

## **Meridian City Council Work Session**

**August 12, 2025.**

A Meeting of the Meridian City Council was called to order at 4:38 p.m., Tuesday, August 12, 2025, by Mayor Robert Simison.

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

Members Absent: Luke Cavener.

Other Present: Chris Johnson, Bill Nary, Bruce Freckleton, Caleb Hood, Bill Parsons, Stacy Pichen, Katie Mercado, Tracy Basterrechea, Laurelie McVey, Jason Korn, Shawn Harper and Dean Willis.

### **ROLL-CALL ATTENDANCE**

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Brian Whitlock
<input checked="" type="checkbox"/> Anne Little Roberts	<input checked="" type="checkbox"/> John Overton
<input checked="" type="checkbox"/> Doug Taylor	<input type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. For the record it is August 12, 2025, at 4:38 p.m. We will begin the special -- this City Council work session with roll call attendance.

### **ADOPTION OF AGENDA**

Simison: Next item up is adoption of the agenda.

Strader: Mr. Mayor?

Simison: Council Woman Strader. I move that we adopt the agenda as published.

Overton: Second.

Simison: 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.

### **CONSENT AGENDA [Action Item]**

- 1. Approve Minutes of the July 15, 2025 City Council Work Session.**
- 2. Approve Minutes of the July 15, 2025 City Council Regular Meeting**

- 3. Approve Minutes of the July 22, 2025 City Council Work Session**
- 4. Approve Minutes of the July 22, 2025 City Council Regular Meeting**
- 5. Approve Minutes of the July 29, 2025 City Council Special Meeting**
- 6. 3223 N. Centreponte Way Water Main Easement No. 1 (ESMT-2025-0092)**
- 7. Apex Northwest Subdivision No. 6 Water Main Easement (ESMT-2025-0082)**
- 8. Centreponte Water Main Easement No. 1 (ESMT-2025-0066)**
- 9. Nordstrom Rack Water Main Easement (ESMT-2025-0086)**
- 10. Outer Banks Sanitary Sewer and Water Main Easement (ESMT-2025-0071)**
- 11. Pera Place Subdivision Sanitary Sewer and Water Main Easement No. 1 (ESMT-2025-0088)**
- 12. Stapleton Apartments Sanitary Sewer and Water Main Easement (ESMT-2025-0090)**
- 13. Vanguard Village Subdivision No. 1 Sanitary Sewer and Water Main Easement No. 3 (ESMT-2025-0096)**
- 14. Vanguard Village Subdivision No. 1 Sanitary Sewer and Water Main Easement No. 2 (ESMT-2025-0093)**
- 15. Final Plat for Pickleball Court Subdivision (FP-2025-0017) by The Land Group, Inc., located at 4050 W. McMillan Rd.**
- 16. Final Order for Centerville Subdivision No. 3 (FP-2025-0008), by Kent Brown, Kent Brown Planning Services, located at 5200 W. Hillsdale Ave.**
- 17. Final Order for Hadler Subdivision No. 2 (FP-2025-0001) by Ben Thomas, Civil Innovations, PLLC., located at 7200 S. Locust Grove Rd.**
- 18. Final Order for Horse Meadows #3 (Aka Pivot Pointe) (FP-2025-0012), by KB Homes, generally located south of W. Pine Ave., and east of N. Black Cat Rd.**

- 19. Findings of Fact, Conclusions of Law for Dayspring Subdivision (H-2024-0070) by Engineering Solutions, LLP., located at South side of W. Ustick Rd., 1/4 mile East of N. McDermott Rd.**
- 20. Findings of Fact, Conclusions of Law for Idaho Power McDermott Substation (H-2025-0008) by KM Engineering, LLP., located at SW corner of McMillan Rd and Owyhee Storm Ave.**
- 21. Findings of Fact, Conclusions of Law for Mogul Industrial Park Subdivision (H-2025-0006) by The Land Group, generally located at the northwest corner of Black Cat Rd and I-84.**
- 22. Resolution No. 25-2529: Adopting the 2026 Initial Point Gallery Schedule**
- 23. Resolution No. 25-2532: A Resolution for a Comprehensive Plan Amendment to Modify the Boundaries of the Area of City Impact Shown on the Future Land Use Map of the 2019 Comprehensive Plan; Providing for the Conveyance of the Modified Area of City Impact to Ada County for Approval; and Providing an Effective Date**
- 24. License Agreement between the City of Meridian and Nampa & Meridian Irrigation District for a portion of the Fivemile Pathway between N. McDermott Rd. and N. Glassford Way**
- 25. Animal Welfare and Enforcement Agreement by and between City of Meridian and The Idaho Humane Society for Fiscal Year 2026**
- 26. Agreement for Use of Kleiner Park for Meat & Taters BBQ Fest by Meridian Lions Club**
- 27. Interagency Agreement for Roadway Construction/Water and Sewer Construction, Ustick Rd, Ten Mile Rd to Linder Rd, Ada County Highway District Project No. 521052**
- 28. Renewal of agreement for Fire Department Communication Dispatch Services between Ada County and the City of Meridian for Fiscal Year 2026**
- 29. City of Meridian Financial Report - June 2025**

Simison: Next up is the Consent Agenda.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we approve the Consent Agenda for the Mayor to sign and the Clerk to attest.

Overton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

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

### **DEPARTMENT / COMMISSION REPORTS [Action Item]**

#### **30. Staff Review of Construction Practices and Design Review Processes**

Simison: So, we will go on to Department/Commission Reports. First item up is Item 30, a staff review of construction practices and design review process. Turn this over Mr. Freckleton.

Freckleton: Good afternoon, Mayor and Council. We are here before you today to help facilitate a discussion and seek direction on the topic of construction practices and hearing design review procedures. I say we, because it's a -- there are several people here from various departments and divisions that have all had input and are involved in processes that we go through for construction practices and that sort of thing. So, we will be introducing each topics -- each topic and the individual involved as we proceed through the presentation. We intend this to be interactive and we encourage questions and dialog. You will hear quite a bit of information today. What we are hoping for at the end of the presentation is direction from you as to how we should proceed forward. We understand there is -- there has been a lot of issues brought up and a lot of things that we have -- we have been involved with lately and so we are looking to you for some direction. Obviously there is -- there is different paths we can take. We can stay status quo. We can stay status quo with some modifications or we could develop complete new programs and go that direction. But we will -- we appreciate your direction at the end of the presentation. First up on our agenda is -- how do I advance it? I forget. So, our topic order -- we are going to -- we are going to hit the construction practices and first up is the light and noise complaints that we -- we seem to get occasionally around the city. Then we will go into dust complaints and mitigation processes and, then, we will talk about hearing and design review process. We will pick up on -- Caleb will do a presentation on the hearing process and design review processes. So, first up we did have Lacy queued up for this, but Stacey Pichen will -- will cover for her with regard to noise and light complaints.

Pichen: Mr. Mayor, Members of Council, so as he mentioned Lacy is not able to present tonight, so give me a little grace here. If you have any questions we do have the chief and Code Officer Mercado with us tonight. So, first and foremost on the noise complaints, Lacy put together a couple slides for us that noise complaints during construction that unreasonably disturb others' peace, including horns and sirens and repetitive motor vehicle sounds, et cetera, between the hours of 11:00 p.m. and 6:00 a.m. can be called upon by reaching non-emergency dispatch and a patrol officer can be dispatched to the site and if the noise is occurring at that time a patrol officer, along with the complainant can bring a misdemeanor citation to the person causing the noise. However, that excludes devices with safety beepers for reverse. Also if they are staging equipment for construction before the hours, just pulling in with vehicles, et cetera, that is excluded from being a disturbance. Most of the time our patrol officers arrive on site and they educate and end most of the complaints. Since 2023 there has only been three citations, not necessarily construction related, for noise. Any questions about that?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. So, I'm thinking of an example. I won't get into the name of the project, but there is a particular project that has had an issue with noise and activity starting at like 5:00 o'clock in the morning. Do you think we need to consider making changes for the exclusion for staging and so forth in order to get around this? Because I hear what you are saying about the safety devices are allowed. There is a good reason; right? We don't want anyone to be hurt. But is allowing the staging driven by some other code or some other legal requirement or is that in a city of Meridian exception?

Pichen: I apologize, I don't know the answer to that question --

Strader: Okay.

Pichen: -- and my personal opinion is not relative here, but is there -- Katie, do you have anything to speak on to that?

Simison: You have to come on up.

Mercado: Hi. I believe it's just a city code. I think that does change city to city, so that probably is something that could be looked into.

Strader: Okay. Thank you. That's helpful. So, the city of Meridian -- Mr. Mayor, if that's okay?

Simison: Council Woman Strader.

Strader: So, the city of Meridian has an exception that allows for people to stage earlier than the 6:00 a.m. and that's not driven by any other thing under Idaho law or something else, that's just a city of -- your understanding and we will double check if that's a city of Meridian thing. But there is an exception. Okay. So, that seems like an exception that we might need to hone in on. Thank you very much.

Simison: The chief wants -- he tried to stand up twice on this topic, so --

Strader: Okay.

Basterrechea: The one thing that I would warn about is how -- if we decide to go that route how that is written, because we all -- also get the calls from the neighbors whose -- their neighbor has started up his diesel pickup to warm up in the morning and they want to file a noise complaint on that as well and we get those calls quite often. So, I would be very tailored in how we do that if we go that direction.

Strader: Okay. Thank you.

Pichen: Okay. Moving on to the temporary lighting complaints. This is primarily related to fixtures on property and parcels that the light trespasses -- trespasses, excuse me, against the neighboring residents. There are exemptions for this as well. Hazard warning lights, street lights, et cetera, these complaints usually come about and are created due to construction of temporary lighting, such as when they are building a highway or a roadway and they are generally exempt from the code violations. We didn't really find any substantial history of anybody being ticketed for this. This is usually a code enforcement situation where they will come out and discuss it and move the lighting. So, not a lot of -- not a lot of complaints in regards to that. Since 2023 the total is 16 where they have been called and about 16 where they have been quickly resolved. And I will stand for questions on that as well.

Simison: Council, any questions or comments?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just a quick comment and -- both this one and the previous one you are talking about and sorry if I have to delve back into a previous life, but I spent over a decade supervising code enforcement and dealing with these codes and there is decades of experience and calls for service that go into how these codes have been honed over the years to find the best path forward. There is a reason you don't see a lot of tickets and it's two fold. One is we are compliance based. We want to bring everybody back into line and get the peace back, not have anything happen. The second reason why you don't see a lot of tickets is because a lot of people who call in do not want to take it to that level where they sign a citation and have to go to court against that charge. So, they receive a lot of calls -- a lot of calls, but you don't see a lot

of tickets and that's for that two-fold reason. One is it's compliance based, because we don't have anybody willing to sign and the other is because when we talk to them the first time it never happens again. So, I just want to make sure we got that on the record. You guys have a heck of a job to do and I appreciate what you do.

Pichen: Thank you for summarizing that, Councilman Overton. Perfect. Anything else for me? Thank you.

Simison: Thank you.

Freckleton: Mayor and Council, next up is construction practices. So, we will talk dust complaints and mitigation process and Laurelie.

McVey: All right. So, the dust complaint process is currently housed in Public Works. You might wonder why, but primarily it's been tied to our -- we have one staff member that does environmental issues and so generally he is very familiar with stormwater erosion, those types of things, so it's naturally fallen under our -- our branch. But currently as you know we don't have any city codes or ordinances that deal with dust today. What exists today is a complaint compliance based process. So, we receive complaints when they come into the city. They are forwarded to Jason in Public Works. He, depending on the level that the project is at, he will either deal with it or he involves our Public Works inspectors or sometimes our building inspectors. Similar to the statement that you made, we go out and most of the complaints are dealt with and addressed. We have had very good luck with voluntary compliance. Most developers and contractors want to be good neighbors. They want to reduce complaints. They want to get back in compliance. We do have the ability to forward complaints to DEQ if we can't achieve voluntary compliance. We have had discussions with DEQ. They are the enforcement authority and do hold that responsibility and we typically receive between ten and 15 complaints a year for dust. That's city wide. So, it's generally not a significant issue that we see, but when we do see them they are generally addressed through our -- our process that we have today.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, I think something that's really in the public interest to try to clear up and understand is whether DEQ has responsibility for this or not, because DEQ recently in an article said that they absolutely don't have jurisdiction over dust complaints. I think it would be helpful for you to maybe provide some background about what you have heard further.

McVey: Sure. So, we did have some conversations with DEQ and they did confirm that they are the enforcement authority that it was not necessarily correct what was sent back to citizens. We believe the reason for that confusion is that a lot of neighboring cities do have MS4 permits in place and are responsible for dust control in those cities

and so our assumption is that that was oversight, that DEQ did confirm Meridian does not have that -- is not responsible and that they do hold the enforcement authority and responsibility.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Quick question. So, when it comes to -- it seems like we are viewing this as an environmental issue. What does that look like when our staff goes out, do they say, hey, this is an environmental problem or just like, you know, don't make me call DEQ, like walk me through what it actually looks like, because I'm assuming the majority of the complaints come from construction sites, big, you know, equipment kind of stirring up the dust, but what does it actually look like and what do we actually say to them to get them to be in compliance?

McVey: So, good question. We -- it really depends on -- and I have a slide that kind of talks to -- we can jump to it -- the different phases of a project really depend -- makes a difference on what our staff are going to go out and ask the developers to do. So, we just wanted everyone to know that the city is not involved when it's vacant land. Farmland. We don't have authority to control dust at that level. We actually don't have control when it's mass site -- site grading. So, that's -- people can do dirt work -- we don't issue grading permits. In fact, some of these properties may not even be in the city of Meridian yet. Again at that level it would be DEQ responding. When they get to the underground utility work, some of the road work that's when Public Works gets involved. That's the stage where, you know, water trucks might be more appropriate. You know, there is a variety of mechanisms that -- you know, Jason could talk to the specifics, but it gets a little trickier when you get into a site that has some buildings already in place, potentially not as easy to run a water truck, but there are other methods that could be employed. Spraying tack on fire. Stabilizing the soil with vegetation. And so it's really -- it's hard for me to say these are the things that we specifically ask because each site is unique and each stage is unique when we get to that. But we are -- we also are -- it's a little bit hard, because we can't force them or require them to do any of those things. We can recommend that these are some of the actions that they could take and for the most part most of them do. So, I did want to share that, you know, as a result of some of these recent discussions we have, you know, we are always looking for ways that we can improve our process, improve our communication with citizens. We did recently implement some of these things here. We documented our internal procedure to make sure that when complaints come into the city they get forwarded to Jason, so that they get addressed. We created, you know, a flow chart Word document that outlines all of that. We also implemented a more detailed desk tracking spreadsheet, so that when we get complaints in we can have detailed records to provide to you guys. We can look at those to determine if there is patterns or problems or issues that need to be escalated further. We also added dust control BMP discussion to our Public Works pre-con checklist. Even though they talked about those things in the past, this is a way to just really document and make sure

everybody is aware going into a construction project that this is something that's really important to us and, then, we had those further discussions with DEQ to clarify roles and responsibilities and -- and so those are all things that have recently been added to our process.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. This is incredibly helpful and I just want to express my gratitude, because, again, it's not about blaming people about things that have happened. Obviously, we have had a lot of constituents in my district recently that have been very upset about dust specifically. You know, I have heard about kids that have asthma now. Kids that can't play in their backyard. I love that we are trying to get compliance. I guess my concern is that we are relying fundamentally on DEQ as the only real enforcement tool at the end of the day. I just want to make sure that's right. We could keep going to sites over and over, but right now the city of Meridian does not have a tool for enforcement; is that right?

McVey: Yes.

Strader: Okay. Mr. Mayor?

Simison: Council Woman Strader.

Strader: And DEQ we believe has the authority and should be the body that is regulating this, but it might be helpful for people to understand -- my understanding is that they are not resourced and so they are not -- what have you -- I guess what has your team perceived -- have you ever seen DEQ enforce a dust complaint on a construction site? I would like to know if -- if that ever even happens from your perspective?

McVey: I would have to call Jason up on that. I'm not sure. If you have --

Korn: Council Member Strader, I have seen DEQ go out and talk with contractors, utilizing their authority. I have not seen or know of actual enforcement such as fines. I think that would be the only mechanism they could use. I don't know if they could like stop work or something like that. That would be more of a city type of enforcement action. In Meridian I don't know that there has been monetary fines, but they do respond to complaints and visit construction sites. I don't know how often. Again, like you said, they are limited staffing with large geographical area that they cover.

Strader: Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Question. Are there other cities that do regulate this in Idaho?

McVey: So, there are. Guys, I just have all the questions on my slides coming up. So, other cities generally regulate this, because they have MS4 permits, so -- an MS4 permit is required when you have a stormwater discharge that goes into surface waters. Meridian does not and -- and that's a good thing, because MS4 permits bring a lot of responsibility and requirements, but it is the mechanism that these cities use to enforce on dust. So, when you have an MS4 permit you have to develop erosion and sediment control plans and with that you do have to track dust and track outs and have ordinances that -- that touch on these things. Generally MS4 permits touch on sites that are bigger than one acre of disturbance. Boise, Caldwell, Nampa, and Garden City all have MS4 permits and each of them have between one to two staff members that are specifically related to this, because you, then, get into the realm of having to inspect sites and review plans that contractors submit and ensure, you know, compliance. So, it's a whole program that you can put into place. You know, one of the questions is can you do these things without an MS4 permit and absolutely you can. I think Meridian is in a -- in a good position, because we don't have to do all of the things of an MS4 permit. We could do some of the things; right? And that was, you know, kind of the -- from Public Works' perspective of if you were to put a dust code or ordinance I think there is some discussion around what level -- you know, we definitely think there is some benefits to that. It could give us that enforcement mechanism if voluntary compliance isn't achieved. It could make us appear more responsive to citizens when they call in, because we have a mechanism. You know, I do want to emphasize that we do get compliance most of the time and so -- you know. And it could potentially, depending on the level of program that you wanted to implement, if there was inspections required and permits and those kind of things that would require more active management of projects. On the other side, you know, we would need to put some thought into this; right? We would need to define what does it apply to? Are we just looking at dust, erosion, all stages of construction? Do we want to manage mass site grading? Is there a size, a type, seasonality, all the days of the week? Each of these has an impact and an implication on the size and type of program that you want to develop. We would have to define, you know, where this program resides, what kind of permits are involved, either internal, external. Are people doing plan reviews? Are they reviewing plans that people submit? Are they inspecting sites? How often? What are they looking for? We would have to train these people. Are there going to be fees associated with this program? And, then, what are our enforcement options? You know, we can go from -- there is just a variety that we could discuss of -- and we would have to talk with legal about what we are and are not allowed to do on a project. I think we would need to -- you know, do we want to be more stringent than DEQ regulations? Match DEQ regulations? And, then, would this program require additional staffing? So, you know, those are kind of our -- when Bruce is saying we are seeking direction is are you interested in this level of program? Do you feel like you want us to evaluate in detail more of these things? But I think we do have an opportunity that we -- we could

do something if we feel like the existing program is not -- or I guess the existing process is not working

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think this is a great discussion point for us as a body. It's hard to know without ironing out the details, but it's hard to iron out the details without exactly knowing. At least in thinking about it I have -- I have put some thought into this. My feeling is that DEQ seems unable to do what we need them to do. My understanding from legal is that the -- the process of trying to force another agency to do their job is basically suing them and that it would be a really horrible and difficult process. I -- at least what I have been hoping for -- first of all, I never wanted to be in this position of feeling like we had to regulate our developers that are doing this kind of work, but, unfortunately, because of some examples where they have been really acute, I have kind of come to the conclusion that something is needed, but I'm really interested in trying to really get the lightest touch that accomplishes our goals. An idea that I have been thinking about would be very consistent I think with our philosophy. So, a compliance driven approach and a complaint driven approach where we could actually ask our developers as they come for an approval to submit a dust and erosion plan that could be enforced by the city. That's kind of the idea that I had. I feel like it might be better to take that kind of a framework than to say thou shall bring the water truck four times a day or, you know, something along those lines. But I think it would be great to hear from the rest of the Council Members. Do they feel like this is something that we want to work on? Do they see the need? I see the need in my district, but I'm, you know, responsible for one district out of the entire city and I would like to hear from my colleagues.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Laurelie, thank you so much for this. Had a situation not too long ago where part of the team had to go out and measure light -- we had a light and light complaint that we were working with. This may be really silly, but is there a way to measure like dust in the air? And we did significantly deal with a dust issue about a year ago and I did get the impression that DEQ was helpful and we got it resolved. But correct me if wrong.

McVey: Yeah. So, you know, we are not experts in -- in the dust measurement. I think one of the challenges is it's -- it's usually a fleeting thing, so it's hard to measure. It's hard -- you know, it may not be kind of similar to what code came up and talked about if it's not occurring when the inspector gets on site it's hard to manage that. I would have to defer to DEQ about the types of measurements that they can do or the types of -- how they exactly enforce that, but --

Little Roberts: Thank you.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just my -- my thoughts on this. I guess I hesitate a little on trying to look at adding personnel to enforce some sort of a dust ordinance. We have -- the dust issue in all reality is a very temporary issue in that place at that time. It's going to happen while that project is being developed. When the one was being developed behind my house I had a lot of dust on my house, my neighbor's houses. I understood what it was. The worst dust I had was not due to their construction, it was due to storms that were stirring up all that dust and covering my house, because it was just open dirt while they were getting ready to pour concrete and lay foundations. I think there is a -- there needs to be some sort of a reasonable approach that some amount of dust is just the normal case of how business is done. Again, whether it's farming, whether it's construction, whether it's storms, we are going to have some and I'm afraid if we walk down the path of trying to hire personnel and train them to do enforcement we are going to find out why DEQ does what they do and we are going to end up with a couple of people that are very similar to what DEQ does and very limited on their response is to be, because which is really hard to write a citation or write someone up when there is no really -- how do you measure particulate matter and say, oh, on this day you had too much dust in the air? It's -- it's a very slippery slope on how you enforce it and what we would do.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I have grappled with the same concern frankly. Like how do you measure the dust? How do you know when it's reached a point -- but I do know what we could measure. We could measure are you following the plan that you have outlined for us? We could measure that. Like if there is a plan submitted to us that people are going to use a water truck any time that there is a prolonged period without rain or something -- you know, I'm just saying there -- there -- there I think there may be a -- a tactical approach that -- that could be something there, but I totally agree, like I don't think it could be based on the dust itself. I came to that same conclusion. That's a good point.

Simison: I don't know. I think Emily can find the nexus any time she tries. She does it with sound. Why not -- why not dust? Joking, Emily. I'm not putting that on your shoulders. Councilman Taylor, did you have some comments on this?

Taylor: Yeah. Mr. Mayor. Councilman Overton kind of made my point a little bit with -- is how would you measure this? Because if we are going to regulate it or we are going to pass some kind of ordinance with some enforcement you have to be very clear about

what it is you are trying to measure or to mitigate. We live in an area with reducing farmland, but we get a lot of dust in the fall during harvest. During fire season we get a lot of dust and ash. There is a lot of different things. And so how to differentiate would be challenging. I think it's obvious if you are next to a construction site where it's coming from. So, now to speak to the idea that Council Woman Strader had about some kind of a plan. I'm kind of open to that, but I think one of the challenges we have to consider is you still would have to be very clear about what would be an acceptable plan and so, then, I think you are naturally asking questions like, well, do I need to hire an environmental consultant and help me put a plan together? Do we or do we not? Because we can't just say let's submit a plan. The plans -- in order for us to hold people accountable would have to be consistent across the spectrum for single family homes, multi-family, you know, wherever the case might be. ACHD, do we hold them accountable to roadway construction? So, I don't know how you would go about asking for them to submit a plan that there is some consistency across the spectrum without encouraging probably some significant costs of hiring environmental consultants to put a plan together. I don't -- I'm not sure that's where we want to go and the scope of also do we want to add staff to sort of enforce that. I really struggle with the idea of that when there is so many other staffing needs that seem like a higher priority right now, because I do agree with the comment Councilman Overton made about kind of a defined timeline; right? Like if there is a construction site it's -- we know it's going to be there, but I don't -- I don't -- I don't disregard the fact that there -- there are some -- some -- some issues here that I think are worth noting. I mean I have a -- almost 300 unit multi-family site construction just down the road from me like right now. It has been for actually over two years. It's a very slow, slow build and there is a lot of weeds and construction and dust. Sometimes it's annoying. Most of the time it's -- I know it's there and it's going to go away at some point. So, to me I have a really hard time saying -- if we are going to do this we have to put some clarity around it and I don't know how we do that without putting significant burdens on city staff, developers with costs and I'm not sure that I'm at that point, even though I can appreciate the desire to make our current residents who call Meridian home a place where quality of life is not diminished significantly. So, I think there is some real challenges that you would have to think through in order to have something like you are talking about.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I appreciate all of the comments so far and, you know, as you think about what direction do we want to go with this, do we want more carrot or do we want more stick? I think Council Woman Strader started her comments with how to -- how do we start down the carrot path and make it an incentive for developers and others to come forward proactively with a mitigation plan? You know, this is -- this is what we as a city expect, but we want to be good neighbors, we want to make sure that your development can proceed, but how do you -- how do you do that with a mitigation plan that they voluntarily come up with up front that our reviewers can review and accept and at least have a standard to hold them to? So, I'm -- I'm amenable to having that conversation

and going down the carrot route a lot more than I am with let's hire staff, let's develop mechanisms to go out and measure dust and write citations. I think -- as I look to the future of this city we are going to have this challenge. I look at my district and there is a lot of area that will kick up some dust as development happens in my district and so I would prefer to be on the front end of this with -- with more incentives or carrot to have folks do the right thing and minimize the impact that they are having on surrounding neighbors. That's where I am on this.

Simison: The one other element that I would add to the conversation is the neighbors have to be able to identify -- you know, we are -- we are complaint driven on almost everything that we do in the city. So, how does a neighbor articulate whether or not they are adhering to the plan in order to respect everyone's time and energy through this? So, if it's -- how do you make it visible or not to that project, as compared to being, you know, proactive? I don't want to say our code enforcement is not proactive, but they are -- definitely respond to reactive or to the -- those things and proactive when they can, but if we are expected to be proactive on this issue compared to every other issue we need to let the people that think that they are not doing their job know how to identify if they are not doing the job if there is something put together.

McVey: I think one suggestion, too, that we can go forward with is now that we have better tracking in place we can look at that for a time period, bring you back the information, you know, we can forward every complaint to DEQ. We can follow up on if they, you know, do site visits. We can -- we can just get you some more information before we make decisions. So, really, the spectrum is broad. We can -- we can bring you back more information. We can collect data. We can bring back ideas and options. We can develop programs. It's -- yeah, just really looking for direction on what the Council wants us to move -- move forward with.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I'm not opposed to having as part of applications sort of a spelled out plan and how they anticipate helping to mitigate. I wonder if just even the expectation that we would like to see that will improve the situation. You know, maybe this is something we can discuss over the next little while, but in my mind an initial first step would be we would like to see you write out how you plan to mitigate dust and, you know, erosion -- just how are you going to do it? Because I think most developers have a plan. I mean they have to -- they do that to some degree. Can they just write it and explain it to us and know that we have an expectation that we would like to see them do that without any enforcement mechanism behind it, acknowledging this is sort of a on your honor going to be doing it, but that might be a first step and maybe we could even develop here is four questions we would like you to answer. Very simple. I don't -- I don't want to pass along a big burden. I'm open to that. I don't think that's adding too much as an initial step and just see how that's received and -- what I don't want to do, though, is

have to make someone go out and hire an environmental consultant to come up with a plan, but just tell us what you are going to do.

McVey: Yeah. So, I -- what I can commit to is -- is evaluating that. You know. I would like to talk to legal. I would like to make sure that we are not asking them to do something that we don't have authority to do or that we don't have -- I think important to follow up on your question of, you know, what would be -- what would it entail, I think following up with planning of how would that integrate into their process and how -- you know, could they add that to a checklist easily? So, I think what I can commit is bringing back what -- what it would take to do that level and kind of talk through the -- here is the logistical things we would have to work out and the staffing resources that would be required. So, yeah, I can't commit today that we can go do it for sure, but we can for sure look into it for you.

Simison: And one thing I would like -- think that this should be -- does it matter if it's active construction or not? You know, that goes to like what is the expectation if phase three is not being worked on that has been graded or -- I even think about the one right down here on Cherry Lane that has been an active construction site for 15 years since the roads been cut, but nothing else has been done and we -- and it correlates with the weed issue a little bit I think into these conversations, because weeds actually keep dust down as part of the plan to allow weeds to grow to keep dust down on parts of construction. Those are legitimate questions. If they plan to get to it, but it helps. I don't know. It's -- I will shut up there and let you go figure this out.

McVey: Sounds like a plan.

Simison: Okay. Thank you.

Hood: All right. Mayor, Council, it's my turn and, then, Bill is going to have some closing remarks before Bruce wraps it all up. First of all, I want to apologize. In the next couple of slides you are just going to see a wall of text. So, I appreciated the Public Works came with some pretty pictures, but you are just going to see black and white. So, I apologize. That's -- our stuff's not that exciting, so pretty boring. But no -- so, I wasn't kidding, though. I got a lot of words. I will try to break it down. You know, I'm talking here and you are trying to read the -- the slides. A lot of this, though, should be review for you or a re-review. This is essentially what we do and you are part of -- if not weekly at least monthly with our development applications. I think I will -- I will draw your attention to kind of that process and, again, summarizing that the staff planner is really looking for code compliance with the UDC; right? The standards that are included in the UDC and a lot of times we will put in staff reports a requirement for a development agreement with some pretty specific provisions within the development agreement, but a lot of times there is even some wiggle room on how that's implied and interpreted later on in the process, because at that point in time, at the hearing level point in time a lot of the projects, especially if you are commercial or mixed use, they don't know who the user might be, where the building might exactly be or be orient -- oriented. For residential that's usually not a problem. They usually do have their lots

and blocks laid out and there is not a whole lot of change between preliminary plat and final plat, but that is your -- your point in time or if you want to -- if you like something they are showing or they are not including something you would like to see, that hearing process is the time you and the -- and the Planning and Zoning Commission, through public input and hearing, you have that discretion. You know, kind of silly, but if there is colors that you want to see you include that. If they are proposing or showing you colors you don't want to see that's the time where you -- you can make comments as simple or as silly as they may be, but that's what we need to, then, include into the legal documents that we will work from going forward; right? Those are the entitlement documents, so your facts and findings, conclusions of law, the development agreement, again, are all things that will set the standards going forward. So, we are using a lot of code for -- for a lot of standards, but, then, there is general consistency with comp plan and elevations even a lot of times. So, it really helps staff helps -- help us, help you, help the public, help the process. You know, some of the more details you can get give us -- we aren't mind readers. We will try to project -- sometimes we weren't quite sure what did you mean by this or that, but it really does help if you can be explicit through that hearing process when you are making motions, taking actions, is this included or not, if we can document that in those documents that will -- that will certainly help the next generation, because there is usually a lag time between what you see on this screen and that hearing level and when they are actually ready to do design review and start to build the buildings. Usually it's many months, if not years, and so you may not even have the same person working on the project do the hearing process that's approving their -- and jumping a little bit here, but the certificate of zoning compliance and design review, so we will walk through that process a little bit, but, again, those critical elements, especially if they are outside of our standards and our code, that's what we need to include in those documents. Just another point. It's at the very bottom. You know, it's -- it does work kind of like dust, you know. I don't want to put a percentage on it, but a vast majority of the time it does work well to not have all the I's dotted and all the T's crossed at this time; right? Especially for commercial projects, you just don't know you are trying to recruit the users of those buildings or a developer is and you really just don't know the details at that point. But if there is something you are just really not comfortable with moving it forward with Council should continue it, ask for those -- come back when you have this thing. If you move it forward, though, with the -- you know, some assumption that it's going to get covered later, it may not be what you thought was going to happen. So, some of the conversations during hearing doesn't always get documented in -- in those -- again, the facts and findings and the development agreement that we review later for those consistencies, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, just giving a hypothetical example, so if -- if the City Council approves something, but they have significant concerns about the elevations, renderings, how -- is it realistic to hold up the findings for an indefinite amount of time until we see the kinds of renderings and elevations that we would like to see? Is that realistic? Does

that work from I guess your standpoint from a legal perspective? Because what I'm hearing and what I wanted to convey to the public is that once we are done with the findings the City Council has no legal mechanism or oversight to say this didn't meet our intention and now we need to see changes. It just doesn't work that way. And so that's kind of my question is if we are really just -- the findings are the last stop that we have a chance, can -- how long can we hold up findings on that basis? Like we have issued an approval and I guess the approval could say, you know, we are not going to issue your findings until you have provided these revised elevations, but I just want to get some feedback on that.

Hood: Yeah. So -- so, Mr. Mayor, Council Woman Strader, the better approach. You wouldn't necessarily hold up the findings. You would continue the hearing until you got that information. You wouldn't make the findings subject to -- because you wouldn't actually be able to do anything with those elevations. You would have to keep the project open, so you could review and comment back and -- and, then, once you got something you are happy with, then, you would direct staff to prepare the findings. So, back to kind of the first part of your question, it's not ideal, but it is possible and, in fact, we have done it before. There have been some projects where Council wanted to do some de facto design review -- maybe not the full process, but there were some elements on some big box buildings that they were concerned about, because the community was concerned. They said come back when you got your elevations. We want to look at them before we give you your entitlement, before we approve your findings you bring a design or two or three or four back and let us co-design this with you. Now, would I propose we change our process to that for all projects, no. But it is possible. If you get a project and you are to that level concerned, that's what I would recommend you do is you continue it until -- and you would work with them. It wouldn't be an indefinite continuation. You would want to set a date certain and if they are still not ready, then, you continue out again or whatever is realistic in that. But, again, it wouldn't be at the findings -- but your point is certainly valid and one that I want to just make sure everyone understands, that is your bite at the apple is once the findings and the ordinance are approved it's kind of in staff's lap at that point. That's where I'm going to go with this once we are done with kind of this conversation.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Right. But I think that's important. So, you know, it's really not even at the finding stage that we would have influence. It's actually at approval. And so the bottom line is if we have any concerns -- if we -- and, again, even if we have expressed those concerns, I'm at least seeing some gaps between what I thought I was going to see and what our discussion was and what we ended up with on a couple of projects and, again, this -- this discussion is not about removing anybody's entitlements for anything, but it's about understanding how can we do better and how can we kind of level up, but I think the challenge I would put back to staff -- and I have said this now a couple times, but I will say it on the record as well, is I understand all the hurdles and obstacles and it's

very tricky between the code, you know, the UDC, everything. But how -- how can we proactively get on the same page about height specifically? Because height is -- yeah, I'm not focused on the red stripe at the Costco. I'm not focused on whether you have stone or a color I like. I don't want to get involved in any of that. I don't think any of us have any desire to get into that level of detail. At some point we just have to trust that staff is going to execute. But how do we hone in on height specifically? Because even -- my understanding now is, you know, saying two stories, three stories, that's not going to cut it. Saying that there is a height limitation in a certain zone -- for example, there is a 35 foot height limitation in the R-8 zone. That is not adequate, because it turns out that there are additional structures that don't count toward that limitation. So, my challenge back to staff is instead of kind of presenting the obstacles and the process as it is today, is there a different approach you guys could come back with -- just think about it. Is there a better way to get clear on height where we can all get total alignment and get a better sense of what we are going to end up with?

Simison: And maybe -- and I have been thinking a little bit about this one, just to maybe throw this out there and tell me if it would work or not work, because we have talked about how Council did used to see certain things that would come back -- design -- design approval. Could we put in our code that says Council may request a design review come back? Yeah. So -- because you don't want to necessarily hold up the process where you don't need to arbitrarily, you don't want to do it for all projects, but there are certain projects that you want to have come back and be part -- is that legal? So, I will turn that back to either legal or the team to say if that would work when requested.

Hood: Mr. Nary grabbed his microphone, so I assumed he was going to address you all, but --

Nary: Well, I guess, Mr. Mayor, Members of the Council, the question ultimately is going to come -- so, currently now, Caleb, if you have a design that through the design review process doesn't meet the standards in our current process what happens? Because that's the question you are going to get to the Council. If you have a situation where Council says we want to -- we want to approve your project, we are going to give you entitlement, we are going to do that, but we want us to see the design. When the design doesn't meet your standard that's what's going to happen. Because you -- that's why I think Caleb is saying that is critical to your approving the project, then, don't approve the project until you have it. If it isn't critical to your approving the project, then, what's the outcome you want to see when they aren't on the same page as the Council? Because you remember -- I mean as we have talked some of these projects can take six months, six years, a long time. The same people sitting here may not be the same people that approved it. So, there may be a disconnect between what the current Council may think they would like to see and what was proposed initially and so that's the -- that's the question I don't have an answer to today, but that's the question we would probably be looking at and I think we would use -- what we currently do now as a guide, but I think that's the question we could flush out and discuss if we want to craft some way to put that into code.

Hood: And, Mr. Mayor, I will just follow up a little bit on that. Whether it's in code or not -- again from time to time past councils have taken action where it does say you must come back and amend your development agreement because you don't have this known detail and Council wants to see that before you can move to administrative design review or the next step in the process. I would kind of caution you against doing that, again just code and requiring that with everything, but you certainly have discretion. That is your role at the city when it comes to land use. You get to set the rules for how you deal with land use. So, if you want to do that that's Council's discretion, you can change all these processes. So, kind of, again, going back to Bruce's opening remarks. We are looking for direction trying to give you the lay of the land today and how we process things. Anything I say, though, can be amended. That - you give us that direction and we go and we change it through the public hearing process and we do it however you want to do it. So, we can do it and, again, it has been done where -- or there is even pieces of projects. Hey, we are okay with Lots 1, 2 and 3 going forward, but until we know what you are doing on 4, 5 and 6, your development agreement -- it's basically non-builds in your development agreement. You can build on this side, you come back to Council and modify your DA with some more details of your concept here, then, we will give you the next green light if you will. So, again, sort of sky's the limit, you can limit that entitlement to some degree if you are not comfortable. I think back to the point though. Once the findings are done you can't revisit it after that though. You have to do that through -- this even goes back to some training earlier this year; right? Your level of discretion at annexation and zoning is the highest. If they want to come into the city and you are looking at rezones with concurrent planned unit developments and plats, that's when you have the most authority to require whatever you need to be consistent with it being in the best interest of our community. So -- I don't know if that helps. And I have got the height slide for Council Woman Strader, but I think we are going to double back. We had kind of -- trying to go through the process and, then, Bill was actually going to cover height if we can double back to that in a minute, if that's okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think we will go there. But before you move on I just want to say I think that's an incredibly productive suggestion, because from what I understand at one point in the past the city council did actually get involved in design review. None of us has a desire to do so again on a widespread basis, but I do think having a mechanism where that can happen on certain projects -- because I think we do have an intuition a lot of the time about which projects could be a big problem, like I think we do get a sense for that and if we had the ability to do that I think that would be a great approach here. I think that's really worth exploring personally.

Hood: Mr. Mayor. If I can just add to that a little bit. You do have that mechanism now. You can do that on a project, but you don't need the code to change, you just do that on

a project-by-project basis. If that one -- can look at each other and have the conversation and be like, hey, this one may need to come back later.

Simison: And that's what I didn't know if the code had to be changed or if we had excluded Council's purview, just only go to the staff level. But if they want to do that we put that as findings to make that happen. I just wasn't aware.

Hood: That's right. It's not current practice or process to have every project come back to Council for design review and maybe I will real quickly just sort of walk through that -- well, Mr. Nary --

Nary: Yeah. I was just going to add onto that. I mean we did do a number of projects in the last 20 years like that where we had sort of conceptual plans on what to do. In the south of the freeway we had a lot of those and what the council said basically was tell us what you want to do now and we are comfortable with those. Bring back the rest of those. And it didn't get into the level maybe of design review, but you had a very robust discussion later over what this next phase would look like and what this next section would look like and, then, it went to the design process after that. But you definitely did have phases and what happened occasionally is after a number of years of that sometimes the developer came back and said, okay, we have done this six times, we have built out most of this project. Can we remove that condition for the rest of it and the Council could then decide yes or no. Yeah, we will do that. We are comfortable. Three fourths of it are built. We are good with the rest of it. We are okay with it going forward. It's not likely to change much anymore. But that was totally within your discretion and the code allows that now.

Hood: Mr. Mayor, just to kind of wrap my portion of this up then -- and I think we have touched on a lot of, you know, process wise, but this is kind of more what staff is looking for. So, again, the baseline, kind of the heart, the foundational documents when we are doing administrative design review and certificate of zoning compliance, which CZC, certificate of zoning compliance, is basically the first step in the building permit process. It's not a building permit, but it is -- we are taking sort of those -- again, the foundational entitlement documents, verifying what they are going to be applying for, if the building permit is consistent with those. I will kind of double back a little bit to -- Mr. Nary made a comment. So, the process, then, within that, what I didn't include in the slide, sometimes will deny a design review application. There is an appeal process and in our code we actually have a design review committee that can be called and they are the mediators in that case. Like everything else, though, ultimately if that's -- they are still not satisfied it would be reviewed by Council -- a Council review application. But that is the process. There is five -- I can't remember -- five or six -- a committee of five or six that we call that would, then, mediate that and either support the director's determination of approving or denying a design review application.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: This is actually really helpful for me, because I did not understand that this mechanism existed in terms of this committee or if I did it's been a long time and that ultimately exceptions could go to the Council. I guess I would just encourage our staff to feel that they could rely on that process. Like I am concerned that there may be instances where just months and months of battling with somebody it out over and being pushed and pushed and the goal post keeps moving and you just may feel you are just getting worn down and it -- I guess I would just encourage you to be strong and at some point to feel like, yeah, that committee exists for a reason and the City Council is here for a reason and if I get to that point where I feel like I'm being pushed around, you know, I can rely on those mechanisms. Like I just want to hear that you guys feel that those are tools you can use, because I personally -- like if you came to me as a council member with -- like something that had gone to a committee you still couldn't get it figured out, like I don't want us being positive designing everything, but if you have some of these situations where you are getting pushed around, I want you to feel like, you know what, I can come to our council. They are here to help, too.

Hood: Mr. Mayor, Council Woman Strader, I think this is maybe a good transition to go to Bill, then, with building height, but I will just address that comment real quick. I think staff is empowered. We also generally work off the mantra of getting to an approval though; right? It's not just you submitted us this and it doesn't comply, we are going to deny it. We will call you up, we will tell you what we think is wrong, are you able to change it so it does comply. So, there is this iterative -- not with all projects, but, you know, we want to try to issue the permit. We don't want to try to have to have appeals of decisions. So, generally speaking we do have those meetings, you know, sometimes they are more than we would like to have as staff, but generally that is what we try to do, but we do have in the back of our mind -- and I believe staff is empowered and, Bill, again, if he wants to can speak to this a little bit. Know there is that mechanism. Ultimately if we are just -- you know, can't get there. So, anyways, I think -- I went through the information on this side pretty quickly and didn't even cover all that actually, but I think just in the interest of time and moving on I think we can talk about height for a few more minutes, if that's appropriate.

Parsons. Thanks, Caleb. Mayor, Members of the Council, I know this is a big topic of discussion in the last couple weeks, so I'm certainly -- I have talked with it, I have sent e-mails out, but I -- I just want to -- everything that we do -- when I say we I mean the city -- with planning as it relates to zoning codes, we try to marry that up with our International Residential Code. So, in our UDC, our heights are subject to feet that you hear constantly; right? It's 35 feet in most of our residential districts. But we do have a definition in our code for story and, as you know, story can be very subjective in the building code and that's why we have gone back to the building code. So, when we look at height, when we look at stories, that's what we lean on our -- our building department to help us evaluate a structure. So, in a case where staff may question a height of a building or say it's -- it's approaching that 35 foot height limit, we are going to go to our building department and say, hey, how would the building code look at this, just like it tells us to do in the code and that usually works pretty well. We get a pretty --

a pretty good review of that. We are pretty confident how we measure height in feet. Building Code does that very well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: One thing that I'm -- I'm still confused about -- and I'm just not fully understanding -- is we have a 35 foot high limitation in the R-8 zone. I see the height exception. Is this the totality of the exceptions? Like what provision under this height exceptions in chapter two would specifically apply to structures that are meant for a rooftop patio or a rooftop pergola? Like which of these height exceptions does that fall under?

Parsons: Madam Mayor -- Madam Mayor. Mr. Mayor, Members of the Council, it's actually the last one. Other appendages --

Strader: Appurtenances.

Parsons: Appurtenances. Usually required to be placed above the level of the ground and not intended for human occupancy. So, in those particular cases sometimes you may have a -- an elevator or staircase for access and, then, you have to provide a means of access. So, no one's actually living or using that space to live. You know, it's just a means of egress and ingress. So, that's what -- how the building code would look at that and, then, that's how our code aligns with the building code as well. There is -- there is also other provisions in chapter two -- other exceptions. This is the one that basically applies in certain cases.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. And this is where I'm -- I'm struggling still and so maybe if -- if Mr. Nary could help me understand this. So, I have never -- actually the word appurtenances has never come up in my day-to-day life. So, help me understand how a rooftop patio, as opposed to a rooftop stairwell or elevator bay or something specifically is an appurtenance required above the level of the ground and not intended for human occupancy. Help me understand that.

Nary: So, Mr. Mayor, Members of Council -- so, what a court normally does first, when defining items that are common dictionary terms, is to look in the dictionary. So, I just did that. An appurtenance is simply an accessory or other item associated with a particular activity or style of living. So, it really just -- for lack of a better word just means something else. That's really all it is. So, if it says appurtenances are allowed, it's not defining what does that mean. It doesn't say it can only be this or it cannot be that. So, anything else can be up there that's related to the building that's not a living

space. I think that's how it's been generally interpreted by our planning department and the building department. So, whether it's, you know, HVAC systems or heating-cooling areas or whatever else is up there, which can include other things like in this situation a deck or something else, all those things are related to the building, but they aren't a living space and there are additional attachments to the building are allowed and not defined or prohibited specifically in code.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think this is an area of opportunity for us just because it is so broad and it applies to so many things that virtually anything could be an accessory to a building. I mean we could have somebody that's -- you know, I would hope another regulation would stop it from happening, but maybe someone's got like a permanent, you know, rocket or something, you know, that they want to play in or whatever, hang out in on top of their building. It could be incredibly high -- I mean it would be absolutely no height limitation to apply to anything on top of a building -- that -- that's just very concerning to me, but I appreciate you explaining that. Thank you.

Simison: And just to confirm for -- human occupancy does not -- that refers to -- it's viewed in one word, not two words in this case, because we have an occupancy here, you know, and, granted, occupancy means -- doesn't mean you can live there.

Nary: Correct.

Simison: But accessible is different.

Nary: Correct.

Simison: Is that how that --

Nary: I think it's been defined in other parts of the code. It's basically -- it certainly could be a usable space, because it generally normally is usable for something, whether it's a heating and cooling unit or something else. But it's not livable. So, it's not -- it's not enclosed, it's not insulated, it doesn't have heating and cooling in it. Does it have living space within it? That's what -- that would be defined differently. So, that's what I think they are looking for.

Simison: Well, we won't get into things, but is a shed on top of a building -- I will stop right there, but --

Nary: A storage unit on top of a building.

Simison: That's what I was -- yes.

Nary: If you had a storage unit up there. I think we would have concerns from both the building department and the fire department if people were living in it.

Simison: Right.

Nary: That would be different.

Simison: But if it's to have storage in it -- right. That's where I was kind of going with this. Like you buy a shed from Costco and throw it on top of your building.

Nary: Probably okay. It may be okay, but if you are living in it, no, it probably wouldn't be okay.

Simison: Yeah. Okay.

Parsons: So, Mayor, Members of the Council, so this is one certainly like Caleb was alluding to that we can maybe put some greater bookends on or maybe look at the code and see how we can massage that language, if that's something that the Council would like us to do. And that -- I would also let Council know that the same language carries through all the zoning districts. It's just not pertinent to residential districts. It's through residential all the way through in our traditional neighborhood districts and our industrial zones as well. So, it's pretty standard language throughout the -- throughout chapter two.

Freckleton: All right. Mayor and Council, very good conversation. Love the dialog. If it's -- we heard a lot of -- a lot of good ideas from you and I think at this point if -- if you agree we will go back and we will -- we will look into these things. We will pull together information with Laurelie and her team to look at the dust situation and we will -- last week Council Woman Strader had suggested two workshops, this one tonight and, then, one on September 2nd. I think we could come back on the second with -- with some more information on these topics we have talked about tonight and just as a check in and maybe we get some further direction or -- or set the path forward, if that sounds good to you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I just really appreciate that and I know a lot of work's gone into this -- I mean the -- I think there are four areas of opportunity that I kind of heard collectively from everybody. You know, maybe we need to look at whether there should be tighter guardrails around the staging exception for the construction activities starting before 6:00 a.m. I would just like you to look at that and think about it, if other people think that's something worth looking at. Some kind of an idea around developers setting out a plan for dust and mitigation of construction impacts. I think if we start seeing some plans we could take it from there, but it does feel like that at least does set the

expectation. Hey, we are focused on this. We care about this and we want to see that you are being thoughtful about this. So, I love that idea of starting with that. I do still -- I do still really would -- I would love for staff and legal to kind of come back with how can Council request a design approval? I hear what you are saying about putting it in the DA, but I think we need to get a little more honed in on that and, then, this appurtenances thing does concern me. I would love to get some guardrails around that. I don't want to start seeing crazy things. So, I mean those were kind of the four easiest ones that I have heard so far and if you guys could kind of come back with your best ideas on these for us on September 2nd that would be amazing, because I feel like your teams are in this day to day and you are probably going to have the best recommended path for us, as opposed to us trying to tell you, because that's been the -- the hard thing like -- again, we are all the way through approval. Once it's past our approval it's going into the belly of the beast and we are just not -- you know. And we don't want to micromanage, you know. It's important. I'm just really deeply grateful to all of the city staff and the Mayor for pulling this together and letting us talk through these things. That was my short list of things.

Simison: And maybe one other thing to just -- I don't know why, but don't they already do a slip -- with this information being contained in through that process or not at all? Because -- not always. So, I guess how -- but that might be a starting place for some of this conversation is what would be normally included already that might just be part of our processes or our plans, so it's also articulated, but I have never stopped and pulled a slip when I have driven by. Maybe others have. Okay. Council, anything further on this at this time? Okay. Thank you very much, everybody. So, two things, Council. We can choose try to plow through these next two things real quick and, then, take a little break and start our 6:00 a little late or we can stop now and start our 6:00 at 6:00 and move these two things to the top of the order at 6:00. Preference? I would like to give at least a ten minute break between the two. So, we are going to start a few minutes late, just so everyone -- either way.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe going ahead and moving these to the start of our next agenda would be a good -- and if that's okay with everybody, just be a little bit of a delay for you all, but I will move that we go ahead and do that.

Simison: Okay. So, we will add those on to our next -- our 6:00 o'clock meeting. So, with that Council do I have a motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we adjourn the meeting.

Overton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 5:50 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT SIMISON	_____ DATE APPROVED
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ATTEST:

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CHRIS JOHNSON - CITY CLERK