

A Meeting of the Meridian City Council was called to order at 6:12 p.m., Tuesday, April 6, 2021, by Mayor Robert Simison.

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

Members Absent: Liz Strader.

Also present: Chris Johnson, Bill Nary, Bill Parsons, Joe Dodson, Alan Tiefenbach, Garrett White, Mark Ford, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: So, with that, Council, we will come to order. For the record it is April 6, 2021, at 6:12 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Our next item is the community invocation, which will be delivered by Rabbi Dan Fink this evening. If you would all, please, join us in this invocation or take this as a moment of silence and reflection. Rabbi Fink.

Fink: Thank you. We pray. Creator, Sustainer, Source of Justice and Mercy, we gather in this time virtually and in person to continue the work of creating compassionate and caring community. Guide the work of our hands, our heads, and our hearts that it may promote the well being of all the residents we are bound to serve to the very best of our abilities. Open our eyes to the beauty of this springtime season, to the hope it offers for renewal, healing, and growth. Grant us insight, courage, and dedication as we carry out the sacred calling of governance. We recognize and honor the cherished ties that bind the entire body politic in a web of interdependence and shared responsibility. May our leaders lead not only with their words, but by their deeds and moral example in promoting the common good. Holy One, grant our leaders the wisdom to guide our future and the

patience to secure it. May they govern with compassion for all whose destinies who will be shaped by the decisions that they render and let us say amen.

ADOPTION OF AGENDA

Simison: Thank you, Rabbi. Appreciate it. Council, next item is the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: No changes, so I adopt the agenda as published.

Hoaglund: Mr. Mayor, second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, did we have anyone signed up under public forum?

Johnson: Mr. Mayor, we did not.

PROCLAMATIONS [Action Item]

1. Meridian High School Boy's Basketball State Champions Day

Simison: Okay. Well, with that we will move on down to the podium for a proclamation for Meridian High School Boys Basketball State Champions Day. If I could have the coach and players join me at the podium that would be great. Well, coach -- coach, if you think it's weird for you, I quit playing basketball about fifth grade. I think I learned my lesson early on from that standpoint. Excited for today. This is the third high school in Meridian that has won a state championship this year and have some of your cohorts from the wrestling team coming in next week. So, just want to first give a shout out to the Warriors. I know going through the years where you are adding new schools and seeing things change, but we are excited to have a great competition amongst all of our schools and many of all the sports and we are excited here to recognize you for your accomplishment today and overall it's been a great day. We got to start off with a little Coffee With The Mayor. We are getting back in-person events. I know you guys got to get through the season, but congratulations on that. We are just going to do a reading of the proclamation and, then, we have some pins for you -- City of Meridian pins that, hopefully, you can

wear, hold on to. But I'm going to do the version of the proclamation without your names, because even trying to get past the first names can be sometimes a challenge. Jeff, I got -- I got that one. But you are named -- we do have a version of the proclamation that will be put into the record with all your names, so it will be at least on record here at the City of Meridian for all eternity. So, after I do the proclamation I would love for each you to come forward and state your name, the position you play, so we have that as well. And your year in school. And with that we will go ahead and do the proclamation. So, whereas being a Meridian High School basketball player is more than scoring points, making assists, grabbing rebounds, stealing the ball and achieving state titles. It is training to build leadership, character, confidence, teamwork and resilience, all traits needed to succeed on the court, in the classroom and in the real world and whereas the Meridian Warrior basketball team spent the entire season as 5-A front runner and were able to complete the journey with the state title and whereas their hard work and teamwork resulting in a 68-54 victory over Lake City High School in the 2021 State Basketball Championship Tournament and whereas the Meridian Warriors captured the 5-A basketball state championship trophy, bringing home the first state boys basketball title since 1992 and whereas the leadership, training, and discipline of their coaches helped all team members to focus their talents and passion to become a winning team, with each player making valuable contributions to their victory. Therefore, I'm, Mayor Robert E. Simpson, hereby proclaim April 6, 2021, as Meridian High School Boys Basketball State Champions Day in the City of Meridian and call upon the community to join me in congratulating the Meridian High School Warriors on the remarkable athletic achievement and for representing Meridian so proudly in the state tournament. Dated the 6th day of April 2021. So, with that thank you and congratulations. And, coach, I would love for you to say any comments you have about the team first before we ask them to come forward and, then, afterwards we will do a quick picture with the proclamation.

Sanor: Okay. Perfect. Thank you very much and this is quite a privilege. I think this is something they will remember forever. Again I would like to thank our Principal Jill Lilienkamp and our athletic director Mike Graefe for supporting us all the way through. This is a tremendous group of young men. I didn't get to thank my coaches at the -- at the tournament, so here it is Jason and Chad. They do a tremendous job, along with some others that aren't here tonight, and we are very thankful for them. It was a great season. It was a challenging season with all the -- the COVID challenges that we had to deal with, but these kids stayed disciplined, dedicated, and worked their tails off to -- to bring a championship to Meridian. But more than anything they -- we preach citizenship, sportsmanship, and competitive excellence and they are a fantastic walking example of that every single day. So, thank you for this and we are really appreciative of it. Okay. Let's start here and --

Kaden: All right. My name is Ladu Kaden and I'm a junior and I'm a point guard.

Gwilliam: Max Gwilliam. I'm a sophomore and I'm a shooting guard.

Reynolds: Nathan Reynolds. I'm a sophomore and I'm a center.

McKnight: Kaden McKnight. Junior. And I'm a guard.

Sanor: Josie Sanor and I'm the manager. I'm a freshman.

Voegele: I'm Brock Voegele. I'm a junior. I play small forward.

Thacker: I'm Davis Thacker. I'm a wing and I'm a junior.

Pearce: I'm Ethan Pearce. I play power forward and I'm a junior.

Rowbury: I'm Brody Rowbury . I'm a forward and I'm a senior.

McDowell: I'm Brenden McDowell, shooting guard, and I'm a senior.

Mpoyo: I'm Joe Mpoyo. I'm a senior and I'm a shooting guard.

Fisher: Drayson Fisher. Senior. Whatever position you need me.

Anderson: McKay Anderson. Senior. Point guard.

Homer: I'm Colby Homer. I'm a forward and I'm a senior.

J.Moulton: I'm Jack Moulton. Senior. Small forward.

E.Moulton: I'm Eric Moulton and I play power forward and I'm a senior.

Delaney: Chad Delaney. Assistant coach.

Anderson: Jason Anderson. Assistant coach.

Sanor: Is there a phrase in that proclamation to get these seniors another year?

Simison: Yeah. I think Coach just asked for a COVID year for the seniors from that standpoint, but I don't think I have that power. But I will bring it up with the school board chair when I talk to her next week. So, if we just want to gather for a quick picture and, then, coach, I will let you hand these out to your team afterwards. But very exciting. Congratulations. We love the blue and gold in this building.

Hoaglund: Well, Mr. Mayor, as they are departing I just want to --

Simison: Councilman Hoaglund.

Hoaglund: -- I want to share my congratulations to them and as an old alumni and I do mean old, the current Meridian High School we were the second class to graduate from that building, but I'm very proud of these young men and what they accomplished and the great year that they had. You know, the pressure mounts when you have a record like

they have. Just as Gonzaga. But they came through and it's just so exciting to see these young men and the coaches. Had such a great year and they are just quality citizens and I think they are going to be very successful in life and so it's wonderful to see. So thank you.

ACTION ITEMS

2. Public Hearing for Scentsy Warehouse 4 (H-2021-0011) by Kristen McNeill of The Land Group, Inc., Located at 2499 E. Pine Ave.

- A. Request: Easement Vacation to vacate a utility easement established along the interior lot line of Block 6 of the Gemtone Center No. 5 (now Lot 7 of the Scentsy Commons Subdivision).

Simison: Here. Here. Okay. With that, Council, we will move on to our public hearings for this evening. First item is public hearing for Scentsy Warehouse 4, H-2021-0011. I will turn this over to Alan for staff comment -- or open this public hearing with staff comments.

Tiefenbach: Good evening, Mayor and Council. Can you hear me okay?

Simison: Yes, we can, Alan.

Tiefenbach: Terrific. Thank you. Okay. This is -- will be relatively quick. This is a request for an easement vacation to vacate a utility easement established along the interior lot line of Block 6 of Gemtone Center. The property is located at the southwest of East Pine and Hickory Avenue. So, here is the Scentsy campus here. As you remember, Council, there was a development agreement that was recently approved for about a 211,000 square foot warehouse. The certificate of zoning compliance has recently been issued for that warehouse. It's just pending this easement vacation. So, again, there was an amendment that was done and the amendment was to allow this warehouse in the commercial zoned district. But when we were reviewing the certificate of zoning compliance we realized that there was a five foot wide public easement, which you can -- and here is a picture just for your -- kind of an FYI. This is what we have come up with. So, here is the site plan. These are the elevations that were approved with the certificate of zoning compliance. While I was reviewing this it was discovered that this easement here existed. This easement, again, was a utility maintenance easement. This easement was platted early on with the Gemtone Center and it was carried over with the Scentsy Commons plat. This easement is no longer necessary. The applicant was able to get letters from all of the different interested parties saying that they had no issues with this easement being vacated and with that, as long as this easement is vacated, I can release the building permit to the applicant and I will entertain any questions if we have any at this time, Council.

Simison: Thank you, Alan. Council, any -- any questions for Alan? Okay. Is the applicant with us this evening?

Johnson: Yes, Mr. Mayor. She is online.

Simison: Okay. Kristen, if you are there, if you would like to state your name and address for the record and if you have any comments the time is yours for ten -- 15 minutes.

McNeill: Thank you, Mr. Mayor and Council Members. I'm Kristin McNeill with The Land Group at 462 East Shore Drive in Eagle. 83616. And, you know, as Alan mentioned, this is a pretty simple straightforward application. He covered everything very well. I don't really have much to add. Staff is recommending approval and we are in agreement and with that we respectfully ask for Council's approval tonight and I will stand for questions if there are any.

Simison: Thank you. Council, any questions for the applicant? All right. Seeing none, Mr. Clerk, do we have anyone signed up to testify on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. If there is anyone in the audience that would like to provide testimony on this item, if you would like to come forward at this time or if there is anybody online who would like to provide testimony, please, use the raise your hand function at the bottom of the Zoom platform. Seeing nobody taking either option -- Kristen, would you like to make any final comments?

McNeill: No thank you, Mr. Mayor.

Simison: Okay. Then with that, Council, what's your pleasure?

Borton: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Councilman Borton.

Borton: Mr. Mayor, I move we close the public hearing on item H-2021-0011.

Cavener: Second.

Perreault: Second.

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.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Alan's presentation made this one relatively straightforward and easy. I would move that we approve the easement vacation in H-2021-0011.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I was waiting for someone else to second, but I will go ahead and do it.

Simison: I have got a motion and a second to approve H-2021-0011. Is there any discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not -- it's very hard to hear Council Member Borton, so just for the remainder tonight if you could speak into the mic. I think that's probably why you didn't hear any seconds from the remote is we -- we couldn't hear. But I appreciate the clarification that it was a motion for approval.

Simison: Okay. If not -- nothing further, I will ask the Clerk to call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Have a good night, Alan. Thank you, Kristen.

McNeill: Thank you, Mr. Mayor and Council.

3. Public Hearing for Foxcroft Subdivision (H-2020-0113) by Gem State Planning, LLC, Located Directly West of Ten Mile Road, on Both Sides of the Proposed Pine Avenue Extension and East of the Tenmile Creek

- A. Request: Annexation of 23 acres of land with a request for the R-8 zoning district.
- B. Request: A Preliminary Plat consisting of 85 building lots and 31 common lots on 35.7 acres of land in the proposed R-8 zoning district and existing R-15 zoning district.

- C. Request: A Conditional Use Permit for a multi-family development consisting of a total of 216 residential units on 12.74 acres in the existing R-15 zoning district.

Simison: Next item on the agenda is a public hearing for Foxcroft Subdivision, H-2020-0113. I will open this public hearing with staff comments and turn it over to Joe.

Dodson: Thank you, Mr. Mayor, Members of the Council. Mine will not be as quick, unfortunately, but we will get through it. As noted this is for Foxcroft Subdivision. The project consists of multiple properties, totaling 35.7 acres of land, currently zoned RUT, with 12.74 acres of it currently zoned R-15 as seen in the center map. The site is located directly west of Ten Mile Road and is on both sides of the proposed Pine Avenue extension. It is entirely east of the Ten Mile Creek. It surrounds the recently approved Ten Mile or -- Mile High Pines Subdivision, which is this little pocket in the southeast. To the north is R-4 and R-8 zoning, detached single family, and civic uses noted as the Fuller Park and the Chaparral Elementary School. To the east is Ten Mile Road, with C-C and some RUT zoning further to the east. Because the zoning for Mile High Pines has not been approved yet -- or I should say has not taken place at the county yet. To the south is railroad property. South of this is C-G with self storage. To the west is R-8 zoning and detached single family through -- across different -- multiple different subdivisions. The only history on this site is for the R-15 portion, which was the Ellensburg Subdivision. It was annexed and zoned and platted -- or had an approved preliminary plat and a CUP in 2005. The CUP and plat have expired, but the zoning ordinance was approved. So, the zoning stuck, but nothing else. No DA, no plat, no site plan, nothing else has come through with it. The site does contain two future land use designations, medium density residential and mixed use community. The request before you tonight are for an annexation of 23 acres of land, with a request for the R-8 zoning district. A preliminary plat consisting of 85 building lots and 31 common lots on 35.7 acres in the proposed R-8 and to the existing R-15 zoning district and a request for a conditional use permit for multi-family development, consisting of a total of 216 residential units on 12.74 acres of land in the existing R-15 zone. Total unit count between both areas of the project is 291 units, 75 single family units, and 216 apartment units. The proposed uses are multi-family residential and single family as noted. The single family is broken out into detached single family, attached single family in the form of duplexes, and alley loaded single family. The project is proposed with a gross density of 8.17 dwelling units per acre, which is rounded down to eight units per acre per the comp plan. This falls -- this does fall at the maximum density allowed within the medium density residential designation. The majority of the subject property contains the medium density residential designation, but there is an area on the southwest portion of the project that contains the mixed use community designation. Mile High Pines, which was approved earlier this year to the south and east of this project, it contains the mixed use community elements by having commercial along Ten Mile and the remaining of the site being multi-family. In addition, the existing commercial to the east should be taken into account for the overall area of the mixed use community designation. The applicant has the opportunity to float designations -- I should say comp plan designations and propose a project that may fit with both or only one of them. In this case the applicant has not chosen to include any commercial uses with the

subject property and instead has proposed a project that is entirely residential, which corresponds with the medium density residential designation. Despite intentionally not proposing a project consistent with the MUC designation, the applicant does understand the integration of uses and incorporating adequate transitions between the uses is still important. Thus this applicant and that of the project to the east, Mile High Pines, have worked together to allow cross-access between the projects on the south side of Pine Avenue extension so both vehicles and pedestrians of this project can have easier access to the commercial area that is approved along Ten Mile. This access will be right here. With the latest information that has been provided to staff and the change in the conditions of approval and recommended DA provisions from the Commission hearing, staff finds that the proposed project complies with the comp plan. The applicant submitted conceptual renderings for the proposed apartments and some photo examples of the proposed single family homes. The submitted multi-family elevations show traditional walk-up garden style apartments. The buildings appear to have at least three field materials of stucco, lap siding, and stone and incorporate adequate roof plane variations. The buildings appear to share an identical color palette, which does not meet the architectural standards manual. Multi-family and attached single family homes require design review prior -- prior to obtaining approval for building permit and at that point staff will ensure compliance with the architectural standards manual. As shown on the master street map, the applicant is proposing to construct and extend Pine Avenue as a 36 foot wide collector street from Ten Mile Road to the Ten Mile Creek and construct a vehicle bridge over the creek. Mile High Pines is also required to construct their portion of the south side of the Pine Avenue extension. Both projects are required to construct this public road with the first phase of development to help with community infrastructure. The multi-family portion of the site has proposed the two driveway access points to Pine. We will go back to this one. Those two access points are here and here. ACHD has approved these access points despite that the eastern driveway, the one closest to Ten Mile, does not meet their offset requirements and needs a 25 percent modification of policy to be approved. Moving this access further west would significantly change how the triangle shaped R-15 piece could develop, which aided in ACHD's determination to allow this access as proposed. All the streets within the single family portion of the site are proposed as public local streets at widths of 33 feet wide, which allow on-street parking where no driveways exist. There is a short segment of roadway in the south area site that contains a minor urban local street that serves five of the alley loaded homes along Pine. That street is the street here. And for reference all of these homes are alley loaded homes. This is the minor urban local street. This road section is a reduced street section with a 24 foot width and does not require sidewalks. In addition, there are plenty of sidewalks adjacent to this area, mostly in front of the homes and also along the other local streets. So, there will be adequate pedestrian access for these units. The revised plat shows 75 single family building lots and nine multi-family building lots with 41 common lots, totaling 125 lots. Of the 75 single family lots three are proposed to contain homes that are remain -- that are to remain. Those are, obviously, the largest lots noted on the plat and they will be part of the new subdivision. There is two in the south and one in the northwest. The applicant proposes to construct the project in three phases, starting with the south segment, then, moving north to the southwest and, then, ending with the multi-family development. All proposed building lots appear to meet UDC dimensional

standards on the -- on the revised preliminary plat. The cul-de-sac in the south area of the site is approximately 720 feet in length and connects to an emergency access within the Mile High Pines project. So, right here. This -- this cul-de-sac length requires City Council approval, because it exceeds code maximums. The single family homes are required to show compliance with the parking standards at the time of individual lot development. But as noted the local streets are also wide enough to allow on-street parking. Based on the number of bedrooms and minimum parking required for the multi-family development is 411 spaces. The revised site plan shows 440 spaces, exceeding code requirements by 29, and amounting to slightly over two spaces per unit, which is an industry standard. Staff believes the revised site plan with additional parking spaces provides adequate parking without producing a waste of land area. A minimum of ten percent qualified open space meeting UDC standards is required to meet the UDC standards and the multi-family development is required to provide common and private open space in line with the multi-family specific use standards. Combined the required amount of minimum qualifying open space that should be provided is 4.81 acres. The applicant's revised open space exhibit shows a total of 7.33 acres of qualifying open space. The applicant is proposing 5.7 acres of open space to meet the minimum ten percent, which amounts to approximately 16 percent. The qualified open space consists of the required street buffers, mostly along Pine and a little segment along Ten Mile. The Ten Mile Creek area and other open space areas throughout the site that meet the minimum dimensional standards. This area exceeds the minimum UDC requirements. The remaining 1.6 acres meet the common open space requirements for the multi-family development specific use standards and consists of a clubhouse pool with some -- that does not make sense. Clubhouse, pool, as well as other open space areas. The applicant is proposing five qualifying site amenities, which include the clubhouse and a pool, the fitness facilities, pedestrian and bicycle paths and open space that is at least 5,000 square feet. The Commission recommended that an additional amenity be provided within the multi-family area. The applicant has discussed that with staff and has noted that it will likely be a tot lot. That location has not been determined as of our last conversations, but I will leave that to the applicant to give you more details on that. A ten foot wide multi-use pathway is required and proposed along the property's western, northern, and southern boundaries per the master pathways plan. The submitted plan show compliance with the master plan. Staff originally required that all pathways were to be constructed with the first phase of development, but with the Pine Avenue extension and the required detached sidewalks along its entire length, plus the first phase of pathway segment, which would be the south and west boundary, staff now finds that the pathways would be better constructed with each phase. Overall this applicant is proposing to construct approximately 4,500 linear feet, almost -- or approximately .85 miles of pathway within this development, which does not include the detached sidewalks along Pine. This is an abnormally high number for one project to construct, so staff is appreciative of the proposed pathways. The new pathways constructed in this development would offer multiple avenues for residents in the vicinity to safely get to Fuller Park and Chaparral Elementary. Staff is in full support of the proposed pathway plan for the subject development. Both staff and Commission recommended approval of the subject applications. At the hearing there were a few members of the -- sorry. There was only one member of the public that spoke against the project. There were some

discussions -- I should say the issues that were brought up were regretting the future land use map and its correlation to density, concern over the extension of Pine Avenue, and the potential traffic increasing at the intersection of Pine at Black Cat, which is approximately half a mile to the west. Density of the project not being compatible with subdivisions to the west and larger lots even further west. West of Black Cat. And there was some discussion about the Black Cat and Pine intersection being signalized, which is not required, because it was an off-site improvement. ACHD discussed that within their staff report that there should not be enough of this traffic heading that direction to warrant those off-site improvements. The Commission discussed this traffic concern, as well as how the southern most lots will function. They discussed the redevelopment plan for the three existing homes, specifically the two lots in the southern section, and they discussed the general location of the different types of single family homes and how they will access them. As noted they also discussed what additional amenity would be appropriate in the multi-family development. The Commission recommended approval with modification in line with the memo that I sent the week of the Commission hearing and I made all those changes and they only added one, which was to add an additional amenity within the multi-family area. There has been no written testimony since the Commission hearing. So, after that I will stand for any questions.

Simison: Thank you, Joe. Council, any questions for staff?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Mr. Mayor, thank you. Quick question, Joe, just to clarify. The -- the multi-family portion of this project, that triangle, that's on the existing already annexed parcel. So, it's got zoning already and it's just the CUP for that parcel -- that portion of this; is that right?

Dodson: Councilman Borton, that is correct. Yes.

Borton: And the remainder of the application is a zoning with the annexation as well.

Dodson: Correct. But we are also -- the DA does include all of the project.

Borton: Okay.

Dodson: Yes.

Borton: And Mr. Mayor?

Simison: Councilman Borton.

Borton: One question to you, Joe, on the -- the designation, kind of as a heads up to the applicant that they can address it, but the mixed use community designation in your staff report identifies the ability to float and you referenced transition -- or, excuse me, you said

that the -- adequate transition between uses is still important and my question was in the mixed use community when it talks about adequate transition between uses, it seemed as though uses would be commercial versus residential versus civic and that those are different uses, but here it looks like the transition between uses is different types of residential. Is that what the word uses is intended to mean when we are looking at mixed use community or is it really intended to mean residential versus commercial versus office or civic? Truly distinct uses.

Dodson: Councilman Borton, great question. Traditionally it is more of those distinct uses is what we want to have better transitions between. However, there should be -- I guess not just transition of uses, but transitional densities would be more appropriate for the residential uses -- the different residential uses. But the main point was transitioning from the commercial and, then, the multi-family of Mile High Pines and, then, to the single family residential, which, then, is the transitional density to the existing single family residential further to the west.

Borton: Okay. A couple real quick ones --

Simison: Councilman Borton.

Borton: -- to clarify. And that project to -- directly to the east, the -- the majority of that is -- is residential as well, just the portion along Ten Mile is commercial as I recall.

Dodson: That is correct.

Borton: Okay. Last question if I could. The two gray boxes on -- or brown boxes -- boxes -- existing sites. Can you -- I have tried to read the small print and I can't make it out. Those are existing sites that are going to stay; is that right?

Dodson: Councilman Borton, that is correct. That's why I put this picture in here just so you can see. This home is going to stay, as well as these two. This area will be removed and I believe a couple of these little outbuildings as well.

Borton: Okay. And --

Simison: Mr. Borton.

Borton: -- one last question was -- and this is a heads up for the applicant -- is when those homes ultimately do get removed, do they come back and replat those parcels to add future home sites to it?

Dodson: Councilman Borton, another great question. Yes. We ask that the applicant provide a redevelopment plan, which is part of the plat conditions, but not the DA. We found that it wasn't -- we didn't want them to have to do a DA mod in order to plat them, so -- but, yes, they would have -- if they want to subdivide further those two lots, then, yes, they would have to come back and do another plan, which would come to Council.

Borton: Okay. Thank you, Mr. Mayor. Thank you, Joe.

Dodson: You're welcome.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Joe, do I remember correctly when we heard the Mile High application that there is an emergency access off of a cul-de-sac for fire and police?

Dodson: Council Member Perreault, that is correct. I tried to note that in my report -- or my presentation, but it is right at the end of this and it basically follows this angle. It goes right down one of the -- not common drives, but one of the alleys for the townhome units.

Perreault: Thank you.

Dodson: You're welcome.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks. Joe, in your staff report it talks about, you know, the vast majority of -- kind of this project is -- is -- falls into the MDR for future land use plan and when we are looking at it you have got a -- a gross density of, you know, a scoach over eight dwelling units per acre and the MDR calls for three to eight. I recognize you have rounded down. How -- how frequently are we doing that, rounding down, when it -- I mean I kind of look at that number as three to eight. Anything over eight doesn't necessarily fall under the MDR and I'm just curious how often we are rounding those numbers down.

Dodson: Councilman Cavener, I can't -- I can't give you a percentage or anything like that. It usually doesn't happen -- from my experience we are usually within the range -- or, if anything, I probably had more experience with rounding up.

Cavener: Yeah.

Dodson: But it -- it does occur. I mean the comp plan does allow for this. It does specifically state that if it's a half percent, then, you would round down. If it's the top half, you know, standard algebra one. We are allowed to do that through the Comprehensive Plan.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Joe, I was -- I was a social science major, so that's probably where some of my questions are coming from. I appreciate the clarification on that. My other question was about the amenities and as I understand from kind of your report and the staff report, with the exception of the open space, the vast majority of the amenities are going to fall -- are going to be constructed within phase three?

Dodson: Councilman Cavener, yes and no. So, the overall site only requires one amenity for the single family portion, because of its size per code. However, they are proposing a tot lot in the south, as well as I believe a picnic area here on the north and -- and additional open space that would technically qualify as an amenity. But the five additional amenities are going to be with the multi-family development, yes. It shouldn't be taken lightly that they -- the pathways in themselves are an amenity, as well as adding multiple connections -- or I should say ways to get to Fuller Park, so --

Cavener: Agreed. Great. Thanks for that clarification. I must have missed the tot lot. Thanks, Joe.

Dodson: No worries.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Two questions for Joe, both related to streets. The cul-de-sac in the south, it exceeds our length, the one with the emergency access, but I think the length -- does it have to do with the speed of cars and that if we have some bends and turns it allows -- it's -- it's a little more acceptable than just one straight long shot? Can you -- can you jog my memory on that?

Dodson: Councilman Hoaglund, that is my understanding. Same thing with our block length requirements is that it's meant to not have a race track down. So that does help. But there is the overall length requirement as well, which is probably a fire thing more than a planning thing.

Hoaglund: Okay.

Dodson: But with the cul-de-sac and the emergency access that is hopefully mitigated mostly.

Hoaglund: And to my second question, I notice we have a crossing over Pine where the pathway is, but where we have the two streets coming together where you just indicated, well, this side has a tot lot, that side has the picnic benches, are there going to be crosswalks at that intersection right there where your pointer is or are we going to have any pedestrian type of light? What's -- what's the plan for -- for that area?

Dodson: Councilman Hoaglund, I do not know that there are any plans to have a pedestrian light or any kind of crossing there, because it's going to be local streets abutting -- connecting to a collector. The collector should -- especially this kind of collector, it should only be a 35 mile an hour speed limit. It shouldn't be the 40 or up, which is good. So, again, that's an ACHD thing more than it is us.

Hoaglund: Okay. Thank you.

Dodson: You're welcome, sir.

Simison: And we do have Kristy here with us if we need to get into that. Council, any further questions for staff? Okay. Then I will ask the applicant to, please, come forward and state your name and address and be recognized for 15 minutes.

Suggs: Good evening, Commissioners. Jane Suggs, Gem State Planning. I'm at 9839 Cablecar Street in Boise. And I'm going to request if I can take this off for a few minutes, because my glasses fog up. Thank you very much. A little clearer as well. Again Jane Suggs. No relation. You know, the one time there is another Suggs around, so -- I'm here representing Foxcroft Subdivision and also Deb Nelson is in the audience with Givens Pursley and she is on our team attending tonight. We really appreciate working with the staff. If you have read through the staff report you see that we have worked out all of our issues with our updated plans, especially with Joe and Bill Parsons, Bruce Freckleton, Joe Bongiorno. I'm going to mess up his name. So, let's first take a look at that site plan again. We are just really happy to report that P&Z recommended approval and we agree with all the conditions of approval in the staff report. You will find those in your package and we agreed to put the tot lot in the multi-family and we are actually thinking that that tot lot will probably go up here in the recreation area, because there is plenty of room there for a tot lot and I will talk a little bit more about the fact that we have these intimate recreation areas in this development, but we are next to a large -- very large park. Just wanted to let you know that Foxcroft is an in-fill community and it is approvable as conditioned. So, we could stop right there and I could answer a bunch of questions. But let me tell you a little bit more about it. This is a bridge. This is not the one over Ten Mile Creek, but there will be something similar. Keep in mind as we walk through this process that this developer, Trilogy, will be building a bridge over Ten Mile Creek and that will actually construct a great connection on Pine Avenue, so that you can now drive from Black Cat to Ten Mile. That is a much needed piece of infrastructure for the entire community. With our approval tonight we would start our design and our approval process. That usually takes six to eight months. That would take us almost to the end of the year just to get our bridge designed and approved by all the agencies, Nampa-Meridian, city of Boise, ACHD, Corps of Engineers. We do want to get the bridge built before March 15th of next year. So, we are a little bit in a time crunch here. Also by building this bridge we actually improve safety for all the residents along Pine Avenue, because now we have a great connection. In fact, we will probably find a lot of folks that are on the other side of Ten Mile Creek will be using this connection to get to Ten Mile, because that's how you get to the freeway very easily. Show you one more -- one of the agreed upon conditions that -- as Joe pointed out that you don't really see in phased

developments -- you usually see some improvements along streets with each phase. We have agreed to put in all the improvements -- along with Mile High Pines to put all the improvements, curb, gutter, sidewalk on -- on Pine Avenue in the first phase and we are agreeing to build the bridge in the first phase. So, if we start here in this lower area and we will be building these and we will be building all the improvements, so you will actually be able to get out to Ten Mile from the very beginning. Also want to put this project in a little bit of context, of course, with the surrounding areas and Joe did a good job of looking at that. Quite a bit of activity down along the Ten Mile interchange area. You will recall, of course, that Mile High Pines development included 28,000 plus square feet of commercial uses. So, this is a really good opportunity for the Foxcroft community to support those commercial uses and also have pedestrian access to those commercial uses. We think that Foxcroft -- or I believe it shows that it's a great transition between the commercial areas that are down here in this lower area. Let's see if I can find my cursor. There. And a good transition. We are next to Fuller Park without having to cross the street and Chaparral Elementary without having to cross the street. So, great transition there and also transitioning to the residential pieces that are to the west. Again, since we are close to a park and a school you want houses. You want a lot of houses. It's a really good opportunity to utilize the infrastructure that's already there and as, of course, you can see here we are almost completely surrounded by city. As mentioned previously, the apartments are already annexed and zoned for higher density residential, the R-15. The apartments will have a 3,000 square foot clubhouse. It has a community room, a fitness room, a kitchenette, plus a swimming pool and we are adding the play structure. Here are some renderings and I think you have seen some of these. Again we talked a little bit about all the different types of housing that are being provided. We have the larger lots and you can see those. Mr. Borton already pushed -- pointed those out. They were brown on the other one, but here and here. They will be part of the plat and I can show you in a few minutes the redevelopment plan for that. I just want to run through these first. The -- let's see. The peach colored lots -- these are the ones that are front loaded here. They are going to face -- make a great streetscape along Pine Avenue and they are accessed in the back -- garages in the back. So, that will be a nice streetscape along there. Of course, as a collector you don't want to have driveways. Here is an example of one of the alley loaded. You can see they are really cute little houses with a little landscaping up front. We have to actually -- because the street's in the back we put a nice big landscaped area in the front. The yellow lots are two unit townhomes and they provide a nice transition from the apartments over to the single family. So, we have taken it upon ourselves to -- we actually -- this is a pretty new design here. This actually will be built as -- could be built as a duplex or could be built as a duet, which I call a duet is with a property boundary in between. And, then, finally, we have the standard single family lots that are here and running down here. Foxcroft really has -- and that's just an example of a front load home. You have seen lots of those. We really have great diversity of housing for such a small project. We do have the amenities. We have the gazebo area here. Again, these are some of the more intimate sort of little neighborhood pockets. We are next to the large park and, then, we have the amenities that will be here and, then, multi-family. We have the tot lot down here and as mentioned we have a lot of pathways. Just to let you know, Fuller Park, again, right across -- this is the Ten Mile stub drain, but -- oh, didn't mean to do that. It's 23 acres. It has picnic shelters, restrooms, playgrounds,

baseball fields, volleyball fields and, then, a -- and a pond. I'm sure you have been out there. It's an incredible little park. And we think that that's a great recreation amenity for all the residents here. But, again, we wanted to show some of those more intimate kind of places where people could gather. That really touched one of the Planning and Zoning Commissioners. He says the apartment guys need some intimate locations, too, and that's how we added the tot lot. Let's take a look at some of those again. Oh. Okay. There is a gazebo slash pergola and that's the location here in the upper area here. I'm not handling this very well. And, then, here is a tot lot and there will be two of these, one in the south portion and one in the multi-family. One more slide or two and I will answer some questions. Again -- okay. Ah, there is my connectivity slide. The one you have already seen I think. Okay. Lots of pathways. I'm sorry about that. I'm not getting the right response from my keyboard here. Lots of pathways. Some of those are regional pathways. This north pathway -- you might remember this. This one right here that runs along the Ten Mile stub drain actually is on top of a sewer that was installed by the city as a trunk line and it was land that was an easement that was dedicated by the developer, so that they could get that in a few years ago. So, that was part of -- kind of agreement and somewhere in your package there is even a thank you letter from the sewer department for doing that. That was really nice of the staff to do that. Again, we have these regional pathways. This one over here is -- right here is already in place, so we are continuing it down to here, then, we run out of opportunity, because we don't own the land, so we are going to use that and crossover and a little -- right here and, then, come down here on this side and this is the railroad track down here. So, this is part of a regional pathway that the city has planned as well along the railroad tracks. And lots of internal sidewalks and pathways, too. Of course, we want to make it easy for people to get to each other's neighborhoods. We want to get over to the commercial areas and we want to be able to get to the park and the school. I will answer a few more questions that have already come up, but would respectfully request your approval of our applications for annexation, zone, preliminary plat and the CUP for the Foxcroft apartment. Let me see if I can go ahead and answer those if there is some time.

Simison: Okay. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Ms. -- Ms. Suggs. Question. I -- I would like to follow up on a question that Councilman Hoaglund presented earlier, which is a pedestrian access across Pine. I have lived in the subdivision directly to the west of this for 12 years. Intimately familiar with this area and have spent numerous numerous hours in Fuller Park. I'm -- but I'm still trying to figure out how pedestrians, especially on the south side, would -- would access that. Is it going to be a sidewalk across the bridge on Pine? Is that how they are primarily going to get to the north side?

Suggs: There will be sidewalks on both sides of Pine Street. We had talked a little bit internally -- I think even with the staff about this pathway that runs along the canal and

connecting the two. We could do a crosswalk. I think some of those things would be something that we would monitor as development occurred. I don't know that we would specify that now and that's something we would work with with ACHD. So, when that connection actually occurs we can see if the traffic needs a cross -- certainly a crosswalk is one thing. Any other type of flashing lights or HAWK signal probably needs to come after we do some analysis to determine if that is necessary with the number of people crossing. But there is -- so, this is a pathway that runs along the Ten Mile canal and will cross over Pine Street and, of course, sidewalks all up and down Pine Street. Does that answer the question a little bit?

Perreault: Well, so if -- if pedestrians were to need to stay on the south side of Pine they would basically need to go all the way over to an entrance -- the most eastern entrance in Castlebrook -- headed through Castlebrook Park and, then, get into Fuller Park on the west side and, then, have to make a right and head back. There is just not a direct way to Fuller Park without that -- without that pedestrian access across the bridge. I mean it would be a significant roundabout way to get into the park going through two other subdivisions -- potentially two other subdivisions. Unless I'm missing something.

Suggs: I'm -- I'm not following you very well. We are -- okay. I can't touch this, because it's too sensitive. I'm sorry. Get us back to the landscape plan or maybe a plan that shows the surrounding area. I apologize. There we go. That's good. So, there is a pathway -- I'm going to try this again. We will be constructing a pathway here along the creek. So, if you lived in the south area, you could come down here, you could get either on the sidewalk along Pine and, then, you would cross over -- there is a pathway here. If you want to get a little closer there is a -- there is a crossing -- okay. I need some batteries. Okay. There is a crossing off of our property that goes over the stub drain. I don't think it's very well used, but we are taking our pathway to that location as far as we can on our property, but we cannot put a path over the stub drain. We have been told by Nampa-Meridian that we can't do that. So, I guess I'm not following you, Ms. Perreault, about where you think we are going to have to cross down Pine Street to get to -- to get to the park. I mean there is a pathway that winds -- go ahead. I'm sorry.

Perreault: Where are the residents going to cross Pine to get to the park?

Suggs: Well, there is a place right here. There is a path -- there are sidewalks here. They could come up through this sidewalk. There is a pathway here and takes you to this location. And, again, this is the location that takes you over the stub drain, but we cannot build that. Otherwise, you would walk down Pine Street to go on the pathway that's behind -- okay. Here. And this takes you down -- you are right, it takes you a little bit further this way and takes you over to the park. There is a pathway there. Does that answer your question? This pathway here and, then, there is a place to across the stub drain down here.

Perreault: Not exactly, but -- so, the question that -- that Councilman Hoaglund presented earlier was if Pine is going to be a collector there are some safety factors to cross at the intersections of the streets within -- within the neighborhood. So, if there are not going to

be crosswalks required, then, how does someone -- how do the residents safely cross Pine to get to the --

Suggs: And my response is we can put crosswalks at every intersection. We don't typically see every local street tying into a collector with a cross -- with a crosswalk. We can put those in. I think what we were thinking about or at least what I immediately went to was a more robust crossing opportunity, but we don't want to go and signify or put in some sort of signal for crossing on a collector, because that's where you move traffic, unless we see that there is a necessity for that and that would come later. So, that is why I'm saying, yeah, crosswalks are just paints on the ground and it signifies where people can cross and you see those all over town, but I don't know that we would put anything more than that. So, we could put them on the bridge or just beyond the bridge where the crossing is on the west side of the bridge or we can put them where the streets -- all the local streets tie in. Just -- I'm not thinking that we need to put anything more until we know that we need something more. Does that make sense?

Simison: And maybe we could -- either A, as Kristy or Garrett could chime in, I think, Council, this is one of those questions where it's not uncommon -- I mean we can talk the pathways crossed arterial roadways with no identified crossing and sometimes when they cross roadways they have HAWK signals or blinking lights put in. There is really no consistent behavior that we have in the city or expectation, quite frankly, of pathways. Now maybe it's a pathway to a park, but it's still -- we have a railroad track, which, actually, limits even further, where people are going to come from. But from a very practical standpoint every intersection, whether with a crosswalk or not, has the same basic treatment in terms of, you know, establishing the right of pedestrians to cross, but maybe Kristy could chime in to see if there is an ACHD standard as it relates to lighting a crosswalk or pathways along with an arterial or collector.

Inselman: Mr. Mayor, this is Kristy Inselman with ACHD. Yes. Thank you. I think you and Jane have answered that very well. We typically do not go in on -- especially a new development like this and put enhanced crossings in before we really know that there is a need for it. All of those crossings where the street crosses the sidewalk there will be ADA ramps that will direct people so they can get across the roadway, but until we know that there is a high traffic area or we know there is going to be a lot of pedestrian use, that's not something we typically require a developer to put in before we know that there is really a need for that type of signalized or higher use type of crossing. I hope that helps.

Simison: It answers the question. I mean it answered Council's desire if they would like one or not, but at least answers the question I believe.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglun: Since I raised the issue, I was just curious -- I recognize the fact that there is not going to be a huge influx of young people headed -- headed north down this pathway because of the railroad tracks and other constraints. But there are going to be kids and -- and adults who want to access that park and who would be going to school. So, I was hoping there would at least be some sort of markings -- and, again, it doesn't have to be the HAWK signal right away, but there were -- there would be an identified crosswalk area, whether it's the bridge or the intersection, for them to -- to -- at least it's identified, they can process safely, and not -- because, unfortunately, the timing of going to school and rush hour kind of -- kind of coincides. So, get people used to the idea that there is a crosswalk there and you are going to have kids there. I do want to follow up, though, because I was surprised to learn that they are not going to be able to access the park where we see that pathway and you mentioned, you know, you can't build over the stub drain to the park. But is that something the irrigation district can do?

Suggs: If the irrigation wants that to go, yes. We talked to the irrigation district, actually, about an alternative location for a crossing and they said no. So, this is one of those things where I'm hoping that the pathway coordinator might want to spend some time with Nampa-Meridian, because you already have a master pathway plan with Nampa-Meridian Irrigation District and we are putting a pathway along the Ten Mile stub drain just outside of their easement. But once you get beyond that we -- we have not been able to convince them that we -- there should -- there is a path, it just right now has a chain across it and they use it for maintenance. Kids use it all the time. So, it's one of those that's kind of an unofficial, but not. So, I think that's one of those things where we might get the pathways people to kind of work together. Again it's off of our property, so we are not really able to do that, because the stub drain is sort off of -- in that location off of our property. So, we have looked at it. And Ms. Perreault is right, you know, if you cross over to the west side of the Ten Mile Creek there is a regular crossing that goes over to the park, but, then, you double back to go to the school.

Simison: Well, as a -- you know, at least from an outside perspective -- I mean I understand, but I would hope that if there is ever a potential -- I don't know what the cost to put in the conduit and everything else. I would hate seeing ACHD have to go in and invest a lot of money to -- to -- and, Councilman Cavener, the one that was outside of your neighborhood, that -- that area, basically, three months to put in a flashing light with all the work that they had to do to dig underground. So, it would be great if this is the direction that people want to go. It's done during construction of the road, as compared to coming back six months later when you see what the use is. But that's just a --

Perreault: Mr. Mayor?

Simison: Council, any further questions for the applicant?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I guess sticking with the pathway theme, Jane, if you could pull back up -- you had a -- a great illustration that kind of showed all of your connectivity that you were planning to put in and where I'm trying to track -- maybe let's go to the park, more so to the school, how residents in these -- or phase one, phase two, phase three would plan to get from their residence to the school?

Suggs: Okay. Right now they would come down the Ten Mile --

Cavener: And if there is another illustration you would rather use, Jane, I know that our --

Suggs: I'm just -- I'm having a hard time using the mouse, so -- it's not reacting to me very well. Okay. So, there is a pathway along the south side of the Ten Mile stub drain here and we show it coming here and that's where there is a location where you can cross over to the park. There is no location right now to go over to the school. There is -- we inquired upon a location that was closer to this, but we were told no by the Nampa-Meridian Irrigation District. So, that they -- we could not put any type of crossing there. So, kids that are in the apartments will probably actually come down to Ten Mile -- just walk up a short part of Ten Mile and go into the subdivision. There is a crossing through the subdivision called Mosher's Farm and you can go through there and get to the school that way and that's -- we did inquire upon that, getting a pathway to go into Mosher's, but, then, we didn't also talk to Mosher's, because that would mean a bunch of kids going through their subdivision. I mean if you look an aerial photograph you will see that it looks like the pathways are supposed to be on the Mosher's Farm side, because they have this open space with pathways in it. Oh, there you go. Look at that.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Thank you. To further on that and to answer Councilman Cavener's question, preliminary discussions about this -- also you can kind of see the property line here. This would be Fuller Park to the west of that line and, then, the elementary school here. We were told that both the school and police did not want an additional connection point to the school because it's one more point for somebody to have to check and look and watch out for and so they wanted to maintain only the one that was here through Mosher Farms. So, it was anticipated that with the additional sidewalk along Pine, as Jane noted, that they would just come out to Ten Mile and, then, be able to use the existing access point.

Cavener: Mr. Mayor, follow up?

Simison: Councilman Cavener.

Cavener: Jane, is that -- the sidewalks, regardless, will go in with phase one. It's the added pathways that would be, as I understand correctly from -- from Joe's report, would be kind of phase dependent?

Suggs: Yes. The pathways in phase one would go and the sidewalk along Pine would go, but the rest of the pathways and sidewalks would be phase dependent and a lot of that is just because -- to have people walking on those pathways while you are trying to construct a subdivision is going to be kind of difficult. So, we would do those when we were constructing the subdivision. It's just -- it's just not going to be possible to get all of that construction in when you have people walking through your construction site. We would actually have to close it, probably, if we built it and, then, we would have to repair it, so -- with that. So, we were -- we talked to the staff about that and I said, yeah, that makes sense, especially if you are going to go ahead and put all of your improvements on Pine, so -- which is a big deal and build a bridge, so -- something just popped in my mind. If you drive down to the end of Pine on the west side of the -- there the street's not quite finished and neither are the sidewalks. So, there must be some bond money -- and I don't know if Kristy has got this -- for the completion of the street on the other side that's off -- off site. It's not in the -- it's not in the easement of the creek. So, we will be working on the creek, but we won't be working down Pine on the other side of the creek. So, we will -- we will, of course, work through all of that with construction drawings, because that's why we want to get going on our construction drawings, so we can deal with all of those issues. Can I respond to Mr. Borton and his question about redevelopment of those properties? In my PowerPoint I have it at the end. Keep going. There we go. So, we were asked by the staff -- they wanted to know what this would look like, so we did that. We -- we think that's a great example of what could happen and it does not create any problems for the adjacent properties. It actually provides the secondary access down here. You can't see that, but I'm pointing to this access and it keeps the two existing homes. Let's say that they want to keep those nice. So, we thought that was a great opportunity to show a little bit about how that could redevelop. Go back up to the landscape plan. There you go. There was a question I think about the cul-de-sac link and we would request your approval of that link, so that we could provide that emergency access over to Mile High Pines. We think with the -- with the open space, the driveway there towards the end, the pathway that we have that's connecting, that that would slow people down and they really don't have anyplace to go, so -- but it does provide that great emergency access to Mile High Pines. Again, one of the things we think is just so important about this project is the ability to build that bridge and get this started, getting Pine Avenue built. It is a great connection for the entire community there. We did hear from one of the neighbors who is actually on the other side of Black Cat and she talked about all the traffic coming from the west side of Ten Mile Creek, so everybody goes out to Black Cat, they turn down south to go down -- there is a school there, which causes problems, but that's how you get to the freeway. You have to go south and so now this will be a great opportunity -- you know, I think we can lessen some of the issues there by having a connection to Ten Mile. Again, I very respectfully request your approval of our annexation, our rezone, our preliminary plat and CUP and I will stand for some more questions if there are and something I missed.

Simison: Council, any further questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would like to just clarify the reason that I am bringing this up and -- and so strongly encouraging conversation about this is because, again, I have lived here for 12 years, I have driven around Black Cat and would have loved to have had a way from Pine to Ten Mile for all these years I have driven around the block and gone to Franklin and gone to Cherry to get around to where we need to be. But my -- Pine -- even -- even though Pine is only a half mile currently, there is about 450 houses that access Pine to get to Black Cat and there was another development coming in Horse Meadows and so Pine, even in -- even though it stops, it dead ends, it's busy and there is -- it's very busy and so as a -- as the -- addressing my fellow Council Members, we have had lots of conversations about different neighborhoods in our city where there are safety issues -- pedestrian safety issues that we have later had to come back and have conversations about in Tuscany, in Woodbridge, in various areas of the city and I don't want those -- I don't want this to become one of those where we are retro actively -- where we are down the road five and ten years and we are talking about, you know, something that's simple that could have been done -- in my opinion striping a crosswalk is sufficient in this area for now, but I have no doubt that Pine is going to become busy and become a thoroughfare and -- and it should be if it's a collector. That's the intention of it. So, I'm not, you know, saying that that shouldn't become a busy area, but if -- being a resident in that location I'm not going to use Ten Mile to head south, because Ten Mile is backed up to Cherry Lane frequently. It's backed up to Pine, it's backed up to Cherry Lane multiple times a day. So, if I'm in any of that area -- I'm in Chesterfield, I'm in Castlebrook, I'm in the subdivision that's between the two, I'm still heading out to Black Cat, because you can't get down Ten Mile. A light at Pine or no light at Pine, I'm -- I'm not using that, because the -- literally there is going to be people leaving the apartment complex and -- and heading out east to the light and just getting stuck there, because they are not even going to be able to make a right onto Ten Mile numerous times a day. So, I don't -- I don't -- I understand where you are coming from. Like it would be ideal for all these subdivisions to now be able to access onto Ten Mile and get down to the freeway faster. At this point in time it's not going to happen, because there is just too much traffic on Ten Mile. I have waited minutes and minutes and minutes to get onto Ten Mile in areas where there isn't a light that allows for a crossing. So, I am challenging you a little bit, because I want to say I don't think -- if -- if you want to propose the Fuller Park and Chaparral are -- are great community resources for this neighborhood, I -- I -- yes, except that there is not pedestrian access to them. So, how can we say that they are -- there are, you know, great amenities for your neighborhood when -- when there is no way to get there and so I -- I am still not feeling satisfied that that question has been answered or that there -- that there is a safety factor that's been answered either, especially if we are talking about children that are crossing over to Chaparral. The other thing I'm curious -- curious about is Chaparral is a year round school and as far as I know West Ada still allows the parents to choose if the students go to Chaparral or if they go to Peregrine. So, it's possible that some of these students may not choose to go to Chaparral at all, they may still use to go -- may choose to go to Peregrine because it's -- it's only a nine month schedule. So, is that still -- is it your understanding that that's still the case?

Suggs: It was my understanding that West Ada had recently changed that and all of these students will be going to Chaparral. They will not be going to Peregrine. That that is the school of that district. So, that -- that's the recent information we got from the West Ada School District.

Simison: That is correct.

Suggs: And I -- I would agree. I -- you know, we take a condition that says that we will put striping. I just don't want to go ahead and start thinking that we are going to have to have any kind of electronic signals all along Pine Street -- just like any collector, but -- but I understand that and I understand the Mayor's request that let's not -- let's not have to tear up the road three months after we put it in, because we need to put in some sort of conduit for some sort of HAWK signal or something. Again, I'm doing everything I can to get folks to those regional pathways and I will work however I need to with the parks and pathways folks to see if we can't offsite get the right connections to the school. But I -- you know, I understand what Joe says and the school says, well, if you put all these connections to the school we have to monitor those and so I ran into that at various jurisdictions. The schools like to have the kids come in the front door and not so much in the back door, because it just opens itself up to too much mayhem I guess. Again, I appreciate your concern, Ms. Perreault, because you do live in that area and part of our conditions from our traffic study and from ACHD is that we will be looking at the improvements to the Pine and Ten Mile intersection. We actually will be looking at improvements that might have to happen on the east side of Ten Mile on Pine, so that we can make sure that the lanes line up. That will all be determined by a new updated traffic study. But that will be a light there. So, now we will have pretty good -- pretty good opportunity, at least, for people to make some of those turning movements that might right now be a little restricted. But that will be a pretty -- we will be working with ACHD on that.

Perreault: Mr. Mayor, just two more quick questions if I may.

Simison: Council Woman Perreault.

Perreault: So, I believe there was a statement made about the -- the entrance -- the entrance into the apartment area, multi-family area on the east and that it is closer to the intersection than ACHD's code permits, although they allowed for -- you know, they allowed for this, they approved it. Is there any possible way that -- is that going to be just a right-in, right-out and is there any possible way to design that such that that would be an entrance only and the farther west would be an exit only or something like that, so you are flowing the traffic through in one way and out the other, so that -- so, you don't have a lot of, you know, left turns coming out of that so close to a major intersection?

Suggs: That is a full intersection there. It was the only -- across the street it's the only access to Mile High Pines, so that was -- this is where we worked together with Mile High Pines developer Baron to make sure that we were coordinating that and that worked for both of us and was approved by ACHD. There was no request by ACHD or signified by our TIS that we make that right-in, right-out. Again there is opportunity for that to be a full

intersection, both of those, so that we don't have people having to drive through the driveways of the rest of the apartment complex to get there. Again, if that becomes an issue, again, we are kind of supposing they are issues and if that becomes an issue we can always make some adjustments to that. But right now ACHD in our traffic study did not indicate any need for that to be a right-in, right-out. So, I'm going to go with the -- that -- those decisions. Thank you.

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

Suggs: Thank you.

Simison: Mr. Clerk, do we have people signed up to testify on this item?

Johnson: Mr. Mayor, nobody signed up in advance.

Simison: Okay. Well, if there is anybody that would like to provide public testimony on this item if you would like to come forward at this time, state your name and address for the record or if you are online and use the raise your hand feature and we can bring you in for any comments at this time. And I'm not seeing anybody wishing to provide testimony. Okay. Would you like to make any final comments?

Suggs: Thank you, Mayor. Thank you, Council. I was just advised by somebody that's a lot more knowledgeable on some of these things than I am that whereas we would agree that crosswalks may be necessary, we cannot put those in and agree to a condition unless ACHD agrees to that. So, we would have to condition our condition that if ACHD agrees for crosswalks, striping, we would put those in. So, just want to make sure that I don't find myself with a condition I can't meet, because another agency won't let me do that. So, thank you. Again answering any questions you might have. Again, we -- we feel this as an in-fill type property that would be a great opportunity and we are a little bit in a time crunch to get our design of our bridge and our improvements done, so we can get this built this winter. So, thank you very much for your time.

Bernt: Mr. Mayor?

Cavener: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Mr. Mayor, I have a question for Kristy. Kristy, are you available?

Inselman: Yes, sir. I'm here.

Bernt: Hi, Kristy. Thank you for being available. Any -- any concerns about a crosswalk at that -- at that -- at the bridge area right -- that we have been discussing this evening?

Inselman: Council -- and I don't -- I don't have any concerns, but I am not a member of our traffic department.

Bernt: Let's make a deal tonight, Kristy. Let's make a deal.

Inselman: Let's make a deal. Let's see what we can get done here. I would say that's something that you can certainly -- I would -- I would probably agree with, that that's something that you could maybe amend the condition that on upon approval of ACHD. I would want our traffic to just weigh in on that to say whether they are --

Bernt: Is ACHD agreeing to something on the spot right now?

Inselman: -- I know. I do. I have worked this before. But --

Bernt: Thank you, Kristy. That's good. I appreciate --

Inselman: -- I would just want them -- I would just want them to weigh in before I said we were okay with it -- ACHD was okay with it.

Bernt: I heard what you said, Kristy. I heard it.

Inselman: Okay. Sorry.

Bernt: No. You're good. I appreciate you.

Hoaglund: And Mr. Mayor and -- comment to Kristy and --

Simison: Councilman Hoaglund.

Hoaglund: That crosswalk, if it's -- ACHD agrees, I mean whether it's at the -- the walking path or that intersection, just having some location somewhere that has -- that makes sense and works for everybody to have that identification, so --

Bernt: Mr. Mayor, I completely agree.

Suggs: Thank you. A condition with a condition. We like that. Thank you.

Bernt: With an asterisk of what Kristy said. Maybe just a little reminder.

Suggs: What Kristy said.

Inselman: What Kristy said goes. I'm just kidding. Yeah. I think likely we would be amenable to some type of a standard crossing, but I would want traffic to weigh in on its location.

Simison: And a conduit in case there is ever a future -- we will talk about that later, but --

Inselman: Yeah. That definitely would need to get approval from somebody other than myself.

Hoaglund: Well, Mr. Mayor, to your point --

Simison: Councilman Hoaglund.

Hoaglund: -- I think it's worth exploring. Conduit is a lot cheaper than redoing the road. You know, it's hard to tell. If it's -- if it's a small line that has to go through maybe. If it's going to be a lot more complicated than that, probably not. But that's something I would like you to take a look at, but --

Simison: I have got some extra --

Suggs: Deborah is taking notes right now for us, because we will be coming back with a final plat and construction drawings and at some point somebody will be looking at that and Bruce or somebody is on the line right now that --

Hoaglund: Mr. Mayor, I had a question for --

Simison: Councilman Hoaglund.

Hoaglund: -- for staff. I know Garrett's on the line from parks and not Kim, who coordinates our pathway system, but I want to give Garrett an opportunity to just speak to the pathway system. Garrett, is that something Kim can take a look at about having a bridge to that point where it makes sense and sounds like something's already there? And I think we worked with the Nampa-Meridian before on these types of things where something has existed and we worked to make it happen, so can you speak to that?

White: Yeah. Mr. Mayor, Councilman Hoaglund, I spoke with Kim about that -- that exact spot right there today and she had mentioned that a lot of times Nampa-Meridian does not like those, but she's -- she's willing to work with them and see what she can do. Also just to the west of -- yeah, to the west of that there is already a connection break that I think Jane spoke of earlier and Kim made the comment this -- this morning that when that was put in they actually didn't really agree to that as well and just kind of went with it, but, yeah, absolutely, Kim can look into that. Not going to overpromise anything, but she can obviously look into it and see what you can do.

Hoaglund: Thank you, Garrett. I appreciate it. And Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Another follow up, but this time for Deputy Chief Bongiorno. Chief, I wanted to get your input on the cul-de-sac and its length and of course it is emergency access. To me they have got some bends in it to make it so it's not a -- not a speedway type thing. But are -- are we good from your eyes for -- for keeping that -- that length and that access point?

Bongiorno: Yeah. Mr. Mayor and Councilman, we did look at it and I am one hundred percent okay with it. They actually needed that emergency access at the end of that cul-de-sac to help with -- because it's kind of an odd shaped piece of property that access -- the emergency access is helping both the previous project and their project. So, it's -- it's good. We are okay with it and Joe was correct, it is a fire -- a fire code issue and I'm okay with it.

Hoaglund: Great. Thank you, chief.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Garrett, are you still on?

White: Yes.

Perreault: Can you go back to where you were pointing -- the footbridge that you were pointing to before? Okay. So, that -- is that where -- is that where there is a proposal that -- that folks will cross to get into Fuller Park?

White: I believe so. If I'm -- if I'm understanding Jane correctly. She may be able to speak up, but I believe that Jane's proposal.

Perreault: So that's probably three quarters to a mile from the south part of -- we are talking about elementary school children three quarters of a mile to a mile from the south. It's -- it's a long way around. A significantly long way around. And so where you are pointing right there there is no current connection.

White: That -- that is the one that I'm going to look -- have Kim look into to see if she can't --

Perreault: Okay.

White: -- correct. Yeah.

Perreault: Okay. Fantastic. Yeah. I know exactly where that is and that would be a much much better connection. It's still a ways away, but it would be a much better connection. Otherwise -- otherwise, the students are going to go through -- they are going to head west onto Pine, then, they are going to go through the Castlebrook Subdivision and they

are going to go up a private pathway that -- that is a subdivision pathway that's not a public pathway. If you -- if you move your cursor over -- there you go. Keep going. So, if they are heading west on Pine and they are heading up -- that -- over to the -- to the west and they take that private -- the -- that pathway is a private pathway that belongs to that -- to that subdivision. It is not public. So, the proposal would be that folks from the various subdivisions are going through this neighborhood on a private pathway to get into Fuller Park.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I would like to clarify that. The -- there is an existing ten foot pathway on the west side of the creek and that's the way that they would access the existing access there.

Perreault: It actually doesn't go through I don't think.

Dodson: According to our master pathways plan it does. It should. I hope it does. And, then, if -- I mean hopefully they aren't using that to get to the school and it would be faster and easier to go along Ten Mile and, then, through this subdivision, through their existing pathways.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question for Jane -- oh, zoom back in. Whoever is in control you are doing a great job by the way.

Dodson: You're welcome.

Cavener: This blue line -- so, right -- right in the top -- right -- just a little bit to the right. Yep. Yep that's left. But right -- keep going. Keep going. Right there. So, is -- is the creek open there? Is it -- is it tiled? I guess what I'm failing to see is why we don't just connect the pathway right there to Fuller. That takes you right into the park and right to the front entrance of the school. Help me -- and maybe you have touched on this, Jane, and I just didn't pick up on it, why we can't do that.

Suggs: I would be happy to, Council Member Cavener. There is a fence across the creek there that's gathered a bunch of debris. I would imagine kids sometimes use that. However, the fence continues all the way north separating the park from the school. So, when you do go along the pathways you actually have to go north to get to the school. There is a --

Cavener: Right.

Suggs: -- there is a break right up there -- right there. So, that's where the kids actually enter. They don't enter in down in that area. There is no crossing. When I was out there there was a crossing just south of the parking -- the second parking lot. Right there. There is a crossing over the stub drain. It looks like there is a pipe there. It's been covered, but there is a chain over it. So kids use it I think, but it's not a legitimate -- and I think that's what Garrett is saying that Kim would like to look at to see if we couldn't do something -- or if the city couldn't do something to make sure that is a good access as well and, then, I believe that pathway does go all the way over to the other crossing that's a little further to the west and I am agreeing, that's a long way to tell a young kid to walk that far just to double back through the park. They may never make it to school, because there is so much to do in the park. But I think that --

Cavener: Jane?

Suggs: -- certainly we want to work -- I'm hoping that Kim has more pool with Nampa-Meridian Irrigation District than I do.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Jane, is that fence that you talk about is that the school district fence or the irrigation district fence?

Suggs: I do not know whose fence it is. It typically would not be the irrigation district, because they would probably not want the fence in their irrigation --

Hoaglund: Mr. Mayor?

Cavener: Okay. Okay.

Simison: Councilman Hoaglund.

Hoaglund: Yeah, Mr. Mayor. The police department -- I think the security issues come into play here, so -- about school properties and access points. So, could you enlighten us a little further about controlling access points and whatnot?

Ford: That's actually one that I would probably have to defer to somebody else in reference to what the security procedures would be for that. Lieutenant Harper is probably the best guy with that information. But I could gather that information and bring that back.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Lieutenant Harper is the one who told me in our project review meeting that he would want to minimize the access points to the school and would prefer to maintain what is already there.

Simison: Again, local schools, everything is different, but, you know, residential neighborhood of Sienna, they have gates to go one way. They -- they do allow -- so, open pathway access is not the preferred direction for the school district.

Suggs: Okay.

Perreault: Mr. Mayor?

Simison: For elementary. Council Woman Perreault.

Perreault: So, just for clarification, if you -- if -- there is going to be connection to the pathway that heads north through Fuller Park there on the east side of the park and goes up to -- there is a fence that goes along with -- that's on the school -- right there. Yes. Keep going up. So, there is a little tiny entrance right there and it -- and literally the gate is like three feet wide. You can barely even get through it. And, then, the kids park all their bikes right in that area. That's like the place for all the bikes to go. So, now if you have got children from five or six neighborhoods coming in and this a tiny little entrance and bikes everywhere -- and I just think that like those are the kinds of things that it's not the applicant's responsibility to -- to solve, but if they are -- if that's going to be a main proposal that this be a pedestrian access to the school, then, those are the kinds of things that, you know, should be discovered I guess.

Cavener: I agree.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: In fairness to the applicant, as well as I guess my own analysis, there is not an expectation, at least from staff's perspective, to have a direct access right to the school's front door. But the fact that it does about property lines to it is a great benefit. I just don't want it to get lost that that was an expectation from staff that they would just have a clear access. I mean this is, obviously, closer than you are going to get anywhere else around the area, so it's going to be a benefit and a lot less trips -- hopefully less vehicle trips than what would have been if you are half a mile away or a quarter mile away on the south side of the railroad tracks even.

Simison: Joe -- and I don't -- I don't recall, did the school district talk about -- because, really, they would say this is a perfectly adequate connection to the school from a walking standpoint for elementary. It would be under their distance guidelines no matter how you have them walk and on sidewalks or on pathways.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I agree with what's been said. I think it's just really important that Kim Warren communicate with Nampa-Meridian to see if we can make that -- that little walk a little bit shorter. I agree with Ms. Perreault.

Simison: Council, any further questions or comments? Councilman Bernt.

Bernt: Mr. Mayor?

Simison: Yes, sir.

Bernt: I always -- I don't -- I don't like being the bearer of bad news. I -- I like this project. This project is great. Literally have no issues. I -- the only -- the only concern that I have is the current state of our elected officials and -- at the state level. I know that this is no surprise to you. We have been very consistent with it for the past month and -- and it's unfortunate that they weren't able to get their business done. I get why. You know, COVID is important and it's important to deal with COVID in the way that they dealt with it. So, I get why that they took a little recess. But they are -- they are -- to be -- I -- I sat down with the speaker last week and he was a gentleman about what the process is and what they are looking at, what their projection time is. They are hoping to be out of session at the end of the month. Excuse me. At the end of -- yeah. This month. And so hopefully -- but he also said that -- when I grilled him on this, because I -- I knew that we have projects that are coming up and I wanted an exact time of when they were -- and his response to me was we are done when we get our business done and I just don't know what that is. And -- and so, hopefully, it's at the end of the month. But until then the most prudent thing that we should do in the City of Meridian is to continue these projects until we have clear understanding of what that direction is, so -- I'm one of six. We have been pretty consistent with it. But it would be my recommendation to continue this project until at least the middle of next month.

Simison: And tonight you are one to five.

Bernt: One of five. Or excuse me. Yes. I am one of five. That's true.

Suggs: Can -- can I respond a little bit to that? Yeah. That conversation that's being had at the legislature, it's going to go on and it might not get resolved now, but it will come up again and I would just hate to see this -- lose this opportunity to get this done now. We think that this particular project, the location surrounded by the -- the infrastructure that the developer is trying to get done in a very timely manner so he's not delayed, just really sets this particular project apart and I do understand there are others that you have had to defer as well or continue as well. I would just hope that you might look at this one being a little different, because we are trying so hard to do a really great infrastructure or package for the city and we know that that conversation -- it just keeps happening. So,

I'm just hoping that we might make that move again. Just great opportunity with great land uses here and the services are all here. I mean we are -- you are really -- we are not -- we are not doing a stretch, you know, with annexing property someplace out beyond. We are actually doing it almost right in your backyard. Well, it is -- it is your yard. So, I'm just -- just appealing to you to see if they might find another way. I do understand that that has been your process, but I'm just hoping you might find just another little bit that might allow you to approve this one tonight. So, thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. -- Councilman Borton said something very -- asked a question early on in the process I found interesting and -- and that had to do with phase one and the conditional use permit parcel, which is the 12.74 acres that are already zoned R-15. They have been zoned since '05 I believe, if I heard correctly. We have been dealing with annexations, not bringing in new property, and -- and, Jane, I agree, this is probably more of an in-fill project than it is out on the outskirts, but there is an impact that we are concerned about for -- for purposes of providing services, but I would like to explore a way, Mr. Nary, for -- with a CUP where it's already zoned and for discussion with Council Members, I believe we could -- could we do an approval that is split with -- with this sort of project? I don't know how to go about it if we can, but I think it would be worth exploring if Council Members want to look at that.

Nary: So, Mr. Mayor, Members of the Council, Council Member Hoaglund, I mean I don't know if that helps the applicant greatly, because, yes, you can approve the conditional use permit. I don't see an issue with that. It's already zoned for that. It's annexed. I remember this apartment that was supposed to be there originally. So, that's not a problem. I don't know if that helps them move the process along faster. I mean if it can, if it would be beneficial, then, that's certainly an option for the Council to consider, because, again, it's -- if you had just that piece alone in front of you there will be nothing really to deny. They are asking -- as in the CUP is obviously a conditional use, but they are building what is proposed to be built there and it's already zoned and it's already annexed. So, certainly if that can help at least continue the process moving forward, if the applicant's agreeable to that, I don't see any -- any reason to -- that you couldn't do that if you want to.

Simison: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Councilman Hoaglund, did you have any --

Hoaglund: Yeah. Just to follow up, because, Jane, I want to ask you the question. When -- when I heard your presentation, the bridge and the work on the road was going to be part of phase one. Did I understand that correctly?

Suggs: Yes, sir. That was right. However, I will go ahead and say if you approve the CUP we will respectfully request a change to our phasing, so that we will start with the CUP property and still build the bridge. So, it -- anything we can do to move the project along. And, again, with the idea that maybe by sometime next year we have got -- we are starting to do apartments and we have a bridge, which is a good thing. So, I will -- I will -- I will take it.

Simison: So, there is no concern about the bridge not being -- or the -- because it appears to me to be in the annexation portion of the project. Does that not need to annex to do the road improvements?

Suggs: Oh, yeah. Okay. That would be the problem I guess. I didn't think about the fact that there is really not a road there. Unlike most roads where you are building collectors, there is 50 feet of right of way, but there is nothing. There is a driveway there.

Nary: Well, Mr. Mayor, Members of the Council, I guess -- and Ms. Nelson can correct me if I'm wrong -- if they are agreeable to doing an off-site improvement of building the roadway and building the bridge, the risk potentially is the Council does not approve annexation. Now, again, I can't see the future very well, but you can certainly agreed to do it.

Suggs: Okay.

Nary: Whether it's annex -- whether we annex those pieces or not you can agree to build something off site.

Suggs: I would get 216 apartments versus 75 single family homes. There would be some issues with access to the existing property owners if we didn't proceed with getting their access to them. We are -- we do have an agreement with the Baron developer of Mile High Pines, so, you know, part of this all hinges on us both moving forward with the improvements to Pine Avenue. You can see how complicated this is. Annexation of enough land for 75 single family homes -- and you are right, a CUP for 216 apartments. So, yeah, we would love to take it. I think we would, but we would also want to make sure that we can make that happen, the off-site improvements, and make sure everybody is whole, because I don't want to do anything that would impact the Johnson family or the Schweiger family who own the larger lots on the south side that are staying there. So, we would have to take their land -- I mean to do the off-site improvements we would have to dedicate that land without any guarantee there would be anything adjacent to it.

Nary: Ms. Nelson is going to save you here.

Suggs: Oh. There we go. Help me out here. Thank you.

Nelson: Mayor, Members of the Council, if I might jump in. Deborah Nelson. 601 West Bannock. I -- there is a lot of complications, as your attorney noted, with agreeing to that condition. I guess what I would ask as we are trying to wrestle through that -- I mean you

can see you have got a very cooperative applicant. They are trying to figure out how to accommodate your timing and, you know, one thing to consider -- I would ask the Council to consider as you are discussing this is I feel like that -- that R-15 zoning, the existing zoning is -- is a huge distinguishing factor, too, for you to consider as you are thinking about, well, what's different about this project than others that you have had to defer. This one is integrated both in phasing and improvements and infrastructure, the Pine Street improvements that front it. Every single thing is so integrated that very complication that I think we are struggling with to piece apart from the different projects is also what limits your exposure from legislative actions related to property tax, that not only is it an in-fill location that's only a mile from your existing fire station that is fully staffed and at 85 percent reliability, but it's -- it's largely already annexed and served. So, it -- I guess I just ask that, because I think it is difficult to -- for the applicant to commit to building the bridge and the road improvements without secure annexation rights, even though they are -- they are trying, they are agreeable, and so I guess that's what I would ask is you are considering this is if that gives you another basis for saying this project is a little different from in-fill and location of services and the annexed piece. And, then, I would be happy to help wrestle through any further.

Borton: Mr. Mayor?

Perreault: Mr. Mayor?

Borton: Oh.

Simison: Councilman Borton.

Borton: I beat you to it. So, here is -- here is my thought. And I think it's one project. I think it's all to be reviewed and approved as one would and, Jane, hats off to you to try and see if there is a way to -- to make it work. That's just the way you do -- what you do, which is fantastic. But I still have the same reservations and the reason that Councilman Bernt brings it up. There is five of us here, but -- but what the legislature is doing this session impacts the next 30 council members. We have been consistent -- I think you got to continue it to May, just to be blunt. Every project we could try and parse out and create some specific parameters which warrant it going forward and the very reason that we have not entertained that with, you know, some limited exception of a little, you know, a one acre in-fill here or there -- is the magnitude of what is at risk is, you know, tens of millions of dollars. So -- and even though the R-15 is annexed, there is nothing on it, so we don't have 400 people there that our fire department is going, they are not using our parks, they are not using our water, wastewater, all of the services that we will be unable to provide at the same service level if the legislature does what they have been trying to do, we can't service them in the same way, so -- so those same concerns arise and each individual application we can argue that this is a little different and it's less of an impact, perhaps, than other types of applications and we could split hairs with everyone. So, it's not a matter -- and it's not easy to do. None of these have been easy to do and it's not easy for any applicant who is stuck with this. But I think that's the perspective where we need to be unified in our expression of the legislature that it is a catastrophic failure to all

municipal government if what they have tried to do to our finances were to happen. It drastically alters for generations what happens for cities. So, we are painfully cautious, because we don't want your residents to get a little less police service, not quite as nice of parks, a little less fire service and that's not what you want either. So, the lesser of two evils I think still has to be to continue it. I think approving even the CUP by itself brings on hundreds of people and a great demand to service when we don't know if we have got the revenue source to -- to serve them in the same way. So, it's the same argument and justification for the difficult decisions weeks ago -- I think still stands here and it stinks, it's terrible, but I don't think we can, nor should we split hairs and try and carve out exceptions, because we could try and do that on everyone, unfortunately.

Bernt: Mr. Mayor, before Jessica speaks -- I don't mean to cut Jessica off, so guaranteed Jessica talks next, if it's okay with you, Mr. Mayor, but I --

Simison: Councilman Bernt.

Bernt: -- unfortunately, the way this legislation is being proposed, it doesn't matter where the -- where the new construction comes from, whether it comes from the periphery of our city or it comes with an in-fill. New -- new -- new construction is new construction and it's unfortunate and so I -- it had nothing to do with you, it has nothing with your project. Your guys' presentation was money. It was great. The project is wonderful. With the exception of one thing. We just need to look into -- we just need to have more clarity in regard to what our state legislators are talking about and it's that simple, so --

Simison: Council Woman Perreault.

Perreault: Thank you. I have a question about one or two subjects ago back to the CUP. The CUP being potentially approved, you know, with -- separately from the rest of the project. How does that work -- maybe this is a question for Bill. How does that work with the DA? Is it -- it just becomes something where -- how does that -- how is that written up then? Is -- is there just -- can you help me understand how that would work?

Nary: Well, I guess -- Mr. Mayor, Members of the Council, Council Member Perreault, the -- what I would suggest is if the Council's desire is to consider that option of splitting this and certainly Council Member Borton made a good case for not doing that, I would suggest you continue it for two weeks to see if we can even work this out. Again, I think it's pretty complicated. Again, there is -- I'm sure there is an existing DA on that property. We didn't do a modification of it. There isn't? Okay. So, there is -- so, we could modify an existing DA. So, again, I'm not sure totally how we would require the off-site improvements. I mean they would have to, essentially, promised to build it. So, I would suggest that if that's something that Council wants to consider a potential resolution here, that we delay this for at least two weeks for Ms. Nelson and I to have that conversation to see if it's even possible to do it. If it's not a consideration, then, I wouldn't worry about it.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Clearly I'm not on the level of the attorneys in the room here, but the direction I'm getting from the other Bill -- supervisor Bill is that we would be -- we would pull the DA -- or, actually, pull the CUP from the DA and any off-site improvements would be conditions of approval, if that's the route that Council took. Because it is already zoned. But that -- clearly for staff that complicates things in the long term in how we go about this in the future, but that -- that is a possible outcome.

Nary: That would work. But, again, I think Ms. Nelson and I would probably have to have that discussion and she's probably going to have to verify that her clients would be willing to do that, because, again, it is a gamble. And, again, like I say, Council Member Borton made a good case as to why maybe that isn't something the Council wants to do. So, I think you can if you wish. I would suggest a little delay -- a very short delay to do that. If you don't wish to do that, that's certainly understandable, too.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I -- at the end of the day I just don't want to waste people's time. You know, this was -- Ms. Nelson isn't for free and neither are you, Jane. And so I'm just saying I just don't want to waste your time. I guess I'm trying to be as frank and as direct as I possibly can and I understand where Mr. Nary is coming from and where others might be coming from trying to help you out and trying to -- we are trying to be -- I totally understand where you are coming from right now and the position that you are in. So, I hope that you can feel that compassion coming from this Council and from this dais. So, I mean if it were me I -- I would wait, but if you guys want to see what it looks like in two weeks, I mean I guess that's totally up to you and that -- that's your request for us.

Suggs: Question to the Council, Mayor.

Simison: Yes, Jane.

Suggs: You mentioned May, because that's the safe date to see what the legislature does, that -- what you understand. Here we are in April and we are talking maybe two weeks to figure out how we split the project up. It sounds like -- I'm hoping it sounds like that we have -- are on the road to an approved project. I'm hoping. I would hate to have to start all over in two weeks with this presentation and talk about time, but, you know, I -- I think it might -- it's a big risk I think for my client to say I'm going to build some apartments and build a road and all of those things and put conduit under it and build a bridge and get started. I just would hope if we do agree that we delay it until May that we can hopefully do that sooner in May than later, if at all possible. We will have some direction from the legislature and that we move forward. I am just really -- talked to my client and the construction manager and he just says we are just running out of time to try to get this built and we really want to get that built. So, I'm just -- you know, as much

as I want to take it to CUP and, then, I realize all the complications and the impact on our neighbors, because they are also wanting to make -- see how this all works out, because we have agreements on Pine, they have already been contacting us, they have a time schedule they are working on as well. So, what -- do we have a date in May and do we have a -- will we start all over with our presentation and -- fill me in a little bit about what you expect.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: As far as your presentation is concerned that's totally up to you.

Suggs: Okay.

Bernt: Thankfully these -- these meetings are recorded, so Council Woman Strader probably most likely will be watching this recording and will be up to speed by the time we reevaluate in May. So, I don't think that's an issue. It happens all the time with all of us. So, as far as a presentation is concerned, I will leave that up to you. That's totally up to your discretion. As far as dates are concerned, the first available date would be May 11th. That's cutting it pretty close. When we first -- when I first looked at this calendar weeks ago, when we were evaluating potential issues and continuations, I was thinking more in the lines of the 18th, but I understand, I believe -- and I get it. I totally understand where you are coming from. But -- but those are the two dates. I will leave that up to you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: A question for Mr. Nary. Mr. Nary, could we continue this -- if the Council wanted to continue it to -- I think Council President Bernt said the 11th and the legislature still hasn't signed, there was nothing that would prevent us from continuing it yet an additional week at that point; correct?

Nary: Mr. Mayor, Members of the Council, Council Member Cavener, nothing would prevent you from continuing it again.

Cavener: Okay.

Suggs: Was that a continuation for two weeks? Two weeks out? Is that what Mr. Cavener was asking about?

Bernt: No.

Nary: Mr. Cavener asked if -- if somehow the 11th we still didn't have an answer from the state could the Council continue it an additional --

Suggs: Your next Council meeting is two weeks from tonight? Every Tuesday. One week from tonight. So, two weeks from tonight. Is there a possibility that I could go back and talk to my client and see if we couldn't talk a little bit about that. I mean I -- I'm saying both things. I'm saying, yeah, let's go to the 11th and now we are talking about maybe it might be later, but I really -- my issue is getting my plans and -- or some sort of approval over to my engineer, so he can start working and he will not start working until we have some sort of approval. So, maybe -- do we really think the legislature is not going to figure this out in two weeks? Isn't that their deadline?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Highly doubt it.

Suggs: Well, yeah, as I said, I think it might go on for years.

Bernt: No. It will -- they will make a decision this session for sure.

Simison: And what I'm actually more concerned about is if -- what decision they make and, then, what this Council will do with that information. Two -- two weeks may not give them time to contemplate what this means for future development in our community. So, you know, there are multiple layers to this conversation potentially.

Nelson: And, Mr. Mayor, that's a good point, that -- and I think that's part of our concern with the timing. Could -- could we ask -- and, obviously, this is your decision, but as we are considering timing, if we can come back in two weeks with the opportunity to discuss the CUP, understanding that not everybody may support that breakout, but if we have an opportunity to come back in two weeks to discuss that option we would sure like that opportunity, then can visit with the -- the others involved in the development, think through the logistics, visit with Mr. Nary, and if that doesn't work, either on our end or your end, because you don't approve that, then, we would get continued again and hopefully we will have a better idea if May 11th might work. We sure hope for the earlier date and understand we are at -- you know, we are -- we are really -- all we can do is ask for your consideration in that, so --

Simison: Well, let me at least poll the Council.

Cavener: Mr. Mayor?

Simison: I have heard from two that are more in favor of treating this as one project and not -- if the three others --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Yeah. I appreciate that question, Mr. Mayor, and I tend to agree with my colleagues, I look at this as one project and while I'm certainly supportive if you all want to come back in two weeks and that's the direction the Council wants to go, I won't oppose that. What I -- what I worry about, Jane and Deb, is we are continuing to still have City Council meetings where -- where the Council is faced with this same challenge week and week -- week in and week out, which we are, then, delaying and continuing out later in May and so, for instance, you could come back two weeks from now and we could have already continued other stuff, so now the Council is looking at the middle to the end of May. So, I don't want to at least demonstrate some type of a commitment that if you come back and see us in two weeks that we are going to be able to fit you on an agenda on May 11th. It may be the case, but I don't want to create a false hope that that is the reality.

Simison: Councilman Hoaglund, your thoughts on one project versus separating them out.

Hoaglund: Well, Mr. Mayor, when -- when Councilman Burton started to speak I became very disheartened, because I knew down deep he is correct. In terms of the fact that -- that what we are doing and what the impact could be to our community with the legislative action that's being proposed is severe and it impacts everything. Now, conversely, when we come -- if the worst case scenario were to happen and we have all these that we have continued and you look at all the projects on our outskirts of town and narrow boundaries versus projects like this that are next to schools, pathways, fire stations, the whole bit, your odds are good. But having said that, I think going to May 11 -- 11th is the best option. I just do not see the legislature getting done in -- in two weeks. It's just not -- I have worked in that system before, I know how that train rolls, and it is -- it is not going to happen. So, hopefully, we have answers and May 11th we can deal with it and -- and -- and move forward from there. So, that's kind of my -- my take on it.

Suggs: Okay. Let's see if we can't schedule ourselves for May 11th to come back and talk about -- and hopefully have some direction a month from now. In the meantime, Council Member Bernt -- meet with the speaker again. Get some interruption. I'm just -- sorry. I couldn't help it. Don't we want to know?

Simison: I think you would be -- I think you meeting with the speaker will be much better than us meeting with the speaker.

Bernt: Whoa. Whoa. Whoa. Whoa. We got along. Okay.

Suggs: Okay. Thank you very much. If there is some more questions I would be happy to ask them and -- but -- and we will move forward and see if we can't continue to May 11th and not presenting again, unless there is some questions that might have arisen in the meantime.

Simison: Councilman Cavener, it looks like you are ready to --

Cavener: Yes. Thank you, Mr. Mayor. Just -- Jane, maybe -- I think using this as a -- as a good opportunity to collaborate with our parks staff to address the -- the pathway and the connectivity concerns. You guys are making a remarkable investment in connectivity and -- but I have to agree with Council Member Perreault, we have got to find the most efficient way to move these kids from your development to the school and, secondarily, to the park.

Bernt: I agree.

Cavener: We know they will find their own pathways if we don't provide them for them and so let's -- let's use some subject matter expertise and see if we can find a better solution, recognizing that the school's got their concerns about access, but I think there are some much easier ways to get kids over to that part of Meridian than taking Pine to Ten Mile or by doubling back through a couple of neighborhoods.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you for -- for that, Mr. Cavener. I know I am coming off assertively and that's just because I'm very much in model of your mode, since I had one of those kids that was almost ran over across Pine, because he went to Chaparral, and so I -- I do -- I have strong feelings about this. I know that's showing through and -- but I am also, as a member of this Council, going to be objective about it and I -- I know my fellow Council Members can tell you that I strongly advocate for many of our neighborhoods that -- if I see a concern for -- for access or safety. So, that being said, I wanted to answer the Mayor's question. I do think that we need to keep these two tied together, the CUP with the annexation and the zoning as part of the same development agreement. I think that separating them, not only from a timing standpoint, but, obviously, as -- as you had indicated you would put quite a bit of financial investment in completing the road and the bridge and not have any guarantee of annexation. So, I think it would be wise all the way around to keep those projects together.

Simison: Thank you. And while we sometimes ask whether or not we should leave it open or close the public hearing, it sounds like we should leave this one open for the conversation about the -- if there is something else on that pathway connection between now and then.

Bernt: Agreed.

Simison: With that, Council, do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we continue this public hearing for Fox Trot -- Fox -- excuse me -- Foxcroft Subdivision, H-2020-0113, to May 11th.

Hoaglund: Mr. Mayor, second the motion.

Simison: I have a motion and a second. 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. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ORDINANCES [Action Item]

- 4. Ordinance No. 21-1926: An Ordinance (H-2020-0112 – Tetherow Crossing Subdivision) for Annexation of a Parcel of Land Located in the SW ¼ of the SW ¼ of Section 36, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and Being More Particularly Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 8.12 Acres of Land from RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: With that we will move on to our next action items under ordinances. The first item is Ordinance No. 21-1926. I will ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to H-2020-0112, Tetherow Crossing Subdivision, for annexation of a parcel of land located in the SW ¼ of the SW ¼ of Section 36, Township 4 North, Range 1 West, Boise meridian, Ada county, Idaho, and being more particularly described in Attachment “A” and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 8.12 acres of land from RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Thank you. Council, you have heard this item read by title. Would anybody like it read in its entirety? Or anyone in the room? Hearing no one, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance H-2020-0112, Tetherow Crossing Subdivision, with the suspension of rules.

Borton: Second.

Simison: I have a motion and a second to approve this item under suspension of the rules. 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.

- 5. Ordinance No. 21-1927: An Ordinance (H-2020-0105 – Cache Creek Subdivision) for Annexation of a Parcel of Land Located in the SE ¼ of Section 19, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and Being and Comprising of a Portion of Victory Road and Locust Grove Road and All of Lots 1, 2 and 7, Block 1 of the Kachina Estates, Filed in Book 35, Pages 3016-3017 on November 15, 1974 in the Office of the Ada County Recorder and Being More Particularly Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 15.18 Acres of Land from RUT to R-4 (Medium Low Density Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: Next item on the agenda is Ordinance No. 21-1927. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to H-2020-0105, Cache Creek Subdivision, for annexation of a parcel of land located in the SE ¼ of Section 19, Township 3 North, Range 1 East, Boise meridian, Ada county, Idaho, and being and comprising of a portion of Victory Road and Locust Grove Road and all of Lots 1, 2 and 7, Block 1, of the Kachina Estates, particularly described in Attachment “A” and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate

limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 15.18 acres of land from RUT to R-4 (Medium Low Density Residential) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Thank you. Council, you have heard this item read by title. Is there anybody that would like it read in its entirety? Seeing nothing, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1927-820200105, Cache Creek Subdivision, with the suspension of the rules.

Borton: Second.

Simison: I have a motion and a second to approve this item under suspension of the rules. Is there discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is agree to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: Council, any future meeting topics? Or do I have a motion to adjourn?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting.

Hoaglund: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 8:21 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK