond if the staff determines that it is so incompatible with everything else. Again, because it's so large -- and, again, I know this isn't the only part of the Ten Mile plan. I recognize that it also incorporates the other side of Ten Mile. But we felt it was probably this -- the safest route to find as an enforcement mechanism, as well as some clarity for future development. So, having pieces and parts always ends up being problematic and things don't get developed very cohesively when you do that.

Strader: Thanks.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Bill, I want to make sure I understand this and what Sonya had said was, okay, we have design guidelines for the city and, you know, if they are part of the city they are under those guidelines. But in this case if they want to have their own guidelines, we have to make it clear that that is the controlling document for this specific area. Did I -- am I understanding that correctly?

Nary: Yes. You are correct.

Hoaglun: Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, question for Sonya. Do you feel like you have had an adequate chance to review all the design guidelines and everything and -- and really feel comfortable with those, because I -- I think that would be necessary, from my standpoint, to at least -- that you have a comfort level with those.

Allen: Mr. Mayor, Council Woman Strader, Council, staff has reviewed the design guidelines. Staff does believe that they would result in a cohesive consistent design for the development and is not necessarily objecting to those. Bill, do you have any further comments you would like to add on that?

Parsons: I certainly can, Sonya.

Nary: Mr. Mayor. Mr. Mayor, Members of the Council -- oh, sorry.

Simison: Mr. Parsons.

Allen: Sorry, Mr. Nary.

Parsons: Yeah. I told Sonya I would have her back tonight if she needed some assistance, because a lot of this has really come down with myself in conversations with the applicant and guiding them this route based on all of the information that you heard tonight. Certainly staff's original intention was to have the applicant go through the PUD process and what we realized is our PUD ordinance isn't aligned to allow the applicant to move forward with some of these changes. So, really, as Mr. Nary testified, the DA is the proper mechanism at this point. The applicant and I are certainly moving forward. We want to take a look at that section of code and come back with some changes to our PUD ordinances, but in my experience in other municipalities, this is really the mechanism for having cohesive design in a community. Many places don't use the DA to what we do, they actually use a planned unit development process and that's where the applicant really does a deep dive with staff, it goes through right -- essentially their own design guidelines and zoning ordinance to control and govern their property. We are just not there today. I think -- looking at the slide that the applicant has before you, it -- it really put the onus on the developer and the landowner to come back and do this more so than the city. Now, what we have done over the years is we have implemented any zoning and H-E zoning to coincide with some of these land uses in Ten Mile. But we really haven't gone one hundred -- gone through our code and made significant changes to address the design guidelines that are -- that are in the Ten Mile plan and from our -- from our perspective they are pretty subjective and that's why from -- from my professional opinion I applaud the applicant for coming forward and doing this work for staff and trying to take some of that burden off of us, because it -- there is -- there is a lot of effort to doing design

review at the staff level, more -- so, that's probably the largest part of our review process at the administrative level, making sure that the applicant complies with all of those design guidelines or whether or not they need to go through the design exception, go through alternative compliance, and that just adds a layer of review and complexity to a project. So, by the developer kind of coming in with a cohesive plan, cohesive guidelines, we can have our team -- at least current planning team can go to one document, make sure that they have concurrence from the applicant that they are meeting those guidelines. We can check them -- proof their work against their own guidelines and issue out an approval in a more expedited process in my opinion. So, in all intents and purposes you have got kind of two things you are -- you are looking at tonight. One is -- is the plat and the land use is consistent with the plan. I think we all agree that they are and that's some of the conversations we had with the applicant. Now, whether or not every project in Ten Mile is going to comply with every one of those design guidelines in the comp plan, I don't think so. You have to remember it's a guide. It's not the law. And so sometimes our code does kind of -- for lack of a better word -- it kind of conflicts with the guidelines and the policies in the Comprehensive Plan and so, again, that's why we worked with the applicant. We met with them after the Commission to make sure we were all -- all on the same page and I think for tonight's sake I can assure you that staff is on board with what the applicant is proposing. We feel like they are following the guidelines based on a meeting with them and also our consultations with the attorney's office.

Simison: Mr. Nary.

Nary: Mr. Mayor, one final point I could make onto that with what Bill said is the PUD process was a fairly common process we used to use back in the 2000s and the biggest problem with the PUD is they don't get recorded. So, it was the -- the -- I can't remember the name of the -- the apartment complex on -- on McMillan was a good example of that. So, when that -- when that process came in and that land was -- was annexed, it was under a PUD. So, nobody knew what was going to be built there by looking at a map or by looking at a DA. All of it was under the PUD process. So, when they built those apartments no one knew that was going to be there and they thought they were going to be houses and retail and that was a component of it that was in the PUD. So, ever since then we have shied -- shied away from a lot of PUDs on large scale projects, because, again, the tracking and maintenance of them and for other people to recognize what's going to be there is more problematic. With a recorded development agreement I would just point to the recording. It's recorded, you can go look it up, it's in our records, it's in the county's records, it's clear what's supposed to be there and so there is no question from anybody that something got built that wasn't supposed to be there or I didn't know that was going to be there whatever those reasons were and, therefore, we felt this again was a better direction for that consistency and ability for enforcement at a later time.

Simison: Councilman Bernt.

Bernt: Mr. Mayor, thank you. Just to clarify. In the rare chance that in the design process there is something that conflicts with what we feel to be acceptable, again, I stress in the rare situation that that happens, does staff -- does the city -- can we step in and express

concerns and make changes or recommend certain things? I think that's what I have heard. I just wanted to confirm that.

Parsons: Mr. Mayor, Members of the Council, I'm happy to take that question. In my review of the design guidelines presented to staff, yes, there was an avenue for the director and the Commission and Council to have some authority over some of that discretion.

Bernt: Okay. Thank you, Mr. Mayor. Thank you, Bill.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Along those lines, Mr. Parsons, if a plat -- if a plat is approved, then, what -- and at that point the -- the developer -- Brighton is not necessarily going to need to come before Council for approval of some of the projects that are going in; right? I mean it's just all going to be at the staff level?

Parsons: Mayor, Members of the Council, Council Woman Perreault, that's not necessarily the case. They -- they are still subject to the uses allowed in -- in the UDC. So, depending on whatever use it may be, if it still required a conditional use, it would still go to Planning and Zoning Commission. But, yeah, the only time they would come before you would be a final plat or a DA mod at this point. That's really what we are trying to do is try to take some of that burden off of you guys and put it more on staff to kind of review development out here and that's why we are sharing all this -- that's kind of part of the hearing tonight is whether or not you guys feel comfortable doing it this way. I mean this is something new for us that we haven't done and that's the same question we posed to the Commission, do you guys feel this is the appropriate mechanism and the steps we should be taking to try to, you know, have consistent development in the Ten Mile area and you can hear from the applicant's response and some of the updates from the Commission that they unanimously -- unanimously approved the project and they endorsed the design guidelines that the applicant is showing you tonight. So, I think we are in pretty good shape here.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: To me I'm excited to see what this looks like, to be honest with you. These big development projects they create consistency throughout the project. I think ultimately what we want, you know, is control. You know, we don't want that to get out of -- out of hand at any time or any place. I doubt that this is going to happen that way. But I'm excited to see what this -- how this looks like going forward. I think ultimately we do have the authority for sure, if things go sideways or something happens I think that we do have authority to step in and -- and make change if needed. But, ultimately, this is different.

I'm actually excited to see what this looks like. This could be a good thing going forward, not only for the city, but for staff and future larger projects.

Simison: I would like to concur with that. I have heard, you know, for the last 15 months about the challenges out in this area with a lot of these issues and the amount of staff time that's been put in previously and to get us here. I would like to think this is the direction that the people that are doing the work are all saying is the appropriate way to move forward. Yes, there is still some questions that I think they are looking for some guidance or direction on through this, but from a process standpoint this is something new, something different, but I think a good outcome for the city, for the development community, and, honestly, time is money for our --

Bernt: Every people.

Simison: -- time is money for everybody, including our staff and our staff is -- should -- should not be focused on things, honestly, that can be addressed in very quick and easy fashion, unless we want to continue to add more staff to our community development department to address a lot of these issues. So, we need to find ways to be efficient as a city for everyone's sake, quite frankly, and from what I'm seeing. Otherwise, you will be seeing more requests for staff to help address all these issues, because they are going to keep coming up. I have got no issue with the height issues, just for the record. I'm going to share that one item.

Hoaglund: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I have a question for Sonya. I'm trying to tie up loose ends here. Sonya. I asked Mr. Wardle about the parking along New Market slash Benchmark and in -- in the staff report there was the request that parking be provided along Benchmark Avenue. What -- yeah. On that one. Were you looking at having both sides have parking or what was the difference between what they are willing to provide for parking and what your staff was talking about for providing -- having parking provided?

Allen: All right. Yes, Mr. Mayor, Councilman Hoaglund, Councilmen. So, that -- there is specific street sections in the Ten Mile plan for each of these collector streets. This particular one is designated as a residential collector street. Street section B, I believe. Because residential uses were planned adjacent to this street, that's -- that's what the street classification is for and on-street parking and more of a traditional neighborhood design and feel. So, that's the reason for staff's recommendation. I will agree that it makes sense for on-street parking to be provided adjacent to residential. On the commercial side, you know, our -- our street sections in the Ten Mile plan still call for on-street parking along commercial areas as well, but I do think it's more important next to residential uses, plus provides additional parking.

Hoaglun: Thank you for that, Sonya. And, Mr. Mayor, if I might follow up with Sonya.

Simison: Councilman Hoaglun.

Hoaglun: And -- and one of the other issues, just to make sure -- so, the Council would have to address that, make the decision on what they want to do with recommend -- staff recommendation or the request to have that changed. There is also a waiver of the UDC 11-3A-3 pertaining to the access points and that, though -- I mean that's going to involve our partner agency ACHD to make the final determination on that; is that correct?

Allen: Mr. Mayor, Councilman Hoaglun, yes, ACHD does also have to approve these accesses and they have not approved them as of yet. Not sure if they will in the future or not, but as of now they have not approved them.

Hoaglun: Okay. And, Mr. Mayor, one last --

Simison: And, Sonya, then, we also have to decide on the design guidelines, making sure that that is the controlling document, if that's the direction Council wants to go. Was -- was there anything else that was an issue that would have to be addressed in -- in -- in this approval, denial, continuance, whatever we decide here?

Allen: The only thing I can think of is -- Mr. Nary, would the applicant need to apply for an amendment to the Ten Mile Plan to reference the -- these design -- the specific design guidelines?

Nary: Mr. Mayor, Members of the Council, I don't think so, because, again, this is the contract with them for their property. Yeah. I don't think so. I don't know if Mr. Wardle has an opinion about that, but I'm not sure that that's necessary. That seems repetitive to me.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: If Mr. Wardle might weigh in on how we might approach this.

Wardle: Mr. Mayor, Council Member Hoaglun, thanks for the question. We don't believe so. We were headed that way at one point, but that was pulled back. We really feel like the DA process and locking this in as a recorded document, it still keeps intact the Ten Mile interchange specific area plan and also provides for that provision in that plan for design guidelines specific to a property. So, we think that the design -- or the development agreement that's recorded captures that and keeps all those things intact as intended.

Nary: Mr. Mayor, if I could add one more point. When we -- when we have a single piece of property that has a development agreement on it and, then, they split it at a future point in time and we create a new development agreement for that piece alone, we only

reference that piece and we always say it is no longer as part of the other development agreement, because it's recorded, because, again, if anybody is looking to see what can be done there, what's allowed there, they are going to go look at this property. They are not going to go look at the Ten Mile plan, they are not going to do that, they are going to go look at this property to see what's allowed. So, that's how we have handled all the other ones when they split off from one big development. Southridge is the best example. That came in as one large development plan with a -- sort of bubble plan for it and, then, it split off into numbers of pieces and every time we did that we simply said in the new one it's no longer part of that plan.

Simison: Thank you, Mr. Nary. Council Woman Perreault.

Perreault: Thank you, Mr. Mayor. So, I just wanted to say just reading through -- I really appreciate how Sonya had bullets -- the bullet points to all of the changes the applicant is proposing and the one I primarily have concern with -- overall I think -- I don't have an issue with the concept, what the applicant is attempting to do, but it states that -- that the current DA provision as written allows building heights up to a hundred feet in all areas without restrictions or further application. It sounds like the applicant is asking to go above a hundred feet, again, with without the same -- so, without the same limitation. So, what I want to understand is -- is that going to be a decision that still needs to come before us or is that going to be a decision that's done through alternative compliance. That's my only really -- the thing that sticks out to me most as just not having a comfort level is that we won't be involved in the -- those -- that specific decision, which is buildings higher than a hundred feet. I understand the applicant's point about how it will appear from the road and how it will -- it will fit into the development as a whole, but that just -- that causes me a little bit of concern and I also would -- would appreciate hearing from the applicant. I -- I just -- you know, reading through all of the -- the changes to the streets, what was -- what was intended, what ended up being, whether ACHD agreed to that street plan or not, the streets that were actually implemented -- that are currently in place that have been implemented, different -- the ones that differ from what is in the plan. I feel like this is moving to such -- such a heavy use away from some of the intention of the Ten Mile plan originally, which was for it to be a little more lifestyle friendly, pedestrian friendly. I just feel like we are moving away from that and just really just commercial feel that's just big office buildings, very city, very metropolitan and I don't necessarily disagree with this being a good location for that necessarily, but I just really want to give pause to exactly what we are doing here and make sure that we are at that comfort level, because to me this -- this is significant this entire thing is exceptionally significant for this area and we will be changing the entire feel for how this was intended to look. Now, I know that a lot has happened since the original plan was put together and I'm not proposing that there should not be significant changes, but I feel like this is just -- this is really -- this is a really significant change and then -- and, then, as soon as we start talking about now buildings being higher than a hundred feet, we are really talking about giving this an entirely different feel. So, I'm looking -- trying to look at this from a bigger picture standpoint and less in the weeds of, you know, something like a pedestrian bridge or -- and those are all important. They are very very important. But I just -- I would like to -- truly like to hear my fellow Council Members thoughts on the big picture and also anything in addition with

the Mayor's permission that the applicant would like to share about that.

Strader: Mr. Mayor?

Simison: One thing -- just so I'm clear. I thought that this only allowed up to one hundred feet, not above a hundred feet. So, we are only talking up to one hundred. Am I mistaken?

Wardle: Mr. Mayor, if I might.

Simison: Yes.

Wardle: You are correct. We are actually -- we are asking up to a hundred feet. If -- if by chance something came over a hundred feet, that would have to come back to you -- or come back through alternative compliance. But we are just asking for that flexibility to be able to go up to six stories in height without that restriction. Not over a hundred feet. In fact, it would be less than a hundred feet, even when you get to the top of the screen enclosures on top, but that's what we are asking for. It would be less -- a maximum of a hundred feet would be allowed. Not over a hundred feet. And the other -- sorry.

Simison: I just -- I just want to let Council Woman Perreault follow up on that specific point.

Perreault: Yeah. As I was reading through everything I was under the impression that that was already permitted. So what is different? What's the current maximum then?

Wardle: Mr. Mayor, if I might?

Simison: Jon, go ahead.

Wardle: Council Member Perreault, the -- actually, in the C-G zone currently the maximum is 65 feet. We can do a four story building in 65 feet. Just barely. When you get to that fifth story that's when you -- we started tripping that. So, that's -- that was the request, to allow us to get to six stories with a maximum of a hundred feet. If I -- if I can just address very quickly -- or talk about the street system. The streets here are not -- we haven't looked at these in isolation. We have really looked at them as a whole project. The issue is when -- in order for us to be able to make decisions on end users, we need to have roadways in place and so we have -- we have tried to identify the best way to maintain a pedestrian feel, so we do have throughout this entire project eight foot planter with five foot sidewalks. But, again, we also have an extensive pathway system, which will add another three and a half miles of connectivity for pedestrians. Is -- is the -- is the use perhaps a little bit different than what was identified in 2007? Yes, but in 2007 we hadn't considered -- the valley had not considered that we were going to have The Village of Meridian either and there is really only one opportunity for a lifestyle center in Meridian and that's The Village. And so we have looked at it, as well as, you know, we want to promote those other uses, but we have found that the office uses that are ongoing currently, that those are highly desirable, really good jobs, employment, and it creates a

daytime and an evening time population out here. We developed a main street feel specifically up on Wayfinder between Franklin Road and Ten Mile Creek. All those buildings there are coming to the street. We have very wide planters hardscape, elements, so that we can, you know, create that Main Street feel where the buildings will come forward, but the other parts of the project will have a different feel as it relates to the -- the office uses that are ongoing currently.

Cavener: Mr. Mayor?

Simison: Mr. Cavener.

Cavener: Thank you, Mr. Mayor. Good -- good dialogue from my colleagues tonight. Jon, I keep coming back to this project as innovative and so it's causing I think all of us to have our -- our brains grow a few more wrinkles. So, I appreciate you walking through this with us a little bit. I don't have any additional questions tonight, except for just maybe one particular piece. You have talked a little bit about -- in addressing Council Member Bernt's questions about the connectivity and the cross-access and I even think you have talked about the on-street parking piece with the roads. A piece that either -- either I missed or didn't follow you tonight or we haven't touched on is how public transit will navigate through this project and for me that's beneficial to know kind of where that bus stop is going to locate, if it's more designed to serve kind of the -- the commercial side or the residential side or if it's going to be positioned in a way to serve both.

Wardle: Mr. Mayor, Council Member Cavener, just had to slide -- get through my slides here really quickly. So, we have had a lot of conversations with Valley Regional Transit on what transit out here looks like. In fact, they have a pilot program that is going to start this spring -- I guess maybe summer now -- that would provide access internally from Ten Mile all the way to The Village and back. So, there will be multiple trips a day happening. There -- they have on their exhibits, on their maps, other way -- other locations where stops will occur, but when this project came up we actually worked with them and created the first transit stop at the roundabout close to Ten Mile Crossing, so Vanguard and Wayfinder is the first transit stop that we show here. We actually built that pad. We provided electrical conduit to it. So, when ValleyRide comes out and they put their shelter there, because they have a very specific standard, they really can come out bolted down and there is a location there for the bus to stop and pick up passengers. When the bus comes through it actually will make a turn, it will go back on Ten Mile and work its way up to Pine. I think eventually when we build out the rest of this and they look at other ways to get out, they may come internal, but for right now the truck -- the bus will come down Franklin -- or come down Ten Mile, head east on Franklin, come down Wayfinder, can make stops along the way. There will be a transit stop here and, then, it will circle back around, go north on Ten Mile to Pine to The Village. And so we have worked really closely with them on that. There is -- this is actually no cost, with the exception of the shelter that they would need to do, but we have actually put all those improvements in ahead of their -- ahead of their need, so that they can come and do it at any point.

Cavener: Great. Jon, did VRT give you any insight -- would this stop be designed to

serve, again, the employers -- employees from this area, the residents? I mean is it anticipated to be like a -- like a park and ride. The location looks nice, but I -- I'm a little concerned about who it's actually going to serve.

Wardle: Mr. Mayor, Council Member Cavener, that's a great question. The purpose of this route is to service the Meridian community. There are -- there are park and ride routes and there would be a -- they have talked about how that would transfer if they are coming from Nampa and they want to take this route to The Village they can do that. But this really is designed for the City of Meridian to be able to establish a route inside of the city. So, for example, if we had somebody living in an apartment here and they wanted to go to The Village and they didn't want to take a car, they could get on the bus and they could drop them off in downtown Meridian or could take them to -- I think the Blue Cross and, then, to The Village and vice-versa. That -- those opportunities within the city was the intent of this route. So, what -- what doesn't show here, Mr. -- Mr. Mayor and Council Member Cavener, is -- we have this -- these apartments are complete. These apartments will be nearly complete. There will be an opportunity to stop here. Somebody could get on as well and if you are working or living anywhere along Pine and you are working at Ten Mile, you have an opportunity to ride that bus to work as well.

Cavener: Thank you, Mr. Wardle.

Simison: Other further questions for the applicant? Thank you, Jon.

Wardle: Thank you very much, Mayor and Council.

Simison: This is a public hearing. Madam Clerk, do we have anyone signed up to provide testimony on this item?

Weatherly: Mr. Mayor, we did not.

Simison: Okay. We had no one signed up in advance, but if there is anybody in the audience that would like to come forward and provide testimony or if you are online and you would like to provide testimony, please, raise your hand. Go ahead and come on forward and state your name and address for the record. And it looks like at least one person online.

Blackner: Excuse me. My name is Garrett Blackner. 1912 Northwest 12th Street, Meridian. I just -- a quick -- just a comment on -- on parking. Kind of when I hear -- when I looked at that map and I see medium high density housing and street parking, just kind of -- there was a recent ordinance that was passed where, you know, you can't park near mailboxes. Are we kind of setting these residents up to just be ticketed and up for failure? A lot of cars going into the area and just wondered if that's been taken into account. That's all I --

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Yes.

Hoaglund: Sonya or Bill or whoever would be appropriate to weigh in. I'm not sure, I think these apartments have a central location. Can you -- or Mr. Wardle. What is the status of the mailbox locations and are they centralized for each -- each unit?

Parsons: Yeah. Mayor, Members of the Council, as part of the review of the multi-family development the applicant has to depict the central location for the mailbox. So, that's usually internal next to the clubhouses of each one of those developments. So, there is nothing placed along the street for those particular projects.

Wardle: Mr. Mayor, if I might go ahead.

Simison: Go ahead, Jon.

Wardle: Councilman Hoaglund, that's a good question and if you keep in mind that the -- the street where they have asked for us -- staff has asked for some on-street parking is a residential collector, but the intent there is that the homes actually do not access directly in terms of driveways onto that roadway, it would be a parallel parking situation where we would have intersecting roads to get out to Benchmark, so -- so parking in front of mailboxes in that future residential is not an issue. But Mr. Parsons is correct that in all of our apartments we do have central mail delivery that they really are walking into those clubhouses to pick that up.

Hoaglund: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If staff could, please, comment. I think maybe to the question overall of what parking is required and how do we look at that and did we determine that the parking is adequate?

Allen: Mr. Mayor, Members of the Council, Council Woman Strader, parking is adequate for the multi-family residential portion of the development. Is that the question?

Strader: Mr. Mayor, I believe so. I think if you could just comment on our process overall with reviewing parking, how we determine that it's adequate. I think the question posed an underlying concern about adequacy of parking.

Allen: Well, the -- the unified development code specifies minimum parking standards based on the number of bedrooms per unit in multi-family. One bedroom units require one and a half spaces. At least one of those in a covered carport or garage per unit. Two

and three bedroom units require two spaces per unit. At least one of those in a covered carport or garage. Those are minimum standards. Typically a conditional use is required for multi-family development, so that does go through the Planning and Zoning Commission. If additional parking is deemed to be warranted, then, additional parking is required as a condition of approval of the conditional use permit.

Strader: Thank you.

Simison: Next we have testimony from Denise LaFever. Denise, if you could state your name and address for the record.

LaFever: Denise LaFever. 6706 North Salvia Way. I have a few concerns, Mayor and City Council. Past mayor and current Mayor view Brighton as partners that help make Meridian great and as such Brighton wields tremendous influence and sits on a nontransparent UDC committee and expedited treatment. They have enjoyed use of TCD monies, urban renewal designations, and assistance with development incentives. Staff views developers and Brighton as their customers. I have a concern with the speed and the review of this application. Page nine of 90 P&Z, 3/18/20, Cassinelli: Sonya, you mentioned staff hadn't had a chance to review that preliminary design. Sonya: Obviously this still has to go to City Council and by that time staff will do a complete review. City gets -- City Council -- City Council has relegated authority to P&Z to approve CUPs, alternate compliance to the directors without representation of elected officials. These ease and continued intensity of use and impact of property -- are impact -- impact the property taxes. Since there are no fees for school impact fees and there is required services and equipment needs for this project. I am not opposed to the increases in the height or the apartments. It's actually the right spot for them in the area. What I'm opposed to is the impact to the existing taxpayers to urban renewal and no school impact fees. Since this is a big change -- and, yes, this is a big change, I would like to see the intensity of this use removed from the urban renewal or deed restricted so that the contributions for full property taxes are collected and provided to the county. Yes, the city did collect the full taxes, but reserved the right to collect them in the future. This developer has some of the highest lease rates in the valley. I would like to see this development cover their impact and not pass these taxes onto existing residents. I'm disappointed this wasn't included in the comp plan overall review, although it was brought up on several occasions to include the Ten Mile Specific Plan, as well as the downtown plan. Basically, in closing, what they want to do on it, even though it's a huge change, I'm not overly opposed to it, I just don't want to see a continued shifting of property taxes and school levies passed onto existing residents and, yes, there is a big pass -- pass through as we look at our property tax bills and see increasingly school levies after school levies and our taxes going up. That's basically it in closing. Thank you for your time and consideration.

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

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I guess I'm just a hair confused on -- on that statement in regard to how Denise feels like these property taxes are going -- are being shifted to the homeowners. I don't understand. Maybe -- I could be missing something for sure. It's not the first time ever, so --

LaFever: Development isn't covering their costs. I mean we can see that and you can see that with the levies for schools. If you go back in with -- and you are going back in and having to go back through and have more schools, the -- the staff is not doing a really good job as far as taking all the entitlements and doing projections going forward to show how many people are going to be enrolled based on what's been approved and the costs keep going up and when I'm looking at my property tax bills and you are looking at the levies, the schools just don't have enough money to continue expanding and paying for new schools and new land without passing levies to do that.

Bernt: Right. So, Mr. Mayor, I -- Denise, I don't mean to interrupt and maybe, you know, those are two separate conversations, in my opinion, and I -- I don't disagree with you in regard to the schools and -- and that -- that -- you know, I mean we have been having that -- this discussion about the schools and levies for eons and what that looks like for an entire state, just not West Ada School District. That's a completely separate conversation. What I was concerned about was your comment in regard to how this project -- project is -- is shifting the tax burden over to, you know, other property owners. In my opinion that's not how urban renewal works.

LaFever: The fact that you are putting -- I'm sorry. The fact that you are putting more and more apartments in there -- which isn't a bad place for it. There is no impact fees for that increased density and this nowhere comes close to what the original design was for that. You, know, comme ci, comme ça. The design is not bad. I just -- as a taxpayer I don't want to subsidize the developer.

Bernt: So, just to clarify, Denise. Mr. Mayor. I -- this -- this developer is still going to be paying taxes. All right? It's just the impact fees. It -- it's just that -- that -- that those taxes are going to be going to the urban renewal district and so it's -- the shift burden in my opinion as it relates to property taxes like you spoke, that shift won't take place. It will be -- it's just going to a different taxing district.

Simison: Council, any further questions for Ms. LaFever? Thank you. Is there anybody else who raised their hand to provide testimony on this item, Madam Clerk?

Weatherly: Mr. Mayor, I see no one else with their hand raised.

Simison: Would the applicant like to make any final comments?

Wardle: Mr. Mayor and Council, again, we -- we are appreciative of the effort. This has not been a -- a quick process by any means. We have spent a lot of time internally as well with your staff and getting to this point tonight. This is unique. We have an opportunity to -- to bring 300 acres into a single development agreement and -- and

provide design guidelines that are cohesive for all of this. We have very much a -- a vested interest in the long-term outcome for the project, from the way it looks, the way it integrates with the whole and so simply tonight we are asking for your approval of the preliminary -- the TM Center preliminary plat, the DA modifications, which will include the design guidelines, your approval of the Franklin Road access points and we request those, as well as the modifications that we have noted and staff has concurred with in our April 5th memo and their April 8th memo and I will note that we -- we are agreeable to provide the on-street parking on Benchmark in that medium to medium high density location. So, with that we -- again, we are grateful to be here tonight and -- and ask for your approval of these applications. Thank you.

Simison: Thank you, Jon. Council, any final questions of the applicant? Council Woman Perreault, your -- I saw you move your lips, but we didn't hear any noise.

Perreault: I just asked for permission to speak.

Simison: Okay. Go ahead.

Perreault: I have a question for staff. So, if -- if there is -- there is a proposal for a six story building on the east side and the central area that is currently -- if you could go back to that concept plan. There you go. In that central area that says retail, office, entertainment, medical, if there is an application for a six story building, what -- what distance does there need to be between that and the residential?

Allen: Mr. Mayor, Council Woman Perreault, Council, there is no set distance right now. So, if that is something that you desire to have in the -- in the development agreement it should be stated. You would have a street and the street buffers separating that area from the residential, though, as well.

Perreault: Mr. Mayor, if I may?

Simison: Council Woman Perreault.

Perreault: Yes. So, I -- I would like to -- I would like there to be some sort of standard. I just -- I would need some guidance from staff on to -- you know, as to what that would look like as far as what would be an appropriate distance, because I would like to see some sort of boundary there that -- that there was -- there couldn't be a building of that height right up -- just across the street from the medium density residential.

Allen: Mr. Parsons, do you have a suggestion? I mean the only thing I could offer is maybe not, you know, requiring another structure to be -- which it should be anyway -- street -- street oriented design along that collector street and, then, have the taller buildings behind it.

Parsons: Yeah. Mr. Mayor, Members of the Council, the -- the other thing to keep in -- keep in mind is there is going to be pathways, parkways, the street is going to be 67 feet

right of way. So, what you are not seeing here is you are not seeing that scale and that bulk of that building up against the street. You are not see -- it's hard to get that vision of that tall a structure adjacent to a street without having all that information. I know the applicant is going to have to come back before you to amend their -- potentially amend this development agreement to include their residential design guidelines. Perhaps they could come back with some of those details, whereas as Sonya suggested, certainly you could just probably have a -- and, again, I will ask the applicant if they have any ideas as well whether or not -- you know, maybe to Sonya's point is like keep it away from -- you know, have a row of buildings in front of it or it should be central to the development and not fronted on a street or have a row of parking between it and the street. There is -- there is many different design elements you can do. But, again, if you look at those street sections it's pretty clear it's going to be a pretty good -- just with that there is going to be a pretty significant setback from -- from those residential uses.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a quick check back with staff one more time. I have heard -- you have had a chance to review. It sounds like you are comfortable. Would you say, you know, if there is big project, things could come up, if you felt like there is anything that you haven't had a chance to review, if you needed more time, please, don't feel that you are pressured, you know, to move anything forward. We should take our time appropriately. So, I just wanted to say that and ask if you have any concerns, if you need more time for any reason. There is some extensive design guidelines. Just wanted to kind of give you that opportunity one more time.

Allen: Thank you, Mr. Mayor, Council Woman Strader, Council. You know, staff -- staff is -- our staff as a whole has reviewed their proposed design guidelines and are -- and are comfortable with them. Thank you.

Strader: Thank you.

Simison: Sonya, a question I had for you regarding the two accesses on Franklin -- or to Jon if -- in the conversations that have been occurring with Republic and the school district, I know Mr. Wardle mentioned that they wanted the proposed locations to align with Republic Services to the north. I don't know what access is for Republic Service to the north. There is kind of three along that area that could be and I don't know how that is an alignment with the conversations regarding the shared access that is being worked on and if this would be in alignment, in opposition, or in conflict -- I shouldn't say opposition -- with the proposed joint access. Can anyone shed some light on that one? Jon? Mr. Wardle?

Wardle: Mr. Mayor, thank you. So -- so, to be clear, Benchmark, which is this roadway in the middle, this is the roadway that is aligning with the primary access across the street to -- we will just call it the -- the project known as Big A and the internal access occurring

from the bus depot or the bus -- and we will go over -- you can't see it on this map. If you need more I can get to Google Earth and show that to you. But it's going to be set back a ways. So, it will -- it will come down, it will jog to the west and, then, it will connect with Benchmark and come right out. We are working currently with -- with Adler. We have actually designed the signal for this location, so there is a little drive aisle -- it's a one way drive aisle coming south. Two buses can come. It's my understanding that's going away and the buses will go over to Benchmark and come out this way. The access that we are talking about that aligns with the Republic is for their administrative office. They already have an existing curb cut there right now and so that's the access we are talking about aligning. There is one more access point over here that if you were going to go to the transfer station or if the buses were coming in that will be maintained for that access. But we are talking about this Franklin -- this Franklin access right here -- right here would align directly across from Republic's administrative office and this access that the buses use will go away and they will shift over to Benchmark.

Simison: Thank you, Jon. If I didn't hear, is this right-in, right-out only or is this viewed as more than that?

Wardle: This access here? We --

Simison: What are you requesting?

Wardle: We are requesting full, but ACHD has made -- has let it be known that they do have the right to limit that to -- to restrict it. So, at this point in time, given the loads on the road, should they approve it it could be full, but they -- they have said that they could still come back and restrict that to a right-in, right-out. That restriction would also impact Republic Services to the north. We have other access points that have -- do have restrictions in place, but at this point in time we are asking for a full and ACHD will determine what the extent of that would be.

Simison: And, Council, just my two cents. I'm not a traffic engineer, we don't pretend to be one, but it seems awful close to what will be a major access for several other uses, at least partially during the day, at two or three major times that we know of. Right-in, right-out may seem appropriate, I don't know that beyond that it makes a lot of sense, at least for that one is my two cents.

Bongiorno: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I currently reside in the 12 Oaks complex temporarily and so I -- I would like to speak to this. I agree with the applicant that going through 12 Oaks, instead of having this access, would -- would be -- would be a poor idea for the amount of traffic volume. That is not designed -- there is two accesses I believe into 12 Oaks, one on the north side

that runs basically directly parallel to Franklin and the one on the south side of the project that goes through a parking lot that -- that would not be able to handle any kind of additional traffic, but that directly across from the 12 Oaks entrance is the entrance to -- one of the entrances to the transfer station and the buses go in that way on a regular basis and so if the buses are getting moved to -- farther to the -- if their entrance is getting moved farther to the west, which would line up with Benchmark, I think it would alleviate a lot of -- what the current traffic pattern now and that most eastern entrance would probably be okay. I'm in agreement with -- with what they are proposing, although I would anticipate that ACHD -- ACHD may not be. But I think if they don't -- if they don't need to take the traffic even farther east from where it is, that -- that would be very complicated.

Simison: Council, further questions? Comments?

Bongiorno: Mr. Mayor.

Simison: Yes, Deputy Chief.

Bongiorno: Just a quick comment. The -- the two -- I am in support of the two accesses that Jon's requesting. We -- we have talked on some of their projects and looked at some of the stuff that's coming on that property and the more accesses -- it makes sense, which Jon and we have all worked together -- will help a ton for access for the fire department. And, then, the other quick comment -- I think it was Council Woman Strader or somebody was concerned -- concerned about parking in streets and stuff. In all things, you know, they still have to meet code. So, you know, fire code still applies for, you know, roadway widths and parking and -- and, you know, fire lanes and all that other stuff. All of that will still have to be met. Same with the hundred foot tall building. If we are doing a hundred foot tall building we still have to have -- they still have to meet the fire code. There is no getting around that. So, that was just my comment. Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I appreciate the good discussion we have had and the good questions. I think we are to the point we can -- we can move forward. So, I would move that we close the public hearing on H-2020-0074.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I second that.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hoaglund: Well, Mr. Mayor, just to comment. Really appreciate the applicant and staff, the Planning and Zoning Commission, for their work on this. There -- there are a lot of details, a lot of things to look through and -- and they -- they -- they really covered a lot of ground and -- and resolved things that -- that we didn't have to deal with. I really appreciate Planning and Zoning Commission. That future gathering plaza, pushing for that and -- and for Mr. Wardle and his team to -- to find a place for that to make that work. I know it's going to be flexible what it ultimately looks like, but appreciate that -- that collaboration on that. You know, this this was a brand new thing in Meridian back in '07. It hadn't been done before and to plan an area like this of this magnitude was new. There was a lot of flexibility given into that plan. I came on Council on my first go around in '08 and I think in '10 or 2012 we made some changes to -- to the area because of the changes in the marketplace, because of The Village. What was kind of originally envisioned, that -- that changed focus a little bit. It was still going to be a major employment center with a lot of mixed use and really overall it's -- it's kept the vision. Maybe some of the details have changed, but the vision of what this was going to be is -- is being followed. I know there are some folks who, you know, had opposition, like raising the height of the building. This truly was a place that we were going to have height in -- in this area, as opposed to other areas of our -- of our city. That was -- that was -- that was planned. And also previous changes have been made to it. So, this is not the first time we are tweaking this plan a bit and we have to go through these details. It -- it is something I think the community can be proud of. I know when I come up the freeway and get on the Ten Mile exit and look at that and go, wow, that's -- that's Meridian, you know, that's a -- that's a part of our community and we have some other areas that we can point to and say, hey, these are good things that are happening in our -- in our community and creating density that will allow us to do some things for mass transit and other areas and service. So, I think it's overall a good thing and I'm ready to make a motion, unless other folks have a comment or two.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I appreciate Councilman Hoaglund's comments and share a lot of the same comments. I, you know, wanted to maybe address some of the public testimony and just how I'm looking at it. One of the biggest challenges is we are weighing -- adding more students into the school district is also our over reliance on residential as a component of our city and what I wouldn't give for like ten more Paylocities. They are property taxpayers, too, and at the end of urban renewal they will be taking some of that burden off of residential and, hopefully, people won't be commuting as far for their jobs. I mean I just -- you know, I -- I appreciate that their vision has changed a little bit from the original intention, but just the employment center aspect of this is really compelling to me. My only concern with the height of the buildings was -- was possibly next to the residential. I am now confident that will get ironed out in the residential portion and I'm not really concerned overall. I agree this is a place for density and large buildings. So, I'm excited.

I think it's a new way to do the design process. I hope -- it sounds like staff is comfortable now they have had a lot of time and, you know, I -- I'm -- I'm uncomfortable with this one.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't think there is anything else from me to be said. I'm supportive of it as well. I do appreciate the -- anytime our citizens voice concerns about the cost of -- ongoing cost of schools on -- on Meridian taxpayers I'm sympathetic to that, although I think the applicant is sympathetic, too, and the conversation about how we are going to pay for schools as a separate taxing district from the city is not on the agenda for tonight, but one item that we are going to continue to discuss and continue to encourage our citizens to be involved in that conversation as well. It's going to take a lot of voices.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: After considering all staff, applicant, and public testimony, I move to approve file number H-2020-0074 as presented in the staff report for the hearing date of April 13th, 2021, with the addition of changes -- to include changes to condition number 2.D as presented in the staff report. To also include the waiver of UDC 11-3A-3, which pertains to the access and the previous one pertained to the parking. And to also include the design guidelines that were presented for the Ten Mile Crossing design district to become the controlling document for this area.

Cavener: I will second the motion.

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

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

Simison: All ayes. Motion carries and it is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Thank you all. It was a lot of work to get us through this to this point and through the evening and I know there is some more to do, but great job.

FUTURE MEETING TOPICS

Simison: Any item under future meeting topics?

EXECUTIVE SESSION

- 5. Per Idaho Code 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.**

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: The next topic I failed to mention that we took care of our business in Executive Session prior to this meeting. So, I move that we strike Item No. 5 from this agenda.

Hoaglund: Second the motion.

Simison: Motion and second to delete Item 5 from the agenda. Is there any discussion? If not all in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move we adjourn the meeting.

Hoaglund: Second the motion.

Hoaglund: I have a motion and a second to adjourn. Is there any discussion?

Cavener: Is it honorably? Mr. Bernt, I like those honorable motions.

Simison: All those in favor signify by saying aye. Opposed nay. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:31 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON
ATTEST:

DATE APPROVED

CHRIS JOHNSON - CITY CLERK